

**STATE OF MICHIGAN
THE MICHIGAN GAMING CONTROL BOARD**

RESOLUTION NO. 2005-01

A Board Resolution To Waive Rule 432.1337(10) So That A Temporary Occupational Licensee's Application Would Not Have To Be Immediately Forwarded To The Board For Action When A Temporary Occupational License Expires, Is Suspended, Or Is Revoked.

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 Board Administrative Rules, MR 432.1101 et seq at rule 223 provides that the Board may, in writing, waive, restrict, or alter any requirement or procedure set forth in these rules, if the Board determines that the requirement or procedure is impractical or burdensome, that the waiver, restriction, or alteration is in the best interest of the public and the gaming industry, and that the waiver, restriction, or alteration is not outside the technical requirements necessary to service the purpose of the requirement or procedure.

Board Administrative Rule 432.1337(10) provides that if an applicant's temporary license expires, is suspended, or is revoked, then the executive director shall immediately forward the temporary licensee's application to the Board for action together with a written report to the Board recommending granting or denying the application. The executive director's report shall state the reasons for his or her recommendation for Board action on the application.

MCL 432.208(10) and Board Administrative Rule 432.1301(6)(c) provide that an applicant and licensee has a continuing duty to provide information requested by the Board and to cooperate in any investigation, inquiry, or hearing conducted by the Board. MCL 432.208(11) provides that failure to provide the information requested by the Board, to assist in any investigation, inquiry, or hearing of the Board, or to comply with this Act or rules of the Board may result in denial, suspension, or upon reasonable notice, revocation of a license.

Under the current procedure, if an applicant fails to comply with MCL 432.208(10) and Board Administrative Rule 432.1301(6)(c), the temporary occupational license is revoked and the Board is immediately forwarded the temporary licensee's application, along with a written report to the Board recommending granting or denying of the application.

The Board concludes that when an applicant's temporary license has been suspended or revoked because of a violation of MCL 432.208(10) and Board Administrative Rule 432.1301(6)(c), it is impractical for the executive director to immediately forward the temporary licensee's application to the Board for action without first having complete information to determine an applicant's eligibility and suitability for licensure. It is thus in the best interest of the public and the gaming industry if the executive director makes a recommendation to the Board about a temporary licensee's application once he or she has complete information.

IT IS HEREBY RESOLVED, as follows:

1. That upon the suspension or revocation of an applicant's temporary license for violation of MCL 432.208(10) and Board Administrative Rule 432.1301(6)(c), the executive director is not required to immediately forward the temporary licensee's application to the Board for action until such time that the background investigation is concluded and a determination of an applicant's eligibility and suitability can be made with a recommendation for granting or denying the application.

2. The executive director's report when submitted to the Board shall state the reason(s) for his or her recommendation for Board action on the application.

RESOLUTION NUMBER 2005-01

ADOPTED, THIS 8TH DAY OF FEBRUARY 2005.

STATE OF MICHIGAN
MICHIGAN GAMING CONTROL BOARD

Damian S. Kassab, Chair

Attest

Received and Filed:

Patricia S. James
Board Secretary