

all hours of operation for the purposes of ascertaining compliance with this Code.

Section VII. Sales of Liquor

a. *Tribal Liquor License Required.* No sale of any alcoholic beverage shall be made on the Reservation without a tribal liquor license.

b. *Sales for Cash.* All liquor sales within the Reservation boundaries shall be on a cash or cash equivalent basis, including the use of ATM cards, debit cards, Mohegan Sun Players Club Cards, checks or major credit cards.

c. *Sales for Personal Consumption.* All sales shall be for the personal use and consumption by the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Reservation is prohibited. Any person who is not licensed pursuant to this Code who purchases an alcoholic beverage within the boundaries of the Reservation and sells it, whether in the original container or not, shall be guilty of a violation of this Code and shall be subject to a fine under this Code.

Section VIII. Licensing

a. *Tribal Liquor License Requirements.* No license shall be issued under this Code except upon a sworn application filed with the Commission containing a full and complete showing of the following:

1. Satisfactory proof that the applicant is duly licensed by the State to sell alcoholic beverages.

2. Satisfactory completion of a background investigation including but not limited to a determination that the applicant is of good character and reputation and that the applicant is financially responsible.

3. The description and location of the premises in which the alcoholic beverages are to be sold and proof that the applicant is entitled to use such premises for such purposes for the duration of the time period of the license.

4. Agreement by the applicant to accept and abide by all conditions of the license.

5. Payment of a fee established by the Commission.

6. Satisfactory proof that neither the applicant, nor the applicant's spouse, nor any principal owner, officer, shareholder, or director of the applicant, has ever been convicted of a felony or a crime of moral turpitude as defined by the laws of the State.

Section IX. Processing Applications for Tribal Liquor License

The Commission will consider the merits of applications for liquor licenses based on the following factors:

- (1) whether the requirements of Section VIII have been met; and

- (2) whether granting the license is in the best interests of the Tribe.

No member of the Commission shall be a part of the decision making process if an application is submitted by a Commission member or any person in the immediate family of a Commission member.

Section X. Temporary Permits

The Commission may grant a temporary permit for the sale of liquor, in any form, for a period not to exceed 3 days to any persons applying for the same in connection with a tribal or community activity, provided that the conditions prescribed in Section XI of this Code shall be observed by the permittee. Each permit issued shall specify the types of alcoholic beverages to be sold, the time, date and location permitted. A fee, as set by the Commission, will be assessed on temporary permits.

Section XI. Conditions of the Tribal License

a. Any license issued under this Code shall be subject to such reasonable conditions, as the Commission shall fix, including, but not limited to the following:

1. The license shall be for a term not to exceed 2 years.

2. The licensee shall at all times maintain an orderly, clean, and neat establishment, both inside and outside the licensed premises.

3. The licensed premises shall be open to inspection by duly authorized tribal officials at all times during regular business hours.

4. Alcoholic beverages shall be sold, served, disposed of, delivered or given to any person, and consumed on the licensed premises in conformity with the hours and days prescribed by the laws of the State, and in accordance with the hours fixed by the Commission.

5. All acts and transactions under authority of a liquor license shall be in conformity with State and federal law, and shall be in accordance with this Code and any license issued pursuant to this Code.

6. No person under the age permitted under the laws of the State (21 years) shall be sold, served, delivered, given, or allowed to consume alcoholic beverages.

7. There shall be no discrimination in the operations under the license by reason of race, color, or creed.

Section XII. License Not a Property Right

Notwithstanding any other provision of this Code, a liquor license is a mere permit for a fixed duration of time. A liquor license shall not be deemed a property right or vested right of any kind, nor shall the granting of a liquor license give rise to a presumption of legal entitlement to the granting of such license for a subsequent time period.

Section XIII. Assignment or Transfer

No license issued under this Code shall be assigned or transferred without the written approval of the Commission expressed in a formal resolution.

Section XIV. Rules, Regulations, and Enforcement

a. *Sale or possession with intent to sell without a permit.* Any person who shall sell or offer for sale or distribute or transport in any manner, any liquor in violation of this Code, or who shall operate or shall have liquor in his possession with intent to sell or distribute without a license or permit shall be guilty of a violation of this Code.

b. *Purchases from other than licensed or allowed facilities.* Any person who, within the boundaries of the Reservation, buys liquor from any person other than a licensed facility shall be guilty of a violation of this Liquor Code.

c. *Consumption or possession of Liquor by persons under 21 years of age.* No person under the age of 21 years shall consume, acquire or have in his or her possession any liquor. No person shall permit any other person under the age of 21 years to consume liquor on his premises or any premises under his control except in those situations set out in this Section. Any person violating this Section shall be guilty of a separate violation of this Code for each and every alcoholic beverage.

d. *Sales of Liquor to persons under 21 years of age.* Any person who shall sell or provide liquor to any person under the age of 21 years shall be guilty of a violation of this Code for every sale or drink provided.

e. *Transfer of identification to a minor.* Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of an offense; provided, that corroborative testimony of a witness other than the minor shall be a