



ALCOHOLIC BEVERAGES CONTROL BOARD

P.O. Box 1410, Kahnawake Mohawk Territory, J0L 1B0

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KAHNAWÁ:KE REGULATION FOR THE REVIEW PROCESS FOR BOARD DECISIONS

Enacted on December 12, 2011

Whereas the Alcoholic Control Beverages Control Board has the power and jurisdiction to enact Regulations for the Issuance and Application Process for ABC Permits in the Mohawk Territory of Kahnawá:ke.

1. JURISDICTION

- 1.1 The Kanien'kehá:ka of Kahnawá:ke are a community within the Kanien'kehá:ka Nation and the Rotinohsonnión:we. The Kanien'kehá:ka of Kahnawá:ke Indigenous Peoples who possess a fundamental and inherent right of self-determination.
- 1.2 The Kanien'kehá:ka of Kahnawá:ke have consistently and historically exercised ultimate and exclusive jurisdiction over the Mohawk Territory of Kahnawá:ke and have asserted their rights and laws with foreign governments.
- 1.3 The Kanien'kehá:ka of Kahnawá:ke have existing and inherent rights, including the right to self-determination which includes the right to regulate the review process for Board decision in the Mohawk Territory of Kahnawá:ke.
- 1.4 The Kanien'kehá:ka of Kahnawá:ke, represented by the Alcoholic Beverages Control Board, have the ultimate power, right and jurisdiction to regulate review process for Board decisions in the Mohawk Territory of Kahnawá:ke.

2. PURPOSE

- 2.1 This Regulation is an expression of the wishes of the Kanien'kehá:ka of Kahnawá:ke that a Review Process for Board decisions in the Mohawk Territory of Kahnawá:ke be regulated.
- 2.2 This Regulation is enacted pursuant to Sections 161, 172 (j), (o) and (p) of the Kahnawá:ke Alcoholic Beverages Law.

3. APPLICATION

- 3.1 This Regulation applies to the Review Process for ABC permits granted, denied, revoked or suspended within the Mohawk Territory of Kahnawá:ke and any matters related thereto.

4. DEFINITIONS

- 4.1 All terms referenced in the present regulation that have already been previously defined in the Kahnawá:ke Alcoholic Beverages Control Law shall retain the same meaning.

5. THE REVIEW PROCESS OF A BOARD DECISION

An applicant or Permit Holder may request that the Board review or revoke any decision it has rendered. The Board, in accordance with section 78 of the Law, may review or revoke any decision it has rendered:

- (a) when new information is discovered which, if it had been known in time, might have led to a different decisions;
- (b) where a party was unable, for a good reason, to be heard at the time the decision was made;
- (c) where a defect in the Board's procedure could make the decision invalid.

- 4.1 The Board shall acknowledge the written request for either a review or a revocation of a decision that it has rendered and request any additional documents or information that it will require to fairly review the decision it has been made.
- 4.2 The Applicant shall have the ability to take part in a Meeting with the Board.
- 4.3 The Board shall review any new written or oral evidence that may have been provided.
- 4.4 The Board shall take no longer than thirty (30) days to review its decision and inform the applicant or Permit Holder of the result of its review.
- 4.5 In accordance with section 80 of the Law, any disputes arising out of a decision of the Board must be submitted for resolution pursuant to the Kahnawá:ke Communal Arbitration Procedure, if still not satisfied.

7. AMENDMENTS TO THE REGULATION

- 7.1 The Board may amend this Regulation by Resolution.

8. COMING INTO FORCE

- 8.1 This Regulation comes into force on the day fixed by Resolution of the Board.
- 8.2 This Regulation will be reviewed annually, and will address any concerns that the Community provides to Board.

9. HISTORY

- 9.1 Adopted by Alcoholic Beverages Control Board Resolution on December 12, 2011.