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Rapid City NOI Consultation  
February 1, 2011

Job No. NJ321344

Transcribed by:  
LAUREN SCHECHTER, CSR

1 TRACY STEVENS: We'll get started  
2 in just a few moments. I appreciate everybody  
3 waiting. I think we have a few people still  
4 coming in through registration. And just so you  
5 know, we'll get started in the next couple of  
6 minutes. I appreciate your patience. Thank you.

7 Before we begin, I've asked  
8 Chairman Bob Cournoyer to to open up our meeting  
9 with an invocation and some words to get started.

10 ROBERT COURNOYER: (Inaudible).  
11 Good morning, everyone. Always a pleasure and  
12 honor to be able to speak in front of a group like  
13 this, especially coming here today, the  
14 consultation process. With that, I'll lead a  
15 short prayer. (Inaudible) spirit, we ask that you  
16 watch over us today with guidance. Give us the  
17 wisdom to make decisions that are good for all of  
18 us that are assembled here today. We ask that you  
19 give a special blessing to those who are sick,  
20 people who are in the hospital, those less  
21 fortunate than us, those that might be homeless,  
22 those that might go hungry today. We ask that you  
23 watch over them, and we ask that you watch over us  
24 in this area. And because of the bitter cold,  
25 it's a tough winter, we ask that you watch over

1 those when they journey home from this  
2 consultation meeting; that you give them safe  
3 passage. Thank you.

4 It's been a long process and it's  
5 been a long road. I think that the gaming  
6 regulatory act came into being in 1988. A lot of  
7 us have been in that business. I know we at  
8 Yankton have been there for 20 years now. We've  
9 been through the ups and downs, and up gaming.  
10 Doing real well. It's sort of being marginal, but  
11 look at all of the regulations that had to deal  
12 with in the consultation process that it takes to  
13 go over these regulations and the government  
14 regulates the gaming establishment. Sometimes we  
15 don't always agree on what the discussions or  
16 whatever regulations that have come into being,  
17 but so be it. And we live with that. But we  
18 still voice our objections. That's one thing the  
19 consultation process is about, to have that  
20 ability and come face-to-face with the members of  
21 the National Indian Gaming Commission.

22 (Inaudible) for being here today. I was duly  
23 appointed in this last year or so. (Inaudible)  
24 she's doing a good job and she's been out to visit  
25 a lot of the casinos, especially in South Dakota

1 and stopped in a lot of the casinos, just to check  
2 on us and see how we were doing. And to create  
3 that open dialogue which we need which helps to  
4 create regulation. I think Mr. Van Norman has  
5 always been there. And he's been on the side of  
6 the tribes and battling for the right thing to do  
7 in gaming; standing up for us in Congress when  
8 there's an issue that faced us in Congress. It's  
9 really been a long road.

10 We have more things to face in the  
11 future. And everything that has been thrown at  
12 us, we've overcome those. We just need to  
13 continue to be vigilant and look at all the  
14 regulations that are addressed for us. And we out  
15 here (inaudible) gaming and have operations, and  
16 know how it works, and knows what's best for us.  
17 And although we have to be in compliance with the  
18 regulations, I really do hope that we have a good  
19 meeting today and that we discuss the issues. And  
20 whatever we disagree on, let's do it in a good  
21 fashion because I know in the past that some of  
22 the meetings there's been some -- not really good  
23 discussions. But we're glad that Phil is no  
24 longer here to enforce regulations upon us. We're  
25 looking at a new era with new people coming in and

1 working together. I think that's how we create a  
2 good working relationship, being cordial to each  
3 other. Letting each of the entities know that  
4 this is what's coming down the pipeline. And  
5 let's work on making the best outcomes for all of  
6 us because, you know, with the gaming industry  
7 there's always a new regulation. We have to be in  
8 compliance in all those types of things. And I  
9 think that Indian Gaming has done that. We've met  
10 all the challenges. We've met all the rules and  
11 regulations out there that are put upon us to have  
12 a good gaming establishment, making sure that we  
13 provide that entertainment for the public. And I  
14 commend each and everyone here who let us  
15 (inaudible) the meeting today and let us remember  
16 those that have broken ground for us previously,  
17 and those that are no longer with us that have  
18 been a big part of gaming. Look around the room,  
19 and I see (inaudible) and her husband (inaudible)  
20 in gaming and he's no longer with us. Those kind  
21 of people will be duly missed; their input and  
22 their impact on Indian gaming. I know that we're  
23 in a recession and some (inaudible) in our  
24 revenue, our grand revenue generation. But that's  
25 all part of what we have to go through. And who

