



## REGULATIONS CONCERNING ELECTRONIC GAMING DEVICES

These Regulations were enacted by the Kahnawake Gaming Commission on 28 Ennisko:wa/March 2018 pursuant to Section 24 of the *Kahnawake Gaming Law*.

1. The Commission, pursuant to a directive from the Mohawk Council of Kahnawake, and to maintain order, fairness and high standards in and for gaming activities operating within the Mohawk Territory of Kahnawake (the "Territory"), has determined that it is necessary to licence and regulate Electronic Gaming Devices ("EGDs") within the Territory.
2. The Commission may, subject to the provisions of the *Kahnawake Gaming Law* (the "Law") and the provisions of these Regulations, issue a licence (an "Operator's Licence") to a person or persons, authorizing the operation of EGDs within the Territory. These Regulations apply to all EGDs operated within the Territory.
3. These Regulations may serve as a basis for the harmonization of regulatory schemes concerning EGDs in other jurisdictions and for co-operation and mutual assistance between the Commission and other regulatory bodies. However, these Regulations are not dependent on the ratification or approval of any other jurisdiction or regulatory body.
4. The purposes of these Regulations are:
  - (a) to provide a lawful basis for the licensing, regulation and control of EGDs located within the Territory as a means of promoting and preserving economic development, self-sufficiency and peace, order and good government within the Territory;
  - (b) to ensure that EGDs are operated responsibly, fairly, honestly and in the best interests of Kahnawa'keró:non and all other affected parties;
  - (c) to ensure that adequate safeguards are established and enforced to prevent EGDs from being associated in any way with crime or criminality or be associated with any person, association, group or organization that would taint the good character, honesty and integrity of the EGD Facility industry in Kahnawake;

- (d) to ensure that an EGD Operator treats players fairly and honestly;  
and
  - (e) to protect persons under the age of eighteen (18) years and other vulnerable persons from being harmed or exploited by EGDs.
5. Except as permitted by these Regulations, operating an Electronic Gaming Device within the Territory is prohibited.
  6. The definitions provided in the Law have the same meaning in these Regulations.
  7. For the purposes of these Regulations:

**“applicant”** means any person who has applied for an Operator’s Licence or a Key Person Permit, including a renewal application;

**“application”** includes an application to the Commission for an Operator’s Licence or a Key Person Permit, including a renewal application;

**“appropriate resources”** means financial resources:

- (a) adequate, in the Commission’s opinion, to ensure the financial viability and stability of operations conducted under an Operator’s Licence; and
- (b) demonstrably available from a source that is not, in the Commission’s opinion, contrary to any law applicable within the Territory;

**“approved gaming area”** means the specific area or areas within an EGD Facility that are approved by the Commission and within which EGDs may be played;

**“approved parking area”** means the area or areas that are approved by the Commission where the vehicles of an EGD Operator’s staff and players must be parked. For greater certainty, an approved parking area may be an area that is shared with another business;

**“authorized representative”** means a person that the Commission has authorized to act as its representative for the purposes of these Regulations, including:

- (a) members of the Commission, when the member identifies himself or herself as acting in the capacity of an authorized representative;

- (b) a person holding an appointment as an authorized representative (an "appointed authorized representative"), including but not limited to a compliance officer;
- (c) a person who holds an appointment as an authorized representative under a corresponding law and is authorized in writing by the Commission to act as an authorized representative of the Commission under these Regulations (an "external authorized representative").

**“central control system”** means a game management system that continuously monitors each EGD via a defined communication protocol by secure transmission method, no part of which may access the internet. A central control system is primarily tasked to provide logging, searching and reporting of gaming significant events, collection of individual device financial and meter data, reconciliation of meter data against hard and soft counts and system security;

**"dishonest act"** includes fraud, misrepresentation, theft and any other act or omission which the Commission deems to be a dishonest act;

**“Electronic Gaming Device”** or **“EGD”** means a machine used for the purpose of gaming that is composed of at least the following components:

- (a) a protective cabinet;
- (b) a video screen;
- (c) a logic circuit board;
- (d) meters;
- (e) verification mechanisms;
- (f) a money insertion mechanism;
- (g) a mechanism for scanning and verifying player cards;
- (h) a printer;
- (i) a device (interface element) installed inside a secure area of the EGD, that provides for communication between the EGD and the EGD Facility’s central control system; and
- (j) locking mechanisms for openings;

**“EGD Facility”** means a location within the Territory that is open to the public and within which an EGD Operator is authorized by the Commission to operate EGDs in an approved gaming area. For greater certainty, an EGD Facility includes all areas within the building in which the EGD Facility is located, including but not limited to restaurants, bars, lounges and staff areas;

**“EGD Operator”** means a person or persons to whom the Commission has issued a Conditional Operator’s Licence or an Operator’s Licence, or a person that has been added to an Operator’s Licence as a result of an amendment granted by the Commission in accordance with the provisions of these Regulations;

**“Kahnawa’keró:non”** means a person identified as a Mohawk by the Kahnawake Membership Law, as it may be amended from time to time;

**“Key Person”** means an individual that is employed or contracted by an EGD Operator to act in a managerial or supervisory capacity and who performs one or more of the following functions:

- (a) facilitates and oversees the EGDs and gaming operations of the EGD Facility;
- (b) manages or supervises staff of the EGD Facility; and
- (c) makes or participates in the making of decisions affecting the operations of the EGD Facility;
- (d) performs any function that relates to or affects the financial affairs of the EGD Facility;
- (e) acts as the primary contact between an EGD Facility and the Commission and its administration.

For greater certainty, Key Persons may include, but are not limited to:

- (a) executives, managers, financial officers and supervisors of an EGD Facility;
- (b) any individual who has entered into a contract, subcontract or agreement with an EGD Facility, if such contract, subcontract or agreement provides for the person to exercise the authority described herein;
- (c) any other person designated by the Commission as a Key Person;

but does not include an individual who is the holder of an Operator's Licence.

**"Key Person Permit"** means a permit issued by the Commission in accordance with these Regulations authorizing the holder to be associated with an EGD Operator as a Key Person;

**"licence"** includes an Operator's Licence and a Key Person Permit;

**"logic circuit board"** means all the logic cards and game software contained in an EGD;

**"material change"** means a change that affects an applicant, EGD Operator or Key Person Permit holder including but not limited to:

(a) in the case of an EGD Operator or and EGD Facility:

- (i) the addition of a new partner or co-licensee, including any person that will share in the revenues and/or the liabilities of the EGD Facility;
- (ii) the addition of a new investor, management company, consultant or any other person that will, in the sole discretion of the Commission, have a significant role in the financing, operation or management of the EGD Facility or of the EGDs located on the EGD Facility;
- (iii) the addition, termination or change in functions of a Key Person that is associated with the EGD Facility;
- (iv) a change to the building in which the EGD Facility is located; or to the approved gaming area or to any equipment used in the operation of the EGD Facility that affects, or may affect, the outcome of a game played on an EGD;
- (v) a request to change the maximum number of EGDs permitted in an EGD Facility, to either add or remove EGDs;
- (vi) the imposition of a criminal charge or criminal conviction;
- (vii) being named as a party to a civil action; whether as a Plaintiff, Defendant or Third Party;
- (viii) filing or being petitioned into bankruptcy;

(b) in the case of an individual holder of a Key Person Permit, being

charged or convicted of a criminal offense;

(c) in all cases, a change to the contact information previously provided to the Commission.

**“person”** includes any individual, corporation, association, partnership, limited liability company, trust and any other business entity or association recognized under the laws applicable within the Territory;

**“player”** means a person who has attained the full age of eighteen (18) years and who plays an EGD within an EGD Facility;

**“progressive jackpot”** means a jackpot won by a single player whose amount corresponds to a determined percentage of each wager placed in each participating EGD;

**“record”** means all records directly or indirectly related to the operation of an EGD Facility, including but not limited to financial records, incident reports and any other record the Commission may direct be kept by an EGD Operator;

**“reimbursement coupon”** means a written statement issued by the EGD to confirm at least the number of reimbursable credits as well as their value in Canadian or US currency;

**“rules of play”** mean the rules that govern the playing of EGDs;

**“Regulations”** means these Regulations concerning Electronic Gaming Devices, including the Schedules;

**“Operator’s Licence”** means a license issued by the Commission in accordance with these Regulations, authorizing the holder to operate an EGD Facility and EGDs located on the EGD Facility;

**“Supplier”** means a person who manufactures, provides, installs, maintains or repairs EGDs, management software, gaming software or other equipment or systems for use in an EGD Facility;

**“Territory”** means the Mohawk Territory of Kahnawake.

8. All EGDs must:

(a) function in such a manner:

(i) as to indicate to the player, for each number of credits wagered, every possibility of winning combinations and the

- number of credits the combinations bring;
  - (ii) that it automatically displays a message giving the player the option to redeem his or her credits when the number of cumulated credits reaches or exceeds a value of One Thousand (\$1,000.00) Dollars in either Canadian or US currency;
  - (iii) as to permit the player, at all times, to obtain a reimbursement coupon for the credits he has accumulated or not used;
  - (iv) as to reject all bets which exceed Ten (\$10.00) Dollars in Canadian or US currency;
- (b) be manufactured so that the EGD:
- (i) cannot erase cumulated credits other than by the issuance of a reimbursement coupon;
  - (ii) cannot function if the quantity of paper contained in the printer is insufficient to print a complete reimbursement coupon;
  - (iii) does not contain any device making it possible to modify, either manually or by electric signal, the rate of return, the meters or the information contained in the meters, other than through the central control system;
  - (iv) has an identification plaque, on which is inscribed the unique serial number of the EGD, placed on an upper corner of one side of the cabinet. The identification plaque must not be altered except with the prior approval of the Commission;
  - (v) has a logic circuit board with a unique serial number;
  - (vi) contains protection mechanisms which protect it from all mechanical, electrical, electronic, magnetic or other interference;
  - (vii) contains protection mechanisms for the EGD and its components in case of a power shortage or power surge;
  - (viii) contains a device permitting it to maintain in its memory all the operational data of the EGD for a period of at least ninety (90) days, in case of an electrical failure;
  - (ix) contains at least one locking device protecting the principal door of the cabinet and at least one other protecting the logic circuit board;

- (x) contains a device making it possible to show on the screen the result of the last ten (10) games;
  - (xi) contains, as well as a logic meter, a sealed mechanical meter with a minimum of six (6) numbers whose function is to keep track of the money introduced into the EGD;
  - (xii) contains a reader into which a player must insert a valid player card before the player can play any game on the EGD.
9. The central control system must record at least the following data for each EGD in the EGD Facility:
- (a) the amount of money inserted into the EGD, either in credits or Canadian or US currency;
  - (b) the amount won, either in credits or Canadian or US currency;
  - (c) the amount paid, either in credits or Canadian or US currency;
  - (d) the amount bet, either in credits or Canadian or US currency;
  - (e) the openings of the door which protect the logic circuit board; and
  - (f) the openings of the main door of the cabinet;
  - (g) for each player who plays an EGD:
    - (i) the identity and age of the player;
    - (ii) the address of the player;
    - (iii) in any particular twenty-four (24) hour period, the amount the player has:
      - 1. inserted into any EGD in the EGD Facility;
      - 2. withdrawn from any EGD in the EGD Facility;
    - (iv) in any particular twenty-four (24) hour period, the amount of time the player has played on all EGDs in the EGD Facility.
10. The components of an EGD which are likely to influence its functioning or the data which it registers must not be accessible, other than through the central control computer, when all the doors or openings to the cabinet of



the EGD are closed. The EGD must also be manufactured in such a manner that no external mechanism can influence its functioning, except mechanisms used to play or to turn off the EGD and the mechanisms of the central control computer.

