

Resolution #2001-06 (Adopted 12/11/01) - A Board Resolution Delegating Authority to The Executive Director To Consider and Decide Applications for Placement on the List of Disassociated Persons

A Board Resolution Delegating Authority to the Executive Director to Consider and Decide Applications for Placement on the List of Disassociated Persons.

The Michigan Gaming Control Board (" Board") is authorized under section 4(17)(d) of the Michigan Gaming Control and Revenue Act, as amended, 1997 PA 69; MCL 432.201 et seq. ("Act") to promulgate rules necessary to implement, administer, and enforce the Act.

The Act, at section 4(8), provides for the appointment of an Executive Director to perform any and all duties that the Board shall assign to him or her.

The Act, at section 4a(1)(r), authorizes the Board to delegate its authority for the purpose of administering and enforcing the Act and Board Administrative Rules [see MR 432.1101 *et. seq.*] ("Rules").

The Board has adopted and promulgated Rule 214(j), MR 432.1214(j), which vests in the Executive Director the authority to, *inter alia*, "act in the name of the Board with respect to all reasonable, necessary, and appropriate actions to administer and carry out the administrative and executive functions of the board," including the authority to "grant requests and waivers, answer inquiries, issue interpretations, and otherwise take any action that is reasonably requested . . . in furtherance of, and consistent with, the efficient administration and enforcement of the provisions of the act . . ."

The Act, at section 25(1)-(3,) requires that the Board create a list of disassociated persons for casino patrons, who make application to the Board, pledging not to visit any casino under the Board's jurisdiction and requesting to be placed on the list and barred from such casinos for life as treatment for problem gambling.

The Act, at section 25(4), provides that an individual's name shall be placed on the list of disassociated person after all of the following have occurred:

- (a) The individual has submitted an application to be placed on the list of disassociated persons to the Michigan gaming control board.
- (b) The application has been verified by a representative of the board.
- (c) The individual has signed an affidavit in which he or she affirms that he or she wishes to be placed on the list of disassociated persons and authorizing the board to release the contents of his or her application to all casino licensees in the state.

(d) The individual signs a form releasing the state of Michigan, the board and the casino licensees from any injury the individual suffers as a consequence of placing his or her name on the list of disassociated persons.

(e) The individual signs a form stating that he or she understands and authorizes all of the following:

(i) That a criminal complaint for trespassing will be filed against him or her if he or she is found on the premises of a casino in this state and he or she will be immediately removed from the casino premises.

(ii) That if he or she enters a casino and wins any money, the board will confiscate the winnings. The Board routinely receives applications from individuals requesting placement on the disassociated persons list which comply in all respects with section 25 of the Act.

The Board concludes that in the interest of public health and safety, and in furtherance of administrative efficiency, it is reasonable and appropriate to delegate authority to the Executive Director to consider and decide applications by individuals for placement on the list of disassociated persons.

Limited Delegation of Authority:

By this limited delegation of authority, the Executive Director is authorized to consider and decide, for and on behalf of the Board, applications by individuals for placement on the list of disassociated persons, pursuant to the applicable provisions of the Act, and in accordance with the following conditions:

1. The Executive Director shall report to the Board all disassociated persons list applications that he or she considers and decides pursuant to this Resolution, and shall further file with the Board all related decisions and notices approving or denying such applications at the next closed session of the Board following the Executive Director's decision on the applications.
2. The Executive Director may place individuals on the list of disassociated persons only after making a determination, in writing, that the applicant and his or her application is in compliance with section 25 of the Act and that the application has been verified by a representative of the Board.
3. The Executive Director shall issue a written notice approving or denying an application for placement on the list of disassociated persons, and shall mail a copy of the notice to the applicant at the address provided by the applicant.
4. The Executive Director, through the Board's staff, shall only disseminate information contained in applications for placement on the list of disassociated persons in accordance with Section 25 of the Act and applicable rules of the Board.
5. Upon the Executive Director's written approval of an individual's request for placement on the list, the person's name shall immediately be placed on the list of disassociated persons and the person shall from that time be prohibited from

entering a casino under the jurisdiction of the board for the remainder of his or her life.

6. The Board reserves the authority to reverse, on its own motion, any decision of the Executive Director approving or denying an application for placement on the list of disassociated persons, pursuant to this Resolution.

ADOPTED AND ISSUED THIS 11TH DAY OF DECEMBER 2001.
STATE OF MICHIGAN
MICHIGAN GAMING CONTROL BOARD

Thomas G. Denomme, Chair
Attest:

Received and Filed:

Patricia S. James
Board Secretary