1 would think that 20 some years later we'd have  
2 some very, very successful gaming establishments  
3 out there. Here in the midwest (inaudible)  
4 Montana, Nebraska, we don't have -- some of our  
5 areas we don't have that huge population to  
6 (inaudible). But we still have become successful,  
7 and we're doing things. The revenue that's  
8 generated off of gaming has been very instrumental  
9 in really helping various Indian nations in doing  
10 things for their people so we can (inaudible) to  
11 become successful in that area. Who would have  
12 ever thought that gaming would be be what it is  
13 today, and the success that we've faced? And some  
14 of the downturns. But we're still here and we're  
15 still battling and we're looking to go forward  
16 with that. I want to thank all of you for coming  
17 today. We've known some that have had to face  
18 terrible weather conditions through the year but  
19 we're here. We're here to roll up our sleeves and  
20 go to work. So thank you all for coming. Thank  
21 you for listening to me this morning.

22 TRACY STEVENS: Thank you, Chairman  
23 Cournoyer. My name is Tracy Stevens and I'm the  
24 Chairman of the National Indian Gaming Commission.  
25 I'm also (inaudible) first and foremost

1 (inaudible) Washington State. I come from  
2 (inaudible) people of the salmon and of the water.  
3 I thank you all for coming out today. I know the  
4 weather was a little different a week ago here.  
5 We were hoping for, you know, fair weather for all  
6 of those who have to travel. Though we recognize  
7 that this is a tough region. It takes quite a lot  
8 of time to make it to (inaudible) here. We hope  
9 that you all were able to travel here safely and  
10 we appreciate all of your time and effort to get  
11 here. And also when we do leave here today that  
12 you all travel home safely.

13 I have with me to my right vice  
14 chair Steffani Cochran, to the left associate  
15 commissioner Dan Little. I also want to recognize  
16 that we have some staff here. Jim Mckey, Deloyle  
17 Fall (phonetic), John River for the region -- for  
18 the midwest region. Many of you are familiar with  
19 them. I'm sure you (inaudible) on a regular  
20 basis. They are here and they are supporting our  
21 efforts to make sure that this consultation goes  
22 well.

23 And I want to say to Chairman  
24 Cournoyer, thanks for your good words (inaudible).  
25 We all have so much to learn from him and we take

1 his spirit with us today as we discuss the effort  
2 with the National Indian Gaming Commission. And  
3 also I want to say that this is a new area in  
4 NGIC, this is a new type of consultation for the  
5 NIGC. I'm (inaudible) for and some perhaps have  
6 been able to hear this in other venues when we  
7 have been at different conferences over the past  
8 six months. We've all staggered on time coming  
9 into the NIGC. I came in this last year, I figure  
10 about six or seven months. Dan came in April of  
11 last year, and Steffani who is our person who has  
12 been here the longest came in last January. But  
13 we all came together once the commission was fully  
14 staffed. And as I said there may be many of you  
15 have this before. But we've sat down and there  
16 are people who have come from the tribal side. And  
17 we've sat on the other side of the table through  
18 many, many years with the NIGC. (Inaudible) have  
19 trouble (inaudible) to work. I myself work for  
20 tribal operations. I worked in the tribal  
21 council, government affairs. So we came to the  
22 table with some understanding of how these  
23 regulations affect tribal (inaudible). And talked  
24 at length about how we are going to start a new  
25 day for (inaudible) that you see. And there were

1 major initiatives, that when we put all our  
2 concerns on the table, and sorted them out, we  
3 kept coming up with four areas that we needed to  
4 focus on.

5 One, consultation and relationship.  
6 Two (inaudible) and training. Three, regulatory  
7 review which is a major part of our discussion  
8 today. And then four, agency operation review.  
9 But look at ourselves (inaudible) so that we're  
10 running optimally, and we're providing the  
11 services that the tribes need. We're just as  
12 concerned about how we operate our agency as you  
13 are about how you operate your operations and your  
14 regulatory (inaudible). So those are the four  
15 things that we've been looking forward on.