11. The compartment of an EGD which contains its logic circuit board must be separate from the other compartments. Also, the EGD must be manufactured in such a manner that all compartments can be accessible without having to access the compartment containing the logic circuit board.
12. No person, other than a person authorized by the Commission, may have access to the compartment containing the logic circuit board of an EGD.
13. The mechanism for inserting money into an EGD must function in such a manner that it accepts only Canadian or US currency.
14. A player must be reimbursed in the same currency that was used to play an EGD.
15. The EGD must contain a printer whose functioning makes it possible, in one single printing, to issue a reimbursement coupon and to record an identical copy inside the EGD.
16. A message indicating that the quantity of paper in the printer is low must automatically be sent from the central control system to personnel with the EGD Facility for attention.
17. An EGD Operator must:
  - (a) participate in any training and information sessions organized by the Commission;
  - (b) dispense at least one (1) hour of training to his personnel concerning the rights and obligations attached to the use of an Operator's Licence;
  - (c) put at the public's disposal the rules of the games played on the EGDs, the payment charts, and instructions concerning the working of the EGDs in the EGD Facility;
18. An EGD Operator must not:
  - (a) allow a person to play more than one (1) EGD at a time;
  - (b) use, for the printer of the EGD, any paper that does not satisfy

industry standards.

19. An EGD Operator may create a progressive jackpot, provided that the participating EGDs are all physically located within the EGD Facility or are otherwise connected with a private wide area network (WAN) that does not access the internet.
20. For all games offered by an EGD operated under an Operator's Licence, the rate of return must not be less than eighty-three (83%) percent.
21. The Commission will only issue and continue an Operator's Licence when:
  - (a) the proposed EGD Facility is located in a building that:
    - (i) is wholly situated within the Mohawk Territory of Kahnawake;
    - (ii) is wholly owned by, or leased to, one or more Kahnawa'keró:non or a business entity that is wholly owned by one or more Kahnawa'keró:non;
    - (iii) has been inspected and approved in accordance with all applicable fire, safety and, if appropriate, health standards applicable within the Territory;
    - (iv) is covered by an all risk, third party liability insurance policy in the amount of not less than Two Million (CDN\$2,000,000.00) Canadian Dollars, the terms of which are satisfactory to the Commission and
    - (v) is designed for commercial purposes and is not a private residence;
  - (b) the proposed parking area, in the Commission's sole discretion:
    - (i) is wholly situated within the Mohawk Territory of Kahnawake;
    - (ii) is wholly owned by, or leased to, the same person, persons or business entity that is to hold the Operator's Licence;
    - (iii) is adequately sized and positioned to service the operations of the EGD Facility;
    - (iv) is safe for its intended use, is adequately lit at night and is fully monitored by security personnel and/or cameras.

22. For greater certainty, an EGD Operator is solely responsible for ensuring that the design, engineering and construction of a building in which an EGD Facility is located, including renovations or alterations to the building, are professionally inspected, approved and implemented.
23. Under no circumstances will any lands or buildings within the Territory be mortgaged or otherwise used as security for the purpose of playing in an EGD Facility. Any transaction in contravention of this provision is void. Any EGD Operator that permits a transaction in contravention of this provision is subject to fines as provided in these Regulations and to the suspension or revocation of his or her Operator's Licence.
24. An EGD Operator must ensure that no activities take place within, near or in relation to the EGD Facility or approved parking area that are in breach of these Regulations or of any other law applicable within the Territory.
25. EGD Operators must have in effect at all times a Zero Tolerance on Illegal Drugs Policy (the "Policy") applicable to the EGD Facility and the EGD Facility's approved parking area.
26. The Policy must be applicable to all persons, including employees, agents, Suppliers and players, that are within the EGD Facility or the EGD Facility's approved parking area.
27. The Policy must include the following provisions:
  - (a) any employee, agent or Supplier that is found to be in possession of, or sells to another person, an illegal drug, will be terminated immediately and banned from the EGD Facility and the EGD Facility's approved parking area;
  - (b) any player or other person within the EGD Facility or the EGD Facility's approved parking area, who is found to be in possession of, or sells to another person, an illegal drug, will be immediately banned from the EGD Facility and the EGD Facility's approved parking area; and
  - (c) in all cases where a person is found to be in possession of, or sells to another person, an illegal drug, the EGD Operator will immediately report the incident to the Kahnawake Peacekeepers and to the Commission.
28. Each EGD Operator is responsible for promulgating the Policy and for ensuring that its employees, agents, Suppliers, players and any other persons associated with the EGD Facility, are aware of the Policy.

29. Each EGD Operator is responsible for ensuring the Policy is strictly enforced at all times.
30. EGDs may be installed and played only within the specific approved gaming area that is designated by the Commission. For greater certainty, the Commission must approve an EGD Operator's floor plan identifying the location of each slot machine and must approve any amendments to the floor plan. EGDs may not be installed in the following areas:
  - (a) the areas for the preparation of alcoholic beverages;
  - (b) on the service counters;
  - (c) in bathrooms;
  - (d) in cloak rooms; and
  - (e) in areas reserved for the use of employees of the establishment.
31. An application for an Operator's Licence must be submitted to the Commission in the form attached as Schedule "A" to these Regulations.
32. To be considered by the Commission, an application for an Operator's Licence must contain all the information requested in the form attached as Schedule "A" and be accompanied by:
  - (a) if applicable, a Business Entity Information Form attached as Schedule "B" to these Regulations;
  - (b) Personal Information Forms attached as Schedule "C" to these Regulations for each director, shareholder with ten (10%) per cent or more ownership of or controlling interest in the applicant, or partner of the applicant;
  - (c) a completed Key Person Permit application, attached as Schedule "D", in respect of each Key Person to be employed or contracted by the EGD Facility;
  - (d) a copy of a contractual agreement demonstrating the applicant has the support of Mohawk Council of Kahnawake. The term of the contractual agreement must be at least three (3) years;
  - (e) a detailed description, with sketches, of the building to be used for the proposed EGD Facility, its floor plan, parking areas and any related information;

- (f) a deposit in the amount of Twenty-Five Thousand (CDN\$25,000.00) Canadian Dollars, which includes:
- (i) the estimated cost of conducting the Commission's due diligence Fifteen Thousand (CDN\$15,000.00) Canadian Dollars, non-refundable); and
  - (ii) the first annual Operator's Licence fee and the first annual Key Person Permit fees for up to three (3) Key Person Permits Ten Thousand (CDN\$10,000.00) Canadian Dollars, refundable if an application is not granted).
33. The applicant is responsible to the Commission for all costs incurred by the Commission related to the processing of the application. In the event these costs exceed the amount of the original deposit of Twenty-Five Thousand (CDN\$25,000.00) Canadian Dollars, the Commission will notify the applicant in writing to provide a further deposit or deposits in such amounts as the Commission may determine. In the event the Commission does not receive payment of a further deposit within ten (10) days of the date of the Commission's notice to the applicant, processing of the application will be suspended until the further deposit is received.
34. The Commission will consider an application for an Operator's Licence in the following three (3) stages.

### **Stage 1**

To initiate Stage 1, the Commission must receive the following information and documentation:

- fully completed application forms and fees, as required by these Regulations;
- a copy of a contractual agreement demonstrating the applicant has the support of Mohawk Council of Kahnawake. The term of the contractual agreement must be at least three (3) years;

To successfully complete Stage 1, the following matters must be completed to the satisfaction of the Commission:

- due diligence investigations on the applicant, key persons, proposed investors, managers, Suppliers and any other persons or entities identified by the Commission;
- a preliminary review of building, floor plan and parking areas, as described in the application, must be completed to the satisfaction of the Commission;

- such other matters as the Commission may direct.

At the successful completion of Stage 1, the Commission will provide the applicant written confirmation that the application has been provisionally approved. The applicant may not open the EGD Facility to the public.

## **Stage 2**

To initiate Stage 2, the applicant must provide to the Commission a written request to initiate Stage 2 and the request must be approved by the Commission. The written request must be accompanied by the following information and documentation:

- a final detailed description of the building, floor plan and parking areas;
- proof of adequate insurance coverage for the EGD Facility and for persons within the EGD Facility, as required by these Regulations;
- detailed descriptions of the EGDs, central control systems and related equipment that are proposed to be installed and operated within the EGD Facility; and
- such additional information and documentation that the Commission may request.

The Commission will review the information and documentation provided by the applicant and will provide such direction that the Commission may deem appropriate including but not limited to the type of EGDs that are proposed to be installed in the EGD Facility.

To successfully complete Stage 2, the Commission must be satisfied that the information and documentation provided by the applicant is complete, accurate and suitable for the purpose and must be satisfied that the applicant will comply with any directions the Commission has provided during Stage 2.

At the successful completion of Stage 2, the Commission will issue to the applicant a Conditional Operator's Licence which will, among other things, identify the maximum number of EGDs that may be installed in the EGD Facility during Stage 3 of the application. The applicant may not open the EGD Facility to the public.

### Stage 3

To initiate Stage 3, the applicant must provide to the Commission a written request to initiate Stage 3 and the request must be approved by the Commission.

During Stage 3:

- proof that the EGD Facility, floor plan and parking areas have been approved by all necessary fire, safety and health authorities;
- the applicant will install the appropriate number of EGDs, the central control systems and related equipment within the EGD Facility;
- the Commission, or agents acting on behalf of the Commission, will conduct such inspections, testing and other verifications of the EGDs, the central control systems and related equipment as the Commission may direct;
- the Commission will issue to the applicant such other directions as the Commission, in its sole direction, deems appropriate.

