

§ 2521. Tinian Casino Gaming Control Commission.

(a) There is hereby established a Tinian Casino Gaming Control Commission charged with the administration of this chapter. The Commission shall be composed of members to be appointed by the Mayor with the advice and consent of the Tinian Municipal Council. The commissioners shall serve a term of six years except that upon the first five appointments, two shall serve six-year terms, two shall serve five-year terms, and one shall serve a four-year term, to be determined by drawing of lots by the members after their confirmation. A person shall not serve more than one term as commissioner.* A commissioner's term shall commence on the day of his or her confirmation by the Tinian Municipal Council. Upon the confirmation of a commissioner, a contract shall be executed in favor of the confirmed commissioner that reflects a six-year term in office.

(b) The Mayor shall within forty-five days after the effective date of this chapter submit his appointment to the Council. To assist in such appointments, the Mayor shall appoint commissioners from a list of qualified candidates. This list shall be composed by the Office of the Mayor and published in a local newspaper before the appointments are made. This list shall include nominees from all Tinian political parties which are registered with the Commonwealth Board of Elections.

(c) The Council shall within forty-five days from date of submission by the Mayor act by conducting public hearings on the appointments and to notify the Mayor in writing that:

- (1) it has confirmed the appointee; or
- (2) it has rejected the appointee.

(d) An appointed member may at any time resign his office by notice in writing to the Mayor. Upon resignation, removal or expiration of the term of appointment, the member shall cease to sit on the Commission and shall not be included in a quorum count. Removal of a commissioner before the expiration of his term shall occur only by the Mayor and on grounds of gross neglect or dereliction of duty, conflict of interest, conviction of a misdemeanor or felony, or mental or physical incapacity, except that upon conviction of any felony or upon the finding of a violation under this chapter, the Commissioner shall lose his position automatically. Removal may be made after:

- (1) The member has been served with a copy of the charges against him; and
- (2) A public hearing before the Mayor is held upon the charges if requested by the member concerned. The request for a public hearing must be made within 10 days after service upon such member of the charges. If a hearing is not requested, a member is removed effective 10 days after service of charges upon him. A record of the proceedings shall be kept.

An appeal to the Commonwealth Superior Court may be had by the Commission member from an adverse ruling by the Mayor. The Commonwealth Court shall uphold the decision if there was substantial evidence in the record to support

it. No new evidence may be presented to the Commonwealth Superior Court on appeal.

(e) Vacancy in the Commission shall be filled in the same manner as in the original appointment upon which the member shall serve one six-year term beginning on the date of his or her confirmation. This subsection shall apply to the current and future members of the Commission. Each member of the Commission shall serve for the duration of his or her term and until his or her successor is duly appointed and qualified, but no commissioner shall serve more than 60 days after his or her term expires.

(f) Eligibility for appointment as a Commission member:

(1) must be at least 25 years old;

(2) must be a domiciliary of Tinian not less than five years and a qualified voter of Tinian preceding his appointment;

(3) must submit a personal financial statement covering the last three years prior to his appointment;

(4) must not have been convicted of a violation of this chapter or a felony;
and

(5) must be of good moral character.

(g) Commission members shall elect from among themselves a chairman and a vice-chairman to serve a term of two years. The Chairman and the vice-chairman may be reelected. Members shall, no later than 60 days after the Commission receives its first application and application fee for a casino license, devote full time, without engaging in any other employment, to the affairs of the Commission during their tenure. Each member may receive compensation of \$55,000 annually from a budget adopted by the Commission for its operations and approved by the Tinian Legislative Delegation through appropriation; provided that if there is no appropriation due to lack of funds, the annual compensation of the commissioners shall be suspended until funding is available and approved by appropriation, and instead, the commissioners shall receive compensation of no more than \$60 for a full-day meeting and no more than \$30 for a half day or less meeting. No commissioner shall be given fringe benefits. All members of the Commission shall have paid or be entitled to reimbursement for their expenses actually and necessarily incurred in the performance of their duties, including expenses of travel outside the Municipality of Tinian. The members of the Commission are not employees of the Commission or the Commonwealth government.

