

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

RESOLUTION NO. 2005-04

A Board Resolution to waive the requirements of Rule 432.1229 as they relate to employees of the Department of Attorney General and the Michigan State Police.

WHEREAS, the Michigan Gaming Control Board ("Board") is empowered by the Michigan Gaming Control and Revenue Act, as amended, Public Act 69 of 1997, MCL 432.201 *et seq.* ("Act") to promulgate rules as may be necessary to implement, administer, and enforce the Act; and,

WHEREAS, the Board has adopted and promulgated administrative rules ("Rules") with respect to the licensing of persons providing goods and services to casinos licensed under the Act and Rules; and,

WHEREAS, Rule 432.1229 imposes certain requirements upon Board members and employees as well as certain employees of the Department of Attorney General and the Michigan State Police, specifically upon those assigned to the Attorney General's Casino Control Division and the State Police Gaming Section; and,

WHEREAS, the Gaming Control and Revenue Act imposes similar requirements upon Board members and employees, but does not impose those requirements upon employees of the Michigan State Police or employees of the Michigan Department of Attorney General; and,

WHEREAS, one of the entities identified in Rule 432.1229 -- the Attorney General's Casino Control Division -- no longer exists as a result of a departmental reorganization in 2002 that placed its duties into a much larger division with diverse responsibilities (the Alcohol and Gambling Enforcement Division) whose duties, in addition to representing the Board, include criminal prosecution of gambling law violations, criminal prosecution of tax violations, representation of the Liquor Control Commission, representation of the Racing Commissioner, and representation of the Bureau of State Lottery, thus making the application of the rule obsolete, ineffective and confusing in relation to the Department of Attorney General; and,

WHEREAS, the requirements of Rule 432.1229 have been shown to create operational and personnel difficulties for the Departments of the Attorney General and the State Police for whom their responsibilities in relation to the Board are only a small part of their overall responsibilities, as illustrated by the Department of Attorney General where personnel are assigned to various divisions, often not at their own request, thus resulting in requirements possibly being imposed on employees who may only briefly and involuntarily be assigned to perform work in relation to the activities of the Board; and,

WHEREAS, Rule 432.1223 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 serve the purpose of the requirement or procedure”; **NOW THEREFORE**,

IT IS RESOLVED THAT:

1. The requirements of Rule 423.1229 are impractical and unduly burdensome as they apply to the employees of the Department of Attorney General and the Michigan State Police, that it is in the best interests of the public and the gaming industry, and that the waiver is not outside the technical requirements necessary to serve the purpose of the requirement.
2. The requirements of Rule 423.1229 are waived as they apply to employees of the Department of Attorney General and the Michigan State Police.

ADOPTED AND ISSUED THIS 13TH DAY OF DECEMBER 2005.

STATE OF MICHIGAN
MICHIGAN GAMING CONTROL BOARD

Damian S. Kassab, Chairperson

Attest:

Received and Filed:

Patricia S. James
Board Secretary