To successfully complete Stage 3:

- the Commission must be satisfied that the EGD Operator, the EGD Facility (including floor plan and parking area), the EGDs, the central control systems and related equipment installed within the EGD Facility are in full compliance with the requirements of these Regulations and that there are no other outstanding matters which must be addressed.

The applicant may not open the EGD Facility to the public during Stage 3.

At the successful completion of Stage 3, the Commission will issue to the applicant an Operator's Licence, which among other things, will identify the maximum number of EGDs that may be operated in the EGD Facility.

Upon the issuance of an Operator's Licence, the EGD Facility may to be opened to the public.

35. An Operator's Licence will be valid for not more than three (3) years from the date of issuance, unless extended by the Commission in accordance with the requirements of these Regulations.
36. The Commission may establish deadlines for the completion of any stage

of the application process.

37. The Commission will decide whether an applicant has satisfied the requirements of each stage before the next stage is considered. In the event an applicant does not satisfy the requirements of any particular stage, the Commission will:
  - (a) return the application to the applicant with the appropriate direction;  
or
  - (b) deny the application.
38. Unless otherwise modified by the Commission in accordance with the procedures set out in these Regulations, the EGD Operator and the EGD Facility will be subject to the limitations set out in sections 8(a)(iv) and 107 of these Regulations.
39. On or before the end of the first six (6) months of the term of an Operator's Licence, the Commission will conduct a comprehensive review of the operations of the EGD Facility, the nature and scope of which will be determined by the Commission, and upon completion of its review will issue such directions to the EGD Operator as the Commission deems appropriate which may include, but is not limited to:
  - (a) a direction to modify the floor plan or parking area of the EGD Facility;
  - (b) a direction to decrease the number of EGDs in the EGD Facility;
  - (c) a direction to suspend the operations of the EGD Facility for a specific period of time.
40. At the end of the first six (6) months of the term of an Operator's Licence the EGD Operator may submit a written request to the Commission to:
  - (a) increase the number of EGDs that may be operated in the EGD Facility;
  - (b) increase the hours of operation for the EGD Facility, as provided in section 108;
  - (c) consider an amendment to increase the betting amount specified in section 8(a)(iv) of these Regulations;
  - (d) any other matter the EGD Operator may want the Commission to consider.



41. Upon receipt of a written request under the foregoing section 40, the Commission will consider the request and will:
  - (a) grant the request, with or without conditions;
  - (b) deny the request, or
  - (c) request that the EGD Operator provide the Commission further information.
42. The Commission, in its sole discretion, may refuse to accept an application, deny an application at any stage of the application process, suspend or revoke an existing Operator's Licence or amend these Regulations to decrease the maximum number of EGDs permitted in an EGD Facility when:
  - (a) the location or proposed location of an EGD Facility is likely to disturb or endanger, or is disturbing or endangering, the community of Kahnawake;
  - (b) the location or proposed location of an EGD Facility is in close proximity to a school, church or other public institution within the Territory, or
  - (c) at any given time, the Commission is convinced that, given the number of existing EGD Facilities or the number of existing EGDs, the issuance of another Operator's Licence would be detrimental to peace, order or security within the Territory.
43. In the event an application is denied, subject to confidentiality, unless such confidentiality is waived, or security restrictions, the Commission will give its reasons for the denial in writing to the applicant.
44. In addition to any other requirement set out in these Regulations, the Commission may conduct such investigations at it deems necessary pertaining to an EGD Facility, an incident in an EGD Facility, an EGD Operator, an employee or contractor providing services to an EGD Facility, a Supplier, a player complaint or any matter that the Commission deems appropriate. In the event an EGD Operator or Key Person fails or refuses to cooperate with a Commission investigation, the Commission may, in its sole discretion, may suspend or revoke the Operator's Licence or Key Person Permit.
45. The Commission may grant an application for an Operator's Licence only if the Commission is satisfied that:
  - (a) the applicant is one or more Kahnawa'keró:non persons or a

business entity which is wholly owned by one or more Kahnawa'keró:non;

- (b) the applicant is suitable to hold an Operator's Licence, and
- (c) if applicable, each director, shareholder with ten (10%) per cent or more ownership of or controlling interest in the applicant or partner is suitable to be associated with an applicant's operations.

46. The Commission may consider an applicant suitable to hold an Operator's Licence if the applicant satisfies the Commission that:

- (a) in the case of an individual, the applicant is a person of good character, honesty and integrity; taking into consideration any matter the Commission considers relevant, including but not limited to the following:
  - (i) personal, professional and business associations;
  - (ii) history of criminal convictions, arrests and related proceedings;
  - (iii) history of civil litigation;
  - (iv) credit history or bankruptcies;
  - (v) personal and professional references;
  - (vi) education, training and work history;
  - (vii) experience in the gaming industry; and
  - (viii) any other matter that, in the discretion of the Commission, is relevant to an individual's good character, honesty and integrity;
- (b) in the case of a corporation, partnership or other business entity, the applicant has:
  - (i) a good business reputation, sound current financial position, financial history and financial background;
  - (ii) arranged a satisfactory ownership and corporate structure;
  - (iii) the applicant has, or is able to obtain, appropriate resources, services and technical ability to operate an

EGD Facility; and

- (iv) each director, shareholder with ten percent (10%) or more ownership of or controlling interest in the corporation, partner and Key Person, is a suitable individual;

and of any other matter prescribed under these Regulations, under a law applicable within the Territory or which the Commission otherwise deems appropriate. For greater certainty, an applicant bears the burden of proving suitability by providing evidence that, in the Commission's sole discretion, is clear and convincing.

- 47. The Commission, or such person as the Commission may appoint, will conduct a thorough investigation into the matters referred to in the foregoing section 46 to determine the applicant's suitability to hold an Operator's Licence and the suitability of each director, shareholder with ten (10%) per cent or more ownership of or controlling interest in the applicant, and partner of the applicant.
- 48. The Commission may consider proof that an applicant has been licensed to conduct gaming in another jurisdiction as evidence that will be considered in assessing the applicant's suitability to operate an EGD Facility within the Territory.
- 49. An Operator's Licence will not be granted for a period of time exceeding three (3) years but may be renewed an unlimited number of times, provided the EGD Operator satisfies the requirements to renew an Operator's Licence as set out in these Regulations.
- 50. An Operator's Licence will be in the form prescribed by the Commission and will, in addition to any other matter which the Commission deems to be appropriate, specify:
  - (a) the name, address, telephone number, fax number and e-mail address of the EGD Operator;
  - (b) the legal description of the lands on which the EGD Facility is located and a precise description of the approved gaming area and approved parking area, appended to the Operator's Licence;
  - (c) the maximum number of EGDs the EGD Operator is permitted to operate within the EGD Facility;
  - (d) hours of operation;

- (e) commencement and termination dates of the Operator's Licence;
  - (f) a clause stating that the Commission and its members, employees and agents are not liable for any damages, losses, costs or liabilities incurred by an EGD Operator or on the EGD Facility,
  - (g) a clause stating that the EGD Operator has agreed to indemnify the Commission against any claims, demands or actions of a civil nature and any resulting damages, awards or costs (including legal costs) brought by a player or any third party against the Commission in relation to the operation of an EGD Facility or any acts or omissions of an EGD Operator, and
  - (h) any other terms, conditions or restrictions that are in the public interest and that the Commission, in its sole discretion, considers necessary or desirable for the proper operation of EGDs.
51. An Operator's Licence:
- (a) subject to the provisions of these Regulations, may be amended, suspended or revoked for any breach of the Law, these Regulations, the terms and conditions of the Operator's Licence or any direction issued by the Commission; and
  - (b) is not valid unless:
    - (i) the prescribed fees and any other amounts owing to the Commission have been paid in full; and
    - (ii) the contractual agreement between the EGD Operator and the Mohawk Council of Kahnawake is in good standing.
52. A gaming license may not be sold, transferred or otherwise assigned without prior written approval of the Commission.
53. In the event an EGD Operator wishes to temporarily close the EGD Facility to the public for more than forty-eight (48) hours, the EGD Operator must submit to the Commission a Request to Temporarily Close in the form attached as Schedule "E" to these Regulations.
54. The Commission may suspend or revoke the Operator's Licence for an EGD Facility that is closed for more than six (6) consecutive months, or a cumulative total of six (6) months in any twelve (12) month period.
55. An EGD Operator must not temporarily close the EGD Facility to the public until the Commission has reviewed the Request to Temporarily

- Close and has granted permission to temporarily close the EGD Facility.
56. Upon receipt, the Commission will review a Request to Temporarily Close and will:
    - (a) grant the request, upon such terms and conditions as the Commission deems appropriate;
    - (b) deny the request, or
    - (c) return the request to the EGD Operator with the appropriate direction.
  57. An EGD Facility that is temporarily closed to the public must not offer private or “invitation only” events of any kind. For greater certainty, an EGD Facility that is not temporarily closed to the public may offer an “invitation only” event with the prior written approval of the Commission.
  58. An EGD Facility that is temporarily closed to the public must prominently display signage at all entrances indicating the period for which it is temporarily closed and must ensure that existing signage and lighting is not illuminated and does not give the impression that the EGD Facility is open to the public.
  59. There is no reduction, credit or rebate for the licensing fees otherwise payable by an EGD Operator for the period of time that an EGD Facility is temporarily closed to the public.
  60. Notwithstanding section 52, an EGD Operator may apply to the Commission to have the Operator’s Licence amended to add or delete the names of one or more individual EGD Operators.
  61. An application to amend an Operator’s Licence made under the foregoing section 60 will be considered to be a material change; must be made in the form attached as Schedule “F” to these Regulations and must be accompanied by an application fee in the amount of Ten Thousand (CDN\$10,000.00) Canadian Dollars, or such other amount that the Commission may direct.
  62. Upon receipt of an application and application fee under the foregoing section 61, the Commission will deliberate as to whether:
    - (a) any person that is to be added to the Operator’s Licence is both eligible and suitable to hold an Operator’s Licence, in accordance with the requirements of sections 45 and 46 of these Regulations; and