(h) Duties and Powers of the Commission. The Tinian Casino Gaming Control Commission shall have general responsibility for the implementation of this chapter, as hereinafter provided, including, without limitation, the responsibility:

(1) To hear and decide promptly and in a reasonable order all license, registration, certificate, and permit applications and causes affecting the granting, suspension, revocation, or renewal of the same by applicants and licensees. Nothing contained herein shall be construed to authorize the Commission to fine or penalize any individual or entity which is not an applicant or licensee;

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(2) To conduct all hearings, pertaining to civil violations of this chapter or regulations promulgated thereunder in accordance with Commonwealth law;

(3) To promulgate such regulations as in its judgment may be necessary to fulfill the policies of this chapter, such regulations to be in accordance with Commonwealth law;

(4) To collect all license and registration fees and taxes imposed by this chapter and the regulations issued pursuant hereto;

(5) To levy and collect penalties for the violation of provisions of this chapter and the regulations promulgated hereunder. Nothing contained herein shall be construed to authorize the Commission to levy and collect penalties from individuals or entities who are not applicants and licensees;

(6) To be present through its inspectors and agents during the operation of any casino for the purpose of certifying the revenue thereof, receiving complaints from the public, and conducting such investigations into the conduct of the games and the maintenance of the equipment as from time to time the Commission may deem necessary and proper; and

(7) Demand access to and inspect, examine, photocopy and audit all papers, books and records of applicants and licensees, on their premises, or elsewhere as practicable, and in the presence of the licensee or his agent, respecting the gross income produced by any gaming business, and require verification of income, including an audit of required table game and slot accounting systems, and all other matters affecting the enforcement of the policy or any of the provisions of this section;

(8) To review and rule upon any complaint by a casino licensee regarding any investigative procedures of the Division which are unnecessarily disruptive of casino operations. The need to inspect and investigate shall be presumed at all times. The disruption of licensee's operations shall be proved by clear and convincing evidence, and establish that:

(i) the procedures had no reasonable law enforcement purposes, and

(ii) the procedures were so disruptive as to inhibit unreasonably casino operations.

(i) Denials and Sanctions. The Commission shall assure, to the extent required by this chapter, that licenses, approvals, certificates, or permits shall not be issued to nor held by, nor shall there be any material involvement, directly or indirectly, with the licensed casino operation or the ownership thereof by, unqualified or disqualified person or persons whose operations are conducted in a manner not conforming with the provisions of this chapter. In enforcing the provisions of this chapter, the Commission shall have the power and authority to deny any application; limit or restrict any license, registration, certificate, permit or approval; suspend or revoke any license, registration, certificate, permit or approval; and impose a penalty on any person licensed, registered, or previously approved for any cause deemed reasonable by the Commission pursuant to rules and regulations promulgated thereby, except that no such denial, limitation, suspension or revocation shall

be issued solely by reason of the fact that an applicant, registrant, or licensee holds an interest in or is associated with any licensed casino enterprise in any other jurisdiction.

(j) Subpoenas; Oaths. The Commission shall have the power and authority to issue subpoenas and to compel the attendance of witnesses at any place within this Municipality, to administer oaths and to require testimony under oath before the Commission in the course of any investigation or hearing conducted under this chapter. The Commission may serve or cause to be served its process of notice in a manner provided for the service of process and notice in civil actions in the accordance with the rules of the court. The Commission shall have the authority, to propound written interrogatories and the Commission may appoint hearing examiners, to whom may be delegated the power and authority to administer oaths, issue subpoenas, propound written interrogatories, oral depositions, and require testimony under oath.

(k) Investigative hearings. The Commission shall have the authority to conduct investigative hearings concerning the conduct of gaming and gaming operations as well as the development and well-being of the industries controlled by this chapter.

(l) Officers of the Commission. The Commission shall appoint as officers an Executive Director, a Deputy Director, inspectors and other employees as deemed necessary for the effectual administration of this chapter. The Executive Director and Deputy Director are, ex officio, inspectors for the purposes of this chapter.

(m) Appointment of other persons. In addition to the appointments of officers in subsection (l) of this section, the Commission may appoint other persons to perform such functions and duties as the Commission from time to time determines for the effectual administration of this chapter.

(n) Persons appointed under this section shall be appointed on such terms and condition as to remuneration and otherwise and are not subject to the Commonwealth Civil Service System, except that all employees other than the Executive Director and Deputy Director may be dismissed only for cause.

(o) Meetings and Quorum.

(1) Meetings of the Commission will be held at the discretion of the chairman at such times and places as he may deem necessary and convenient, or at the call of three members of the Commission.

