

CHAPTER 7 - PATRON DISPUTES

SECTION 7.1 APPLICATION

This Chapter governs all patron disputes concerning the play or operation of any gaming activity at any gaming facility, including the refusal to pay a patron any alleged prize or winning from any gaming activity.

SECTION 7.2 DEADLINE FOR REPORTING PATRON DISPUTES

All patron disputes must be made to personnel of the gaming facility within three (3) days of the play or operation at issue. Failure to timely report a dispute in accordance with the requirements of this regulation shall result in the forfeiture of the patron's opportunity to pursue a dispute. Upon receipt, gaming facility personnel shall attempt to resolve the dispute to the patron's satisfaction.

SECTION 7.3 APPEAL TO TRIBAL GAMING COMMISSION

(a) Submission of Patron Disputes Form. Where a dispute is timely reported and gaming facility personnel are unable to resolve the dispute to the patron's satisfaction, the gaming facility shall provide the patron with a form on which he or she may appeal the dispute to the Gaming Commission. To be considered, a complete patron disputes form must be submitted to the Gaming Commission within fifteen (15) days of receipt.

(1) If a patron is not provided with a patron disputes form, the patron shall have ninety (90) days from the date of the play or operation at issue in which to file the dispute directly with the Tribal Court.

(2) Where the amount in dispute is reasonably likely to exceed five hundred dollars (\$500.00), the form must inform the patron that if dissatisfied with the Gaming Commission's decision, he or she may appeal the Gaming Commission's decision to the Tribal Court.

(b) Investigation. Upon receipt of a complete patron disputes form, the Gaming Commission shall provide the patron with a copy of these patron disputes regulations. The Gaming Commission shall then investigate the dispute and determine whether the dispute is valid and/or compensable.

(c) Decision. Upon completion of its investigation, but in no case more than sixty (60) days of receiving the patron's complete patron disputes form, the Gaming Commission shall issue a decision in accordance with industry practice. The decision shall be in writing, shall be based on the facts surrounding the dispute, and shall set forth the reasons

supporting the decision.

(d) Final Decision. Where the amount in dispute is five hundred dollars (\$500.00) or less, the Gaming Commission's decision shall be final and not subject to further review.

SECTION 7.4 APPEAL TO TRIBAL COURT

(a) Requirements of Appeal. If the patron is dissatisfied with the decision of the Gaming Commission and the dispute involves an amount in excess of five hundred dollars (\$500.00), or if the Gaming Commission fails to issue a decision within the sixty (60)-day period regardless of the amount in dispute, the patron may appeal the dispute to the Tribal Court in accordance with the rules of the Tribal Court.

(b) Due Process. The Tribal Court shall afford the patron with a dispute resolution process that incorporates the essential elements of fairness and due process.

(c) Costs. Resolution of the dispute before the Tribal Court shall be at no cost to the patron (excluding patron's own attorney's fees and expenses).

(d) Final Decision. The decision of the Tribal Court shall be final and not subject to further review.

SECTION 7.5 MECHANICAL, ELECTRONIC OR ELECTROMECHANICAL FAILURE

Consistent with industry practice, if any alleged winnings are found to be a result of a mechanical, electronic or electromechanical failure and not due to the intentional acts or gross negligence of the Tribe or its agents, the patron's claim for the winnings shall be denied but the patron shall be awarded reimbursement of the amounts wagered by the patron that were lost as a result of any mechanical, electronic or electromechanical failure. The judgment of the Tribal Court shall be final and not subject to further review.