- (b) the proposed amendment is likely to have a deleterious impact on the safety or security of the EGD Facility's operations.
- 63. Following the completion of its deliberations, the Commission will:
  - (a) grant the application and direct that the Operator's Licence be amended as requested;
  - (b) deny the application, or
  - (c) return the application to the applicant with a request for additional information or other appropriate direction.
- 64. In the event of the death or incapacity of an EGD Operator, the executor of the licence holder's estate, or the licence holder's personal representative, must, within sixty (60) days after the death or incapacity of the licence holder, apply to have the Operator's Licence amended pursuant to section 61 of these Regulations, failing which the Commission may suspend or revoke the Operator's Licence.
- 65. Every EGD Operator, including every applicant, must report to the Commission any material change to the information that was provided to the Commission for the purposes of an application or for any other purpose.
- 66. A material change report must be in the form attached as Schedule "F" to these Regulations, must clearly identify the material change in question and must be received by the Commission:
  - (a) wherever possible, at least thirty (30) days prior to the date on which the proposed material change is to be effective; or
  - (b) in any event, not later than seven (7) days from the date on which the material change was effective.
- 67. The costs incurred by the Commission associated with its assessment of a material change report will be paid to the Commission by the applicant or EGD Operator that submitted the report, upon being presented the appropriate invoice.
- 68. Failure to report a material change to the Commission as required by these Regulations may result in one or more of the following sanctions:
  - (a) the immediate amendment, suspension or revocation of the Operator's Licence to which the change relates;

- (b) for each material change that was not reported, a fine of not less than One Thousand (CDN\$1,000.00) Canadian Dollars and not more than Twenty Thousand (CDN\$20,000.00) Canadian Dollars.
69. In the case of an application, failure to report a material change is a sufficient ground for denial of the application.
70. The Commission will consider the information in a material change report, including a material change report that is received after the material change is effective, and will approve, disapprove or issue such written directions to the EGD Operator or applicant as the Commission, in its sole discretion, deem necessary and appropriate under the circumstances.
71. An application to renew an Operator's Licence or Key Person Permit must be submitted to the Commission in the form attached as Schedule "G" to these Regulations (a "renewal application").
72. To be considered by the Commission, a renewal application must contain all of the information requested in the form.
73. An Operator's Licence will not be renewed unless the EGD Operator provides a copy of a contractual agreement demonstrating the EGD Operator has the support of Mohawk Council of Kahnawake. The term of the contractual agreement must be at least three (3) years.
74. A renewal application must be received by the Commission not less than three (3) months prior to the termination date of the Operator's Licence or Key Person Permit. For greater certainty, an Operator's Licence or Key Person Permit will continue to have effect from the time an application to renew has been received until such time as the Commission has made a decision on the application.
75. The applicant is responsible to the Commission for all costs incurred by the Commission related to the processing of the renewal application and will pay such costs upon receipt of an invoice from the Commission.
76. The Commission will promptly consider the renewal application and will:
- (a) grant the renewal application and renew Operator's Licence or Key Person Permit for a period not exceeding the original term of the licence or permit in question;
  - (b) deny the renewal application, or
  - (c) return the renewal application with a request for additional

information.

77. In the event an application is denied, subject to confidentiality, unless such confidentiality is waived, or security restrictions, the Commission will give its reasons for the denial in writing to the applicant.
78. In deciding whether to grant a renewal application for an Operator's Licence, the Commission will consider any complaints, concerns or problems that may have arisen in the previous licensing period related to the EGD Operator and the operations of the EGD Facility and will deny the renewal application if, in the Commission's sole discretion, the complaints, concerns or problems are sufficiently serious or numerous.
79. An Operator's Licence and Key Person Permit that are renewed under this Part are subject to the all provisions of these Regulations, adapted as required.
80. The Commission may amend a term or condition of an Operator's Licence to restrict or limit the operations of an EGD Facility if the Commission considers it is necessary or desirable to make the amendment for the proper operation of EGDs by the EGD Operator or that the amendment is otherwise in the public interest.
81. If the Commission decides to amend a term or condition of an Operator's Licence, the Commission must promptly give the EGD Operator written notice (the "amendment notice") of the change and, subject to confidentiality, unless such confidentiality is waived, and security restrictions, the reasons for the change.
82. The power of the Commission under this section includes the power to add such new terms or conditions as the Commission, in its sole discretion, deems appropriate.
83. Before amending a term or condition of an Operator's Licence, the Commission must follow the show cause procedures set out in these Regulations.
84. The EGD Operator must return the existing Operator's Licence to the Commission within seven (7) days of receiving the amendment notice.
85. In the event the EGD Operator fails or refuses to return the existing Operator's Licence to the Commission pursuant to section 84, the Commission may impose one or more of the following sanctions:
  - (a) issue a replacement Operator's Licence, incorporating the amended terms or conditions, to the EGD Operator;



- (b) suspend or revoke the existing Operator's Licence;
  - (c) impose a fine on the EGD Operator of not less than One Thousand (CDN\$1,000.00) Canadian Dollars and not more than Twenty Thousand (CDN\$20,000.00) Canadian Dollars.
86. Subject to the show cause procedures set out in these Regulations, upon receipt of the Operator's Licence, the Commission will:
- (a) amend the Operator's Licence and return the amended licence to the EGD Operator; or
  - (b) if the Commission does not consider it is practical to amend the Operator's Licence, issue a replacement Operator's Licence, incorporating the amended terms or conditions, to the EGD Operator.
87. An amendment of terms or conditions of an Operator's Licence takes effect on the date set by the Commission.
88. The Commission may suspend or revoke an Operator's Licence on the following grounds:
- (a) the EGD Operator is no longer suitable to hold an Operator's Licence;
  - (b) the EGD Operator has been convicted of an offence under the Law, these Regulations or a gaming act of another jurisdiction;
  - (c) the EGD Operator has been convicted of an indictable offence or other crime the Commission, in its sole discretion, deems to affect the suitability of an EGD Operator;
  - (d) the EGD Operator has contravened a term or condition of the Operator's Licence;
  - (e) the EGD Operator has failed to discharge the financial commitments of the EGD Operator's operations or the Commission has reason to believe that such failure is imminent;
  - (f) the EGD Operator is insolvent, has been petitioned into bankruptcy or has applied to take advantage of any bankruptcy law;
  - (g) the EGD Operator has a trustee, receiver, manager, liquidator or administrator appointed for it under the provisions of the laws of any jurisdiction;

- (h) the EGD Operator applies for, or is compelled by any means or for any reason, for a discontinuance or winding-up;
  - (i) the Operator's Licence was obtained by a materially false or misleading representation or in some other improper way, or
  - (j) any other ground that the Commission, in its sole discretion, determines is material and sufficient for the purposes of this section.
89. Before amending, suspending or revoking an Operator's Licence, the Commission must give the EGD Operator a written notice (a "show cause notice") that:
- (a) states the action (the "proposed action") the Commission proposes taking;
  - (b) states the grounds for the proposed action;
  - (c) outlines the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action is a suspension of the Operator's Licence, states the proposed suspension period, and
  - (e) permits the EGD Operator to show within a stated period (the "show cause period") why the proposed action should not be taken.
90. The show cause period will be established by the Commission and will be specified in the show cause notice.
91. The Commission must promptly serve a copy of the show cause notice on:
- (a) the EGD Operator, and
  - (b) each person (an "interested person") the Commission believes has an interest in the Operator's Licence if the Commission considers;
    - (i) the person's interest may be affected adversely by the amendment, suspension or revocation of the Operator's Licence; and
    - (ii) it is otherwise appropriate in the circumstances to give copy of the notice to the person.

92. A person upon whom a copy of the show cause notice is served may make written representations about the matters raised in the notice to the Commission within the show cause period.
93. The Commission will consider all written representations (the “accepted representations”) made during the show cause period by:
- (a) the EGD Operator; or
  - (b) any interested person upon whom a copy of the show cause notice is served.
94. Notwithstanding any other provision of these Regulations, including those provisions pertaining to Show Cause procedures, the Commission may amend, suspend or revoke an Operator’s Licence immediately if the Commission believes:
- (a) a sufficient ground exists to amend, suspend or revoke the Operator’s Licence, and
  - (b) the circumstances are extraordinary, and it is imperative to amend, suspend or revoke the Operator’s Licence immediately to ensure:
    - (i) the public interest is not affected in an adverse and material way; or
    - (ii) the integrity of the operations of the EGD Facility or the operation of EGDs by the EGD Operator is not jeopardized in a material way.
95. An immediate amendment, suspension or revocation:
- (a) must be affected by written notice served on the affected EGD Operator (the “notice or immediate amendment, suspension or revocation”), and any interested person;
  - (b) is effective from the moment the notice is served;
  - (c) continues in effect until a hearing date or until the Commission otherwise directs, and
  - (d) will specify a show cause period.
96. An EGD Operator who has received a show cause notice may, within the show cause period, request a hearing before the Commission to respond to the matters raised in the show cause notice.

97. A hearing will only be conducted if the EGD Operator requests a hearing within the show cause period.
98. Upon receiving a request for a hearing, the Commission will set a date for the hearing (the "hearing date") and will immediately notify the EGD Operator in writing of the hearing date.
99. At the hearing, the EGD Operator will have the opportunity to bring written and oral evidence to respond to the matters raised in the show cause notice.
100. In the event the affected EGD Operator fails or refuses to attend a hearing at the time and place set out in the hearing notice, the Commission may, in its sole discretion, take one or more of the following actions:
  - (a) adjourn the hearing to another time or place;
  - (b) confirm or continue the amendment, suspension or revocation;
  - (c) impose a fine on the affected EGD Operator of not less than One Thousand (CDN\$1,000.00) Canadian Dollars and not more than Twenty Thousand (CDN\$20,000.00) Canadian Dollars;
  - (d) issue such other directives as the Commission deems necessary.
101. If, after considering the accepted representations, or in the case of a hearing, all the evidence adduced before it, the Commission finds that:
  - (a) a ground or grounds exist to amend, suspend or revoke the Operator's Licence and/or;
  - (b) the act, omission or other item constituting the ground is of a serious and fundamental nature and either:
    - (i) the public interest may be affected in an adverse or material way;  
or
    - (ii) the integrity of the operations of the EGD Facility or the operation of EGDs by the EGD Operator may be jeopardized in a material way,

the Commission may amend or revoke the Operator's Licence or suspend the Operator's Licence for such period of time and on such conditions of re-instatement as the Commission deems appropriate.

