

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

**RESOLUTION NO. 2005-02**

**A Board Resolution Delegating Authority to the Executive Director to Determine if the Public Health, Safety, or Welfare Requires Emergency Action Against Occupational Licensees or Supplier Licensees and to Issue Summary Suspensions**

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The Michigan Gaming Control and Revenue Act, as amended, 1997 PA 69; MCL 432.201 *et seq.*, (Act) at section 4(8), provides for the appointment of an Executive Director to perform any and all duties that the Board assigns to him or her.

The Act, at section 4a(1)(r), authorizes the Michigan Gaming Control Board (Board) to delegate its authority for the purpose of administering and enforcing the Act and Board Administrative Rules, 1999 AC, R 432.1101 *et seq.* (Rules).

The Board has adopted and promulgated Rule 223, R 432.1223, which authorizes the Board to waive, restrict, or alter, in writing, any requirement or procedure set forth in its rules.

The Board has adopted and promulgated Rule 1109(2), R 432.11109(2), which allows the Board to make a determination that an emergency exists and then suspend a casino owner's license, supplier's license, or occupational license by one of the following procedures: 1) by an authorized individual or panel of individuals without notice or an evidentiary proceeding; or 2) after a hearing conducted by a hearing officer.

The Administrative Procedures Act at section 92, MCL 24.292, provides that if an agency finds that the public health, safety, or welfare requires emergency action and incorporates this finding in its order, the agency may order summary suspension of a license effective on the date specified in the order or on service of a certified copy of the order on the licensee, whichever is later, and the summary suspension will be effective during the proceedings for suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of the license. The proceedings shall be promptly commenced.

The Board concludes that in the interest of administrative efficiency, it is appropriate to delegate authority to the Executive Director so that emergency action to suspend a license issued to an occupational licensee or supplier licensee can be taken, without notice or evidentiary hearing, if the Executive Director finds that the public health, safety, or welfare requires emergency action to ensure the safety or health of patrons or employees, immediate preservation of the integrity of casino gaming, public peace, health, safety, morals, good order, or general welfare.

**IT IS RESOLVED**, as follows:

1. The Executive Director of the Michigan Gaming Control Board is hereby delegated the authority to suspend a license issued to an occupational licensee or supplier licensee when the Executive Director has determined that the public health, safety or welfare requires emergency action to ensure the safety or health of patrons or employees, immediate preservation of the integrity of casino gaming, public peace, health, safety, morals, good order, or general welfare.
2. The Executive Director, upon making the determination that an emergency exists, and incorporating those findings in an order, may authorize the summary suspension of a license issued to an occupational licensee or supplier licensee without notice or an evidentiary hearing.
3. The Executive Director shall provide the Order of Summary Suspension to the Board.
4. The Executive Director shall schedule a hearing to commence within 14 days of the suspension and the Proposal for Decision (PFD) shall be submitted to the Board within 14 days from the close of the hearing.
5. The Board reserves the authority to reverse the decision of the Executive Director on its own motion or upon the motion by the suspended licensee.
6. This Resolution merely adds supplier licenses to the Executive Director's powers to summarily suspend occupational licenses already provided by Resolution No. 2003-01 (Adopted 3/18/03).
7. Upon adoption of this Resolution, Resolution No. 2003-01 (Adopted 3/18/03) is no longer necessary and should be rescinded.

**IT IS HEREBY RESOLVED AND ORDERED** that Resolution No. 2003-01 (Adopted 3/18/03) is rescinded and vacated, has no further force or effect, and is replaced by this Resolution adopted on the date executed below.

**ADOPTED AND ISSUED THIS 13th DAY OF JULY 2005**

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Damian S. Kassab, Chair

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Attest

Received and filed:

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Patricia S. James  
Board Secretary