

MICHIGAN GAMING CONTROL AND REVENUE ACT (EXCERPT)
Initiated Law 1 of 1996

432.205 Application for casino license.

Sec. 5.

(1) A person may apply to the board for a casino license to conduct a gambling operation as provided in this act. The application must be made under oath on forms provided by the board and contain information as prescribed by the board, including but not limited to all of the following:

(a) The name, business address, business telephone number, Social Security number, and, where applicable, the federal tax identification number of any applicant.

(b) The identity of every person having a greater than 5% direct or indirect pecuniary interest in the applicant with respect to which the license is sought. If the disclosed entity is a trust, the application must disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all stockholders and directors; if a partnership, the names and addresses of all partners, both general and limited; if a limited liability company, the names and addresses of all members.

(c) An identification of any business, including, if applicable, the state of incorporation or registration, in which an applicant or an applicant's spouse, parent, or child has an equity interest of more than 5%. If an applicant is a corporation, partnership, or other business entity, the applicant shall identify any other corporation, partnership, or other business entity in which it has an equity interest of 5% or more, including, if applicable, the state of incorporation or registration. An applicant may comply with this subdivision by filing a copy of the applicant's registration with the securities exchange commission if the registration contains the information required by this subdivision.

(d) Whether an applicant has been indicted for, charged with, arrested for, or convicted of, pleaded guilty or nolo contendere to, forfeited bail concerning, or had expunged any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, or reversed on appeal or otherwise, including the date, the name and location of the court, arresting agency and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration.

(e) Whether an applicant has ever applied for or has been granted any license or certificate issued by a licensing authority in this state or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.

(f) Whether an applicant has ever filed or had filed against it a civil or administrative action or proceeding in bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt including the date of filing, the name and location of the court, the case caption, the docket number, and the disposition.

(g) Whether an applicant has filed, or been served with, a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, state, or local law, including the amount, type of tax, the taxing agency, and time periods involved.

(h) A statement listing the names and titles of all public officials or officers of any unit of government, and the spouses, parents, and children of those public officials or officers who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of or hold any debt instrument issued by, or hold or have any interest in any contractual or service relationship with, an applicant. As used in this subdivision, public official or officer does not include an individual who would have to be listed solely because of his or her state or federal military service.

(i) Whether an applicant or the spouse, parent, child, or spouse of a child of an applicant has made, directly or indirectly, any political contribution, or any loans, donations, or other payments to any candidate or officeholder elected in this state or to a committee established under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, within 5 years from the date of the filing of the application, including the identity of the board member, candidate, or officeholder, the date, the amount, and the method of payment. As used in this subdivision, "candidate" means:

(i) That term as defined in section 3 of the Michigan campaign finance act, 1976 PA 388, MCL 169.203.

(ii) The holder of any state, legislative, or local elective office.

(j) The name and business telephone number of any attorney, counsel, lobbyist agent as that term is defined in section 5 of 1978 PA 472, MCL 4.415, or any other person representing an applicant in matters before the board.

(k) A description of any proposed or approved casino gaming operation and related casino enterprises, including

the economic benefit to the community, anticipated or actual number of employees, any statement from an applicant regarding compliance with federal and state affirmative action guidelines, projected or actual admissions, projected or actual gross receipts, and scientific market research.

(1) Financial information in the manner and form prescribed by the board.

(2) Information provided on the application must be used as a basis for a thorough background investigation that the board shall conduct on each applicant. A false or incomplete application is cause for denial of a license by the board.

(3) Applicants must submit with their application all required development agreements and documents, certifications, resolutions, and letters of support from the governing body that represents the municipality in which the applicant proposes to operate a casino.

(4) Applicants must consent in writing to being subject to the inspections, searches, and seizures provided for in section 4a(1)(c)(i) to (v) and to disclosure to the board and its agents of otherwise confidential records, including tax records held by any federal, state, or local agency, or credit bureau or financial institution, while applying for or holding a license under this act.

(5) A nonrefundable application fee of \$50,000.00 must be paid at the time of filing to defray the costs associated with the background investigation conducted by the board. If the costs of the investigation exceed \$50,000.00, the applicant shall pay the additional amount to the board. All information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the board in the course of its review or investigation of an application for a license under this act must only be disclosed in accordance with this act. The information, records, interviews, reports, statements, memoranda, or other data are not admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency, or person, except for any action considered necessary by the board.

History: 1996, Initiated Law 1, Eff. Dec. 5, 1996 ;-- Am. 1997, Act 69, Imd. Eff. July 17, 1997 ;-- Am. 2019, Act 158, Imd. Eff. Dec. 20, 2019

Popular Name: Proposal E