102. If the Commission directs the EGD Operator to rectify a matter and the EGD Operator fails to comply with the direction within the time allowed for compliance, the Commission may revoke or suspend the Operator's Licence for such period of time and on such conditions for re-instatement as the Commission deems appropriate.
103. The Commission must promptly serve written notice of the decision to amend, suspend or revoke an Operator's Licence on the EGD Operator.
104. A decision to amend, suspend or revoke an Operator's Licence takes effect on the date specified by the Commission.
105. If an Operator's Licence is under suspension, the Commission may, at the request of the EGD Operator, reconsider the duration of the suspension.
106. The Commission must promptly serve written notice of its decision on the EGD Operator.
107. For the first six (6) months of the term of an EGD Operator's Licence, an EGD Facility may be open to the public only from 09:00 a.m. ET until 04:00 a.m. ET, seven (7) days a week.
108. At the end of the first six (6) months of the term of an EGD Operator's Licence, the EGD Operator may submit a written application to the Commission pursuant to section 40 of these Regulations to extend its hours of operation for up to twenty-four (24) hours a day, seven (7) days a week.
109. Every Operator's Licence will specify the maximum number of EGDs that are permitted to operate in the EGD Facility.
110. The Commission will decide, in its sole discretion, the maximum number of EGDs for each EGD Facility, taking into consideration the size and layout of the EGD Facility as indicated in the floor plan, the proposed gaming area and any other factor the Commission deems to be relevant, including but not limited to security, surveillance, traffic flow and available parking and any other factor set out in these Regulations.
111. An application by an EGD Operator to increase or decrease the number of EGDs in an EGD Facility will be considered to be a material change and must be made in the form attached as Schedule "F" to these Regulations.
112. EGD Operators must ensure that the rules of play for all games offered

on an EGD are clearly displayed on the EGD or on the EGD screen. All EGDs offered in the EGD Facility must be operated in accordance with these rules of play.

113. EGD Operators must ensure that all EGDs display a sign on the EGD, or on the EGD screen, or in any manner approved by the Commission, warning of the risks and dangers of gambling, showing the odds of winning, and informing patrons of a toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.
114. Each EGD Operator will maintain safety and security controls over the EGD Facility and the approved parking area, and all operations therein, and those safety and security controls are subject to the approval of the Commission.
115. The Commission may direct an EGD Operator to provide additional safety or security controls over an EGD Facility and approved parking area if the Commission, in its sole discretion, deems it necessary to do so in the interests of safety and security for employees, players or the public.
116. Subject to section 136, a person must not accept employment, and an EGD Operator must not employ a person, as a Key Person, unless the person holds a valid Key Person Permit.
117. If the Commission reasonably believes a person, other than a person who holds a valid Key Person Permit, is a Key Person, the Commission may, by written notice given to the person, with copies to the EGD Operator with whom the key relationship exists, require the person either to apply for a Key Person Permit or to terminate the employment relationship.
118. The EGD Operator and the person must comply with the requirement within seven (7) days of receiving the notice or such other period of time that the Commission may specify in the notice, taking into account any notice period to which the person may be entitled by law.
119. At least one (1) Key Person must be present in an EGD Facility at all times that the EGD Facility is open to the public
120. If the Commission does not approve an application for a Key Person Permit made by a person of whom a requirement has been made under the foregoing section, the Commission may, by written notice given to the person, with copies to the EGD Operator with whom the key relationship exists, require the person to terminate the employment relationship.
121. An application for a Key Person Permit must be made to the Commission

in the form attached as Schedule “D” to these Regulations.

122. An application for a Key Person Permit must be accompanied by:
  - (a) a letter from the EGD Operator addressed to the Commission confirming the existence or proposed existence of the key relationship;
  - (b) Key Person Permit application form, Schedule “D”;
  - (c) a Personal Information Form attached as Schedule “C” to these Regulations completed by the proposed Key Person;
  - (d) a Criminal Record Information – Consent Form and Privacy Waiver;
  - (e) a Full Disclosure Assurance form;
  - (f) a recent photocopy of government issued identification;
  - (g) except as otherwise provided herein, a non-refundable deposit in the amount of Two Thousand (CDN\$2,000.00) Canadian Dollars.
123. The applicant is responsible to the Commission for all costs incurred by the Commission related to the processing of the application for a Key Person Permit. In the event these costs exceed the amount of the original deposit of Two Thousand (CDN\$2,000.00) Canadian Dollars, the Commission will notify the applicant in writing to provide a further non-refundable deposit or deposits in such amounts as the Commission may determine. In the event the Commission does not receive payment of a further deposit within ten (10) days of the date of the Commission's notice to the applicant, processing of the application will be suspended until the further deposit is paid. All deposits received by the Commission pursuant to sections 122 and 123 will be deemed to have been paid by the applicant.
124. The Commission may, by written notice given to an applicant for a Key Person Permit, require the applicant to give the Commission further information or a document that the Commission, in its sole discretion, is required to consider and decide the application.
125. Subject to receiving the required non-refundable deposits, the Commission will consider an application for a Key Person Permit and either grant or deny the application.
126. The Commission will consider an applicant suitable to hold a Key Person Permit, if the applicant can satisfy the Commission that the applicant is a

person of good character, honesty and integrity, taking into consideration any matter the Commission considers relevant, including but not limited to the following:

- (a) personal, professional and business associations;
  - (b) history of criminal convictions;
  - (c) history of civil litigation;
  - (d) credit history or bankruptcies;
  - (e) personal and professional references; and
  - (f) the applicant's general suitability to carry out functions for an EGD Operator as a Key Person.
127. For greater certainty, an applicant bears the burden of proving suitability by providing evidence that, in the Commission's sole discretion, is clear and convincing.
128. The Commission will investigate an applicant for a Key Person Permit to determine whether the applicant is suitable under these Regulations to hold a Key Person Permit.
129. Written notice of the Commission's decision to grant or deny an application for a Key Person Permit must be given to the applicant and the EGD Operator.
130. If the Commission denies an application for a Key Person Permit, subject to confidentiality or security restrictions, the Commission will give its reasons for the denial in writing to the applicant.
131. A Key Person Permit will be in the form prescribed by the Commission and will include the following:
- (a) the Key Person's name;
  - (b) a recent photograph of the Key Person;
  - (c) the date of expiry of the permit;
  - (d) other conditions or particulars the Commission deems to be appropriate.
132. A Key Person Permit will not be issued for a period exceeding three (3)



years.

133. A Key Person Permit holder must pay a non-refundable annual fee in the amount of Five Hundred (CDN\$500.00) Canadian Dollars. An annual fee received by the Commission pursuant to this section will be deemed to have been paid by the Key Person Permit holder.
134. A Key Person Permit holder must undergo an annual criminal record check and must provide the Commission the necessary information, documentation and consent to carry out a criminal record check.
135. A Key Person Permit may be renewed every three (3) years by the Commission in accordance with the procedures provided in these Regulations.
136. A Key Person Permit automatically and immediately terminates when the key relationship between the Key Person and the EGD Operator that employed or contracted that Key Person is terminated by either party for any reason.
137. In the event a Key Person Permit is terminated in accordance with the foregoing section 136 and the person later wishes to be employed or contracted as a Key Person by any EGD Operator, the person must re-apply for a new Key Person Permit in accordance with the application requirements of these Regulations.
138. The Commission may issue a Key Person Permit:
  - (a) on conditions the Commission considers necessary or desirable for the proper conduct of gaming activities; and
  - (b) on other conditions the Commission considers necessary or desirable in the public interest.
139. Each of the following is a ground for suspending or revoking a Key Person Permit:
  - (a) the Key Person is not, or is no longer, suitable to hold a Key Person Permit;
  - (b) the Key Person has been convicted of an indictable offence;
  - (c) the Key Person has contravened a condition of the Key Person Permit;
  - (d) the Key Person has contravened a provision of the Law, these

Regulations or the provision of a gaming act of any other jurisdiction;

- (e) the Key Person Permit was obtained by a materially false or misleading representation or declaration or in some other improper way; or
  - (f) any act, omission or conduct the Commission finds adversely affects the integrity of the EGD Facility or affects the public interest in an adverse and material manner.
140. If the Commission believes a ground exists to suspend or revoke a Key Person Permit, the Commission will apply the principles and procedures provided in these Regulations for suspending or revoking an Operator's Licence, adapted as required.
141. The Commission must be satisfied that the EGDs, central control systems and other equipment and services provided by a Supplier are suitable for an EGD Facility and that the Supplier is otherwise suitable, in the sole discretion of the Commission, in consideration of its knowledge, skills, experience, reputation, character and business reputation.
142. No EGD or any related device or software will be used in an EGD Facility unless it is first tested and approved by the Commission in accordance with technical specifications to be adopted by the Commission.
143. Under no circumstances will an EGD Operator use gaming software, management software, central control systems or any other related software or services that are provided by a Supplier that also provides such software or services to an online gaming operator.
144. Upon receipt of a written request from the Commission, an EGD Operator must provide any information the Commission may request about a Supplier, goods or services provided by a Supplier and any matter related thereto.
145. The Commission may, in its sole discretion, direct an EGD Operator not to use the EGDs, other equipment or services offered by a particular Supplier and an EGD Operator must comply with such direction.
145. EGD Operators must develop and implement Anti-Money Laundering ("AML") and Counter Financing of Terrorism ("CFT") policies that are approved and supported by its senior management which will provide reasonable security measures to prevent transactions which are potentially connected to money laundering and the financing of terrorism.
146. EGD Operators must appoint a qualified person to act as an AML/CFT

Compliance Officer.

147. An EGD Operator's employees must be made aware of their personal obligations to detect and report criminal and suspicious behaviour to senior management as well as the dangers of 'tipping-off' and the procedures to be followed to ensure it does not happen.
148. Notwithstanding any other provision of these Regulations or the laws, regulations or procedures of any other jurisdiction, EGD Operators must develop and implement measures to ensure that:
  - (a) no payouts will be made to a player where there is reason to suspect money laundering or terrorist activity; and
  - (b) the recommendations of the Financial Action Task Force ("FATF"), particularly as they pertain to casinos and gaming establishments, are fully respected.
149. The Commission will cooperate with and, when appropriate, provide information concerning actual or potential money-laundering activities of which it becomes aware, to the Kahnawake Peacekeepers and such other domestic or international agency or agencies that are appropriate.
150. An EGD Operator must not allow a person under the full age of eighteen (18) years to participate in operation, maintenance or repair of EGDs.
151. An EGD Operator must not allow a person under the full age of eighteen (18) years to play an EGD.
152. An EGD Operator, or any person employed by an EGD Operator, must not pay a reimbursement coupon without having first verified that the person claiming the payment of the reimbursement coupon is of the full age of eighteen (18) years.
153. The Commission may levy a fine in the amount of not less than One Thousand (CDN\$1,000.00) Canadian Dollars against an EGD Operator for the first occasion on which there is a breach of the foregoing sections 150 or 151. For each subsequent breach, the Commission may levy a fine of not less than Five Thousand (CDN\$5,000.00) Canadian Dollars.
154. A prize won by a player under the full age of eighteen (18) years by playing an EGD contrary to the foregoing subsection is forfeited to the Commission. The Commission will disburse any such forfeited prizes to charitable community organizations within the Territory.
155. An EGD Operator must not allow any person to obtain a player card or to

play an EGD unless and until:

- (a) the person has provided a form of official identification that includes of his or her photograph, showing the person's:
    - (i) name;
    - (ii) address, and
    - (iii) date of birth;
  - (b) the EGD Operator has recorded the person's name, address, date of birth and a recent photograph in the central control system. The central control system must also show the date on which each record is made.
156. An EGD Operator must develop and implement a policy to train its employees to identify a player that is impaired by alcohol or drugs and preventing such player from playing an EGD.
157. Any person (the "Requestor") may request that he or she be excluded from gaming activities held in all EGDs licensed and regulated by the Commission (a "Comprehensive Self-Exclusion Request").
158. A Comprehensive Self-Exclusion Request must be in the form attached as Schedule "H" to these Regulations.
159. EGD Facilities must, at all times:
- (a) prominently display an approved sign, in both English and French, indicating the availability of Comprehensive Self-Exclusion forms; and
  - (b) have copies of the Comprehensive Self-Exclusion Request form available and provide a copy to any person who requests one.
160. A Requestor may submit a Comprehensive Self-Exclusion Request to the management of an EGD Facility or directly to the Commission.
161. A Requestor will be excluded from gaming activities held in all EGDs licensed and regulated by the Commission from date and time indicated in a Player Self-Exclusion Directive (as hereinafter defined) until such time as the Commission grants a Request to Revoke the Directive. For greater certainty, a Requestor will be excluded from the gaming area of all EGDs but not from any restaurant that may be attached to an EGD Facility, so long as there is a physical separation between the gaming area and the restaurant.