(2) The Commission shall in all respects hold open meetings of all of its proceedings.

(3) Any other law, rule or regulation to the contrary notwithstanding, the Commission shall take all necessary steps to ensure that all interested persons are given adequate notice of Commission meetings, and the agenda of such meetings, through the utilization of all media engaged in the dissemination of information.

(4) A simple majority of the Commission shall determine any action of the Commission including the issuance of a conditional or plenary casino license or interim casino authorization.

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(5) The provisions of 10 CMC § 25146(d) shall be applicable to this Section.
(p) Minutes and records.

(1) The Commission shall cause to be made and kept a verbatim record of all proceedings held at public meetings of the Commission, which record shall be open to public inspection. A true copy of the minutes of every meeting of the Commission and of any regulations finally adopted by the Commission shall be forthwith delivered, by and under the certification of the chairman, to the Mayor of Tinian and Aguiguan and Tinian Municipal Council.

(2) The Commission shall keep and maintain a list of all applicants for licenses and registrations under this chapter together with a record of all actions taken with respect to such applicants, which file and record shall be open to public inspection; provided, however, that the foregoing information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from such list after five years from the date of such action.

(3) The Commission shall maintain such other files and records as may be deemed desirable.

(4) Except as provided in paragraph (7) of this subsection, all information and data required by the Commission to be furnished hereunder, or which may otherwise be obtained, relative to the internal controls specified herein or to the earnings or revenue of any applicant, registrant, or licensee shall be considered to be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or, with the approval of the Attorney General, to a duly authorized law enforcement agency.

(5) All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the Commission from any source shall be considered confidential and shall be withheld in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency.

(6) Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to paragraph (4) or (5) of this subsection, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules and regulations adopted by the Commission.

(7) The following information to be reported periodically to the Commission by a casino licensee shall not be considered confidential and shall be made available for public inspection:

(i) A licensee's gross revenue from all authorized games as herein defined.

(ii) (A) the dollar amount of patron checks initially accepted by a licensee,
(B) the dollar amount of patron checks deposited to the licensee's bank account,

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(C) the dollar amount of such checks initially dishonored by the bank and returned to the licensee as “uncollected”, and

(D) the dollar amount ultimately uncollected, after all reasonable efforts.

(iii) The amount of gross revenue tax actually paid.

(iv) A list of the premises and the nature of improvements, costs thereof and the payees for all such improvements.

(v) A list of the premises and the nature of improvements and costs thereof which constitute the cumulative investments.

(vi) All quarterly and annual financial statements presenting historical data which are submitted to the Commission including all annual financial statements which have been audited by an independent certified public accountant licensed to practice in the Commonwealth.

Nothing in this subsection shall be construed to limit access by the public to all forms and documents required to be filed by the Commission.

(q) Powers not enumerated. The Commission may exercise any proper power or authority necessary to perform the duties assigned to it by law, and no specific enumeration of powers in the chapter shall be read to limit the authority of the Commission to administer this chapter.

*So in original.

Source: Tinian Local Initiative 1, § 5; amended by TLL 21-9, § 4 (§ 2521) (Mar. 30, 2020) and TLL 21-16, § 2 (§§ 2521(a), (g)) (Feb. 5, 2021); subsec. (g) amended by TLL 24-09, § 2 (Jan. 21, 2026), modified.

Commission Comment: Public Law 21-16 was enacted into law on February 5, 2021, and contained the following in addition to severability and savings clause:

Section 1. Findings. The Tinian & Aguiguan Legislative Delegation finds that there has been considerable confusion and debate regarding the commencement of the term of office of a commissioner under previous local law. The Delegation finds that the commencement of the term of office of a commissioner must be clarified to avoid further confusion and to ensure that a commissioner serves the full six years.

The Delegation further finds that the local casino revenues has greatly diminished since the closure of the Tinian Dynasty. Although there are other casino licensees, they have not been able to build an operational casino facility at this time. As a result, the Tinian Casino Gaming Control Commission revenue collections have dwindled and major cost cutting measures have been implemented to offset the loss of revenue. The Delegation finds that more cost cutting measures such as the reduction of the salaries of the commissioners and elimination of fringe benefits are necessary to keep the Tinian Casino Gaming Control Commission open during these difficult economic times.

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In codifying TLL 24-09, the Commission omitted drafting marks pursuant to 1 CMC § 3806(g).