162. Any person that is subject to a Player Self-Exclusion Directive issued by the Commission under the *Regulations concerning Poker Rooms* must not be permitted to participate in any gaming activity in an EGD Facility unless the person:
- (a) is provided a copy of a Comprehensive Self-Exclusion Request under these Regulations and refuses to submit a Request; and
  - (b) signs a Release and Waiver, in a form acceptable to the Commission, accepting all risks and costs associated with participating in gaming activities in an EGD Facility.
163. A person that is subject to a Player Self-Exclusion Directive is not eligible to be employed in any capacity in an EGD Facility.
164. An EGD Operator, or his or her authorized representative, may temporarily or permanently ban a person from playing in or entering an EGD Facility and must advise the Commission in writing within forty-eight (48) hours of imposing a ban, providing the banned person's name, address and a recent photograph.
165. A ban may be imposed for any grounds, at the discretion of the EGD Operator, or his or her authorized representative, other than grounds that discriminate on the basis of a person's language, race, national or ethnic origin, colour, religion, age, sexual identity, sexual orientation, marital status, family status or disability.
166. When a person has been temporarily or permanently banned by an EGD Operator, the Commission will:
- (a) review the facts and circumstances of the banishment; and
  - (b) decide whether the facts and circumstances that lead to the banishment were sufficiently serious that the banned person should be temporarily or permanently forbidden from being employed by or entering any EGD Facility within the Territory and, if the decision is affirmative, will:
    - (i) determine the appropriate period of time for a temporary banishment, which may or may not be the period of time imposed by an EGD Facility under section 164;
    - (ii) provide each EGD Operator with the banned person's name, address, recent photograph and the appropriate direction concerning the banned person.

167. Notwithstanding any provision of these Regulations, the Commission may temporarily or permanently ban a person from playing in or entering one or more EGDs within the Territory if the Commission reasonably believes such a ban is necessary to protect the safety and security of the person or of an EGD Facility or EGDs.
168. Subject to any other provision of these Regulations, a Player Self-Exclusion Directive will remain in force from the date and time indicated in the Directive until such date and time as a Directive to Revoke has been granted in relation to the same Player Self-Exclusion Directive.
169. For the first occasion on which a player makes a Comprehensive Self-Exclusion request, the term of the exclusion will be the greater of:
  - (a) six (6) months, or
  - (b) a specific term requested by the player, provided the requested term is greater than six (6) months.
170. For the second and every subsequent occasion on which a player makes a Comprehensive Self-Exclusion Request, the term of the exclusion will be greater of:
  - (a) two (2) years, or
  - (b) a specific term requested by the player, provided the requested term is greater than two (2) years.
171. For greater certainty, a player may at any time submit a Comprehensive Self-Exclusion Request requesting that he or she be permanently excluded from gaming activities held in all EGDs licensed and regulated by the Commission in which case, the corresponding Player Self-Exclusion Directive granted by the Commission cannot be revoked.
172. Subject to the foregoing provisions, there is no limit on the number of Comprehensive Self-Exclusion Requests a player may submit.
173. The Commission and all EGDs will establish and maintain a Self-Excluded Player Registry in accordance with the provisions of these Regulations.
174. The management of an EGD Facility or the Commission when receiving a Comprehensive Self-Exclusion Request will ensure that the form:
  - (a) is voluntarily provided by the Requestor;

- (b) is read and understood by the Requestor;
  - (c) is fully and accurately completed and executed;
  - (d) is properly executed by the Requestor and the management of the EGD Facility;
  - (e) attaches a clear and recent photograph of the Requestor;
  - (f) attaches a photocopy at least two pieces of government issued identification provided by the Requestor; and
  - (g) is entered into the Self-Excluded Player Registry.
175. In the event a Comprehensive Self-Exclusion Request is submitted to the management of an EGD Facility:
- (a) upon completion of the Comprehensive Self-Exclusion Request, the Requestor must be immediately excluded from gaming activities held at that EGD Facility;
  - (b) the management of EGD Facility will make a photocopy of the completed Comprehensive Self-Exclusion Request and enter it into the Self-Excluded Player Registry;
  - (c) the original completed Comprehensive Self-Exclusion Request must be provided to the Commission within twenty-four (24) hours of the time it is received.
176. Upon receipt of a completed Comprehensive Self-Exclusion Request, whether received from an EGD Facility or directly from a Requestor, the Commission will provide a copy of the Comprehensive Self-Exclusion Request, including a picture of the Requestor, to all EGD Operators, with a directive (the "Player Self-Exclusion Directive") that:
- (a) the Comprehensive Self-Exclusion Request be entered into the Self-Excluded Player Registry maintained by the EGD Facility;
  - (b) the Requestor be excluded from gaming activities held in the EGD Facility from the time and date indicated in the Player Self-Exclusion Directive until a further direction to re-instate the Requestor is provided by the Commission.
177. A person that has been named in a Player Self-Exclusion Directive may request that the Commission revoke the Directive (a "Request to

Revoke”).

178. A Request to Revoke must be in the form attached as Schedule “I” to these Regulations.
179. The Commission will not accept or consider a Request to Revoke that is received prior to expiry of the term of exclusion specified in the Player Self-Exclusion Directive to which the application relates
180. Subject to the foregoing section 179, the Commission will grant a Request to Revoke and issue a Directive to Revoke, unless it is provided evidence to indicate that the Request should be refused.
181. In the event a Request to Revoke is refused, subject to confidentiality, unless such confidentiality has been waived, or security restrictions, the Commission will give its reasons for the refusal in writing to the person who submitted the Request to Revoke.
182. A Directive to Revoke has effect from the date and time it is granted by the Commission.
183. Upon granting a Directive to Revoke, the Commission will:
  - (a) amend its Self-Excluded Player Registry, indicating the date and time on which the Directive to Revoke was granted; and
  - (b) provide a copy of the Directive to Revoke to all EGDs and direct the EGD Facility to amend its Self-Excluded Player Registry accordingly.
184. In the event a Request to Revoke is refused, the applicant may not reapply to the Commission less than six (6) months from the date of the Commission’s decision to refuse, or such other time as the Commission may direct.
185. For greater certainty, an EGD Operator must display at all times, in a prominent place within the EGD Facility, a warning of the risks associated with gaming and information about organizations that offer assistance to compulsive gamblers.
186. Commencing one month after an Operator’s Licence is issued, an EGD Operator must, at the request of the Commission or in any event on a monthly basis, provide the Commission or an authorized representative a report generated from the central control system (the “gaming report”) showing:
  - (a) the amount of money inserted into the each EGD, either in credits or



- Canadian or US currency;
- (b) the amount won, either in credits or Canadian or US currency;
- (c) the amount paid, either in credits or Canadian or US currency;
- (d) the amount bet, either in credits or Canadian or US currency;
- (e) the average return to player, expressed as percentage of all wagered money paid back to players over the time in question from all EGDs in the EGD Facility, calculated as an average based on at least 1,000 plays;
- (f) the openings of the door which protect the logic circuit board;
- (g) the openings of the main door of the cabinet;
- (h) for each player who plays an EGD:
  - (i) the identity and age of the player;
  - (ii) the address of the player;
  - (iii) in any particular twenty-four (24) hour period, the amount the player has:
    1. inserted into any EGD in the EGD Facility;
    2. withdrawn from any EGD in the EGD Facility;
  - (iv) in any particular twenty-four (24) hour period, the amount of time the player has played on all EGDs in the EGD Facility;
- (i) a list of all staff employed or contracted by the EGD Facility, including but not limited to restaurant, kitchen, bar, valet, cleaning and security, for the preceding month, showing for each staff member:
  - (i) name;
  - (ii) date of birth;
  - (iii) position, and
  - (iv) date employment commenced.
- (j) such other gaming or gaming related information the Commission

may request.

187. Commencing one month after an Operator's Licence is issued, an EGD Operator must on a monthly basis, provide the Commission or an authorized representative a report generated from the central control system (the "financial report") showing:
  - (a) total gross gaming revenue received from all EGDs in the EGD Facility. For greater clarity, "gross gaming revenue" means the total amount wagered by players less the amount of winnings, including progressive jackpots, paid out to players; and
  - (b) such other financial information the Commission may request.
188. An EGD Operator or Key Person must, at the request of the Commission, do anything reasonably necessary to allow an authorized representative to inspect or monitor an EGD Facility and the operations of an EGD Facility.
189. The Commission may take whatever action is necessary under these Regulations to ensure the integrity of an EGD Facility and the operations of an EGD Facility.
190. The Commission is not liable for the debts or obligations that an EGD Operator incurs to any employee, agent or Supplier of goods or services.
191. An EGD Operator must pay an annual licensing fee in the amount equal to Ten Thousand (CDN\$10,000.00) Canadian Dollars.
192. Failure to pay an annual licence fee in full on the date it is due may result in the amendment, suspension or revocation of an Operator's Licence and or the imposition of a fine.
193. EGD Operator must undergo an annual criminal record check and must provide the Commission the necessary information, documentation and consent to carry out a criminal record check.
194. An EGD Operator is responsible to pay all costs incurred by the Commission related to a particular Operator's Licence (the "costs incurred by the Commission"), including the following:
  - (a) applications for an Operator's Licence, and all matters related thereto;
  - (b) investigations, inspections and monitoring of or related to an Operator's Licence;

- (c) complaints received against a particular EGD Operator, and
  - (d) any other matter related to a particular Operator's Licence in regard to which the Commission incurs costs.
195. Costs incurred by the Commission are due and payable on the date the EGD Operator receives a statement of account from the Commission detailing the costs in question (the "statement of account").
196. An EGD Operator must pay to the Commission a penalty on the amount of a statement of account outstanding (the "unpaid amount") more than thirty (30) days after the date of receipt.
197. Failure to pay a statement of account may result in the amendment, suspension or revocation of an Operator's Licence and or the imposition of a fine.
198. The Commission may establish rules concerning such matters for which it is appropriate to make rules for the purposes of the Law and these Regulations.
199. The Commission will provide copies of all rules it establishes to EGD Operators.
200. EGD Operators will post in prominent places in the EGD Facility, copies of all rules established by the Commission.
201. EGD Operators will ensure that their Key Persons have a good working knowledge of all rules established by the Commission.
202. An EGD Operator must record in writing a report, in the form provided by the Commission, of all incidents that occur within an EGD Facility or in any approved parking area ("incident reports"), including the following:
- (a) any situation for which the Kahnawake Peacekeepers or any policing agency are required to attend at the EGD Facility to keep the peace or for any other reason;
  - (b) written complaints received from a player or any other person regarding the EGD Facility or the operations of the EGD Facility;
  - (c) any occasion on which the operations of the EGD Facility deviate from the terms and conditions of the Operator's Licence;
  - (d) any default or malfunction of an EGD or any manipulation or attempt

to manipulate an EGD contrary to the normal use made of the EGD in the EGD Facility;

(e) any breach of the Law or these Regulations.

203. An EGD Operator must provide the Commission:
- (a) written notice of an incident, within twenty-four (24) hours of the occurrence of the incident;
  - (b) a written incident report providing details of the incident, within five (5) days of the occurrence of the incident or as otherwise directed by the Commission.
204. In the event the Commission requires additional information regarding an incident report, an EGD Operator, Key Person will use best efforts to provide the required information to the Commission.
205. Failure to provide the Commission an incident report as required by these Regulations may result in the amendment, suspension or revocation of an Operator's Licence and or the imposition of a fine.
206. Unless first approved by the Commission, no person may advertise an EGD Facility that it is not licensed and regulated by the Commission.
207. An EGD Operator must ensure that any advertisement or form of marketing it authorizes or that is conducted on its behalf:
- (a) is not indecent, offensive or defamatory;
  - (b) is based on fact; and
  - (c) is not false, deceptive or misleading.
208. The Commission will, in its sole discretion, determine whether an advertisement or form of marketing contravenes any of the requirements in the foregoing section 207.
209. If the Commission determines that an advertisement or form of marketing does not comply with section 207, the Commission may direct the EGD Operator or person responsible for authorizing the advertisement or form of marketing to take the appropriate steps to stop or to change the advertisement or form of marketing.
210. The direction must:

- (a) be in writing;
- (b) state the grounds for the direction; and
- (c) if it is a direction to change the advertisement or form of marketing, state how the advertisement or form of marketing is to be changed;

and the person to whom a direction is given must comply with the direction.

- 211. The Commission's logo, address, telephone number, fax number and e-mail address must be prominently displayed in an EGD Facility with a notification that complaints may be addressed directly to the Commission.
- 212. If a complaint is made to the Commission about the operation of an EGD or any other aspect of an EGD Facility's operations, the Commission will promptly:
  - (a) inquire into the complaint, or
  - (b) if the Commission considers it appropriate, refer the complaint to the EGD Operator for resolution.
- 213. The Commission must promptly notify the complainant of:
  - (a) the result of the Commission's inquiry; or
  - (b) the Commission's decision to refer the complaint to the EGD Operator.
- 214. A complaint must:
  - (a) be in writing;
  - (b) state the complainant's name, address, telephone number and, if possible, e-mail address; and
  - (c) give appropriate details of the complaint.
- 215. Any decision made by the Commission in relation to a complaint is final and binding on the EGD Operator and the complainant.
- 216. In the event an EGD Operator or Key Person, becomes aware, or reasonably suspects, that:
  - (a) a person, by a dishonest or unlawful act affecting the operation or

playing of an EGD in the Territory, has obtained a benefit for the person or another person;

- (b) there has been an unlawful act affecting the operation or playing of an EGD, or
- (c) an activity within, near or in relation to the EGD Facility that is in breach of these Regulations or of any other law applicable within the Territory,

upon becoming aware of, or suspecting, the dishonest or unlawful act, the EGD Operator, Key Person must as soon as possible, but in any event within twenty-four (24) hours, give the Commission a written notice advising the Commission of all facts known about the matter.

- 217. Upon receipt of a written notice referred to in the foregoing section 216, the Commission will contact the appropriate law enforcement agency to investigate and take such further actions as may be appropriate.
- 218. A person must not, in relation to an EGD or EGD Facility, dishonestly obtain a benefit by any act, practice or scheme or otherwise dishonestly obtain a benefit through the use of any scheme, device or item.
- 219. For the purposes of the foregoing section, a person obtains a benefit if the person obtains for themselves or another person, or induces a person to deliver, give or credit to the person or another person, any money, benefit, advantage, valuable consideration or security.
- 220. No person may, in an EGD Facility, have in his or her possession or use a plan, program or any other material for the purpose of altering the reading of an EGD's operation by the central computer or for the purposes of permitting the changing of data registered by the meters of the EGD or the changing of its functions.
- 221. Under no circumstances may an EGD Operator, Key Person or any other person employed by or associated with an EGD Facility, loan money or give credit to a person for the purpose of playing an EGD.
- 222. A person must not impersonate an EGD Operator, a Key Person, a member of the Commission, a compliance officer or anyone acting in an official capacity under the Law or these Regulations.
- 223. Members of the Commission and anyone acting in an official capacity under the Law or these Regulations must not ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any kind for himself or another person for an improper purpose.

224. A person must not give, confer or obtain, or promise or offer to give, confer or obtain, any money, property or benefit of any kind to an authorized representative for an improper purpose.
225. For the purposes of the foregoing sections, "improper purpose" includes:
- (a) for the authorized representative to forego or neglect the authorized representative's functions under the Law or these Regulations;
  - (b) for the authorized representative to use, or take advantage of, the authorized representative's office improperly to gain a benefit or advantage for, or facilitate the commission of an offence against the Law or these Regulations, or
  - (c) to influence the authorized representative in the performance of the authorized representative's functions under the Law or these Regulations.
226. An EGD Operator or Key Person may only play an EGD in an EGD Facility in which he or she is associated if:
- (a) he or she wears identification, visible to other players, indicating that he or she is an EGD Operator or Key Person, as the case may be; and
  - (b) he or she is not on duty in the EGD Facility at the time.
227. An employee of an EGD Facility, other than a Key Person, may play an EGD, provided that he or she is not on duty in the EGD Facility at the time.
228. Members of the Commission and anyone acting in an official capacity, including staff, under the Law or these Regulations must not play an EGD.
229. Members of the Commission and anyone acting in an official capacity under the Law or these Regulations must not:
- (a) accept or solicit employment from an EGD Operator;
  - (b) be an employee in any capacity of an EGD Operator or an agent; or
  - (c) knowingly have, directly or indirectly, a business or financial association with an EGD Operator.

230. In the event a member of the Commission or anyone acting in an official capacity under the Law or these Regulations knowingly has, directly or indirectly, a business or financial association or interest with another person who is an applicant for an Operator's Licence, immediately after the member of the Commission and anyone acting in an official capacity under the Law or these Regulations becomes aware that the other person is an applicant for an Operator's Licence, the member or person must give written notice of the member or person's association or interest to the Commission and the Commission will by written notice given to the member or person, direct the member or person to end the association, or give up the interest, within the time stated in the notice. Failure to comply with such direction will result in the immediate termination of the member's position on the Commission or the person's employment by the Commission.
231. The Kahnawake Peacekeepers, or any other person or agency the Commission may appoint for the purpose, may investigate a person to help the Commission decide whether the person is suitable to be an authorized representative.
232. If the Commission conducts an investigation with regard to an appointment of a person as an authorized representative or the verification of an Appointed authorized representative, the Commission may request a criminal background check to be provided by the Kahnawake Peacekeepers or such other agency as the Commission may appoint for the purpose.
233. An authorized representative has the powers given under these Regulations.
234. An authorized representative is subject to the directives of the Commission in exercising those powers.
235. An authorized representative's powers may be limited:
- (a) as a condition of the authorized representative's appointment, or
  - (b) by written notice given by the Commission to the authorized representative.
236. The Commission must issue each authorized representative an identification card which:
- (a) includes a recent photograph of the authorized representative;
  - (b) includes an expiry date;



- (c) identifies the person as an authorized representative under these Regulations.
237. A person who ceases to be an authorized representative must return the person's identification card to the Commission immediately or where not practical no later than fifteen (15) days after the date on which he or she ceased to be an authorized representative.
238. An authorized representative may exercise a power in relation to someone else only if the authorized representative either produces the authorized representative's identification card for the other person's inspection or has the identification card displayed so it is clearly visible to the other person.
239. If for any reason it is not practical to comply with the foregoing section before exercising the power, the authorized representative must produce the identification card for the other person's inspection at the first reasonable opportunity.
240. An authorized representative may, without the consent of the EGD Operator, enter an EGD Facility for any purpose under these Regulations.
241. For monitoring or enforcing compliance with the Law or these Regulations or any other law applicable within the Territory, the authorized representative may:
- (a) search any part of the EGD Facility;
  - (b) inspect, measure, test, photograph or film any part of the EGD Facility or anything located within the EGD Facility;
  - (c) take an item, or a sample of or from an item, at the EGD Facility for analysis or testing;
  - (d) take a document from the EGD Facility and, as soon as practical, provide the EGD Facility with a copy if it is determined that, in the Commission's sole discretion, the Commission requires the original;
  - (e) access, electronically or in some other way, a system used at the place for operating an EGD or for administrative purposes related to the operation of an EGD;
  - (f) take into or onto the EGD Facility any person, equipment and materials the authorized representative reasonably requires for exercising a power under this Part;

- (g) require the EGD Operator, or a person within the EGD Facility, to give the authorized representative assistance to exercise the authorized representative's powers under paragraphs (a) to (f), or
  - (h) require the EGD Operator, or a person within the EGD Facility, to give the authorized representative information to help the authorized representative ascertain whether the Law, these Regulations or any other law applicable within the Territory is being complied with.
- 242. When making a requirement mentioned in this Part, an authorized representative must warn the person it is an offence to fail to comply with the requirement.
- 243. A person required to give assistance to an authorized representative must comply with the requirement.
- 244. An authorized representative, who enters an EGD Facility without the consent of the EGD Operator and without a warrant, may seize documents or items within the EGD Facility if the authorized representative reasonably believes the documents or items are evidence of an offence against the Law, these Regulations or any law applicable within the Territory.
- 245. If the authorized representative enters an EGD Facility with the EGD Operator's consent, the authorized representative may seize any document or item within the EGD Facility if:
  - (a) the authorized representative reasonably believes the document or item is evidence of an offence against the Law, these Regulations or any law applicable within the Territory; and
  - (b) seizure of the document or item is consistent with the purpose of entry as told to the EGD Operator when asking for the EGD Operator's consent.
- 246. If the authorized representative enters an EGD Facility with a warrant, the authorized representative may seize the documents or items for which the warrant was issued.
- 247. The authorized representative may also seize any other documents or items at the place if the authorized representative believes:
  - (a) the documents or items relate to an offence against the Law, these Regulations or any law applicable within the Territory; and

- (b) the seizure is necessary to prevent the documents or items being:
  - (i) hidden, lost or destroyed; or
  - (ii) used to continue, or repeat, the offence.
- 248. The authorized representative may seize documents or items at an EGD Facility if the authorized representative believes they are being, have been, or are about to be, used in committing an offence against the Law, these Regulations or any law applicable within the Territory.
- 249. Having seized documents or items, an authorized representative may:
  - (a) move the documents or items from the EGD Facility where they were seized (the "place of seizure") to a secure location under the exclusive control of the Commission, or
  - (b) leave the documents or items at the EGD Facility but take reasonable action to restrict access to them.
- 250. If an authorized representative restricts access to documents or items subject to seizure, a person must not tamper, or attempt to tamper with the documents or items, or any means used to restrict access to the documents or items, without an authorized representative's approval.
- 251. To enable documents or items to be seized, an authorized representative may require the person in control of them:
  - (a) to take them to a stated location by a stated time; and
  - (b) if necessary, to remain in control of them at the stated location for a stated time.
- 252. The requirement:
  - (a) must be made by written notice from the Commission; or
  - (b) if for any reason it is not practical to give the notice, may be made orally and confirmed by written notice as soon as practical.
- 253. A further requirement may be made under this section about the same documents or items if it is necessary to make the further requirement.
- 254. As soon as practical after an authorized representative seizes documents or items, the authorized representative must give a receipt for them to the EGD Operator.

255. However, if for any reason it is not practical to comply with the foregoing section, the authorized representative must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.
256. The receipt must describe generally each document or item seized and its condition.
257. Documents or items that have been seized under these Regulations are forfeited to the Commission if the authorized representative who seized the documents or items:
  - (a) cannot find their owner, after making reasonable inquiries;
  - (b) cannot return them to their owner, after making reasonable efforts; or
  - (c) reasonably believes it is necessary to retain the documents or items to prevent them from being used to commit an offence against the Law, these Regulations or any law applicable within the Territory.
258. If the authorized representative decides to forfeit documents or items under these Regulations, the authorized representative must tell the owner of the decision by written notice.
259. The foregoing section does not apply if:
  - (a) the authorized representative cannot find the owner, after making reasonable inquiries; or
  - (b) it is impractical or would be unreasonable to give the notice.
260. The notice must state:
  - (a) subject to confidentiality and security restrictions, the reasons for the decision;
  - (b) that the owner may appeal against the decision to the Commission within thirty (30) days;
  - (c) how the appeal may be made; and
  - (d) that the owner may apply for a stay of the decision if the owner appeals against the decision.
261. In deciding whether inquiries or efforts are to be made or notice given about a document or item, the document or item's nature, condition and

value must be considered.

262. If documents or items have been seized but not forfeited, the authorized representative must return them to their owner:
  - (a) at the end of one (1) year; or
  - (b) if a proceeding for an offence involving the documents or items is started within six (6) months, at the end of the proceeding or any appeal from the proceeding.
263. A document or item must be returned to its owner once the authorized representative determines its evidentiary value has ceased.
264. Until documents or items that have been seized are forfeited or returned, an authorized representative must allow their owner to inspect them and, if it is a document, to copy it unless it is impractical or would be unreasonable to allow the inspection or copying.
265. This section applies if an authorized representative reasonably believes:
  - (a) an item used in the operation of EGDs is unsatisfactory for the purpose for which it is used; and
  - (b) the continued use of the item may:
    - (i) jeopardize the integrity of the operation of EGDs; or
    - (ii) adversely affect the public interest.
266. The authorized representative may direct the person who has, or reasonably appears to have, authority to exercise control over the item to stop using the item, or allowing the item to be used, in the operation of EGDs.
267. A direction given to a person under the foregoing section (a "Stop Direction") may be given orally or by written notice (a "Stop Notice").
268. However, if the direction is given orally, it must be confirmed by written notice (also a "Stop Notice") given to the person as soon as practical.
269. A Stop Direction may be given for an item at an EGD Facility, an agent or other person involved within the Territory in the operation of an EGD.
270. A Stop Direction does not apply to a use of an item carried out for repairing or testing the item.

271. A Stop Notice must state:
- (a) the grounds on which the authorized representative believes the item is unsatisfactory; and
  - (b) the circumstances, if any, under which the Stop Direction may be cancelled.
272. A person to whom a Stop Direction is given must comply with the direction.
273. An authorized representative may require (a "Document Production Requirement") a person to produce or make available for inspection by the authorized representative at a reasonable time and place nominated by the authorized representative:
- (a) a document issued to the person under the Law, these Regulations or any law applicable within the Territory;
  - (b) a document required to be kept by the person under the Law, these Regulations or any law applicable within the Territory;
  - (c) if the person is an EGD Operator, a document kept by the EGD Operator about the operation of EGDs by the EGD Operator; or
  - (d) if the person is an agent, a document kept by the agent about the operation of EGDs by the EGD Operator by whom the agent is appointed.
274. The authorized representative may retain the original of the document or, in his sole discretion, copy it and return the original to the owner of the document.
275. If the authorized representative copies the document, or an entry in the document, the authorized representative may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.
276. An authorized representative may require a person, or an executive officer of a corporation, of whom a Document Production Requirement has been made to appear before the authorized representative to answer questions or give information about the document to which the Document Production Requirement relates.
277. An authorized representative may require any of the following persons to

appear before the authorized representative to answer questions or give information about the operations of an EGD Operator:

- (a) the EGD Operator or, if the EGD Operator is a corporation, an executive officer of the EGD Operator;
- (b) an employee of the EGD Operator;
- (c) an agent for the EGD Operator or, if the agent is a corporation, an executive officer of the corporation;
- (d) an employee of an agent mentioned in paragraph (c);
- (e) another person associated with the operations or management of:
  - (i) the EGD Operator; or
  - (ii) an agent mentioned in paragraph (c).

278. A requirement made of a person under sections 276 or 277 must:

- (a) be made by written notice given to the person; and
- (b) state a reasonable time and place for the person's attendance.

279. When making the requirement, the authorized representative must warn the person that it is an offence to fail to comply with the requirement.

280. A person of whom a requirement is made under this Part must not:

- (a) fail to appear before the authorized representative at the time and place stated in the notice imposing the requirement; or
- (b) when appearing before the authorized representative:
  - (i) fail to comply with a requirement to answer a question or give information; or
  - (ii) state anything the person knows to be false or misleading.

281. An authorized representative is not civilly or criminally liable for an act done, or omission made, honestly and without negligence under these Regulations.

282. An authorized representative is not liable for the acts or omissions of an EGD Operator or for any losses or damages incurred by a person who

plays an EGD or who otherwise incurs losses or damages within, near or associated with an EGD Facility.

283. A person must not state anything to an authorized representative the person knows to be false or misleading.
284. A person must not give an authorized representative a document containing information the person knows to be false, misleading or incomplete.
285. A person must not make an entry in a document required or permitted to be made or kept under these Regulations knowing the entry to be false, misleading or incomplete.
286. A person must not obstruct an authorized representative in the exercise of a power or someone helping an authorized representative in the exercise of a power.
287. Except as otherwise provided in these Regulations or as the Commission otherwise directs, a decision of the Commission made, or appearing to be made, under the Law or these Regulations about an Operator's Licence, a person with an interest or potential interest in an Operator's Licence or the operations of an EGD Facility is final and conclusive.
288. A person who attempts to commit an offence against the Law or these Regulations commits an offence.
289. Unless another fine is specifically provided, if the Commission, in its sole discretion determines an EGD Operator or Key Person has breached any provision of these Regulations, the Commission may impose a fine for each instance of such breach of not less than One Thousand (CDN\$1,000.00) Canadian Dollars and not more than One Hundred Thousand (CDN\$100,000.00) Canadian Dollars.
290. Unless the Commission otherwise directs, all fines imposed by the Commission in accordance with the foregoing section 289 must be paid to the Commission, in full, not more than thirty (30) days after the date on which the fine is imposed, failing which the Commission may impose such additional sanctions, including additional fines, as it sees fit.
291. Service of any notice provided for in these Regulations may be affected by personal service, registered mail, facsimile transmission or e-mail to the EGD Operator or their agent. Except as otherwise provided in these Regulations, other than for personal service, service is effective from the moment the notice is sent. Personal service is effective from the moment the notice is received by the EGD Operator.



292. Except where otherwise specifically set out herein, all information provided to or obtained by the Commission or its agents under these Regulations will be treated as confidential information and will not be used by the Commission, authorized representatives or its agents for any purpose other than the purpose for which the information was provided or obtained.
293. A person who is, or was, an authorized representative, employee or Member of the Commission, must not disclose confidential information gained by the person in performing functions under these Regulations. This obligation continues to have effect after the authorized representative, employee or Member of the Commission ceases to be employed or to hold office.
294. The foregoing section 293 does not apply to the disclosure of information by a person:
- (a) for a purpose under the Law, these Regulations or any other law applicable within the Territory;
  - (b) with a lawful excuse; or
  - (c) under an approval of the Commission.
295. Before giving an approval for disclosure of confidential information, the Commission must:
- (a) give written notice of the proposed approval to any person whom the Commission considers likely to be affected adversely by the disclosure; and
  - (b) give the person the opportunity of making a submission about the proposed approval within the time stated in the notice, not to be less than fourteen (14) days.
296. EGD Operators are responsible for ensuring the confidentiality of any player information that is provided to Key Persons or other staff members.
297. The Commission may approve forms for use under these Regulations.
298. All payments required under these Regulations must be in either Canadian or US dollars and paid by cash, certified cheque, bank draft or wire transfer.

299. An EGD Operator must report in writing to the Commission any payment to a player within a twenty (24) hour period that exceeds Five Thousand (CDN\$5,000.00) Canadian Dollars.