16 The beginning, this is eight  
17 consultations on the notice (inaudible) which  
18 we'll talk about more. But it's a new approach.  
19 This group forum is new to this agency, where we  
20 all sit together at a table discussing the  
21 concerns of tribes. And really giving the  
22 microphone over to tribal leaders or who you can  
23 designate to speak for your tribe and let us know  
24 what your priorities are in terms of this new  
25 regulation. This is the beginning. This is not a

1 one-shot deal. You're going to keep seeing us  
2 come out and have these types of discussions.  
3 This is an open format, which is different than  
4 than the past practices where you signed up for an  
5 individual meeting and had 15 to 45 minutes  
6 (inaudible). This is meant to have an open, frank  
7 dialogue about issues that concern your tribe,  
8 your regulatory bodies, your operations. But we  
9 found that when we all sit together, your concerns  
10 that we might not have heard before, not aware  
11 that there was an issue that another tribe was  
12 having, that another tribe had a similar issue.  
13 Or we didn't know that what might sound good to a  
14 number of tribes or even to just the agency may  
15 not work for some tribes. We get it all out there  
16 on the table. And better yet, we can solve the  
17 problem together. I'm the first to admit that I  
18 don't know everything and that I'm going to rely  
19 on tribes to work with us to let us know how --  
20 what priorities are, but how what we decide  
21 affects you so that we ensure that we continue to  
22 (inaudible).

23 In terms of, like, individual  
24 meetings, we do have (inaudible). Request. It's  
25 not a requirement. We don't expect that tribes

1 discuss their individual issues here in this  
2 forum. This is a broad policy discussion so that  
3 all tribes across the country can have a say on  
4 our endeavors here. We certainly will take time  
5 aside from outside of this meeting as we travel  
6 along to discuss specific issues to tribes, to  
7 operations or to the regulatory body. I wanted to  
8 let people know that here so you don't feel  
9 compelled and this is the only time you have to  
10 talk about our issue. We're always making  
11 ourselves available, whether it's when traveling  
12 as Chairman Cournoyer said. When time permits, we  
13 try to go out to some of the tribal facilities.  
14 But more important, your reservations. Not just  
15 your facilities. So that we can see how a  
16 reservation (inaudible) but having side meetings  
17 here. When you're in D. C., we make ourselves  
18 available. If none of that works, we try to do it  
19 by conference call. Just so you know, we always  
20 make ourselves available. But today we're going  
21 to have this group forum, and this is how we'll  
22 conduct our consultations in the future.

23 Because we think that's the best  
24 way we can make well informed decisions is that we  
25 hear everybody and we solve the issues together.

1 So far we're hearing great things in these about  
2 how to -- possible solutions when there's  
3 differences between tribes across the country. So  
4 as we move forward with the consultations  
5 (inaudible) how it will work with tribes. And we  
6 promise that we will listen to what you have to  
7 say. The consultation is not just a box to check  
8 off for us and then we move on to do what we want  
9 to do. It won't work like that. We're not the  
10 hands on, on the ground people in your operations.  
11 And we need to hear from you about what will work  
12 and how to solve differences.

13 Our second mission is training.  
14 Many of you have been working with our agents, our  
15 regional Directors, and different divisions to get  
16 technical assistance and training. Statutory  
17 mandate, it's in the (inaudible) but it should be  
18 more than just a requirement on that. I promise.  
19 It could be helping tribes at the primary level to  
20 protect their operations. And (inaudible) their  
21 gaming. What we provide should be helping to do  
22 that. It should be (inaudible). And we're taking  
23 a look at our program now. Something that Vice  
24 Chairwoman Steffani Cochran (inaudible) on behalf  
25 of the commission so that we can provide a better

1 program that is targeted, that you get what you  
2 need. Tribes are different. We all know that.  
3 They're different from all across the country.  
4 Culturally, traditionally. Their operations are  
5 different because they have different (inaudible),  
6 different demographics. Different. So we need to  
7 be more targeted with our technical assistance and  
8 training. Currently there's a survey out that we  
9 sent by fax, by snail mail, by E-mail. It's in  
10 the packet. It's a training survey, a technical  
11 assistance training survey. It's also on our  
12 website. You can fill it out on the website and  
13 submit it on the website. So that we can get a  
14 better understanding of what you need, so that we  
15 can tailor our catalog and our training program to  
16 your needs. So that is -- the deadline on that is  
17 tomorrow. It's been out for several weeks now.  
18 But you if you haven't had a chance --  
19 (inaudible)? Yes. It's in the packet. The  
20 deadline for the survey is tomorrow, isn't it?  
21 But go ahead and enter. If you want to fill it  
22 out here, I will take them. But that's going to  
23 inform how we structure our training and technical  
24 assistance program. This is really important and  
25 we look forward to getting feedback from you all.

1 I'm going to go out of order.  
2 Agency operations review. That's something that  
3 associate commissioner Little has taken on on  
4 behalf of the commission. That's really a look at  
5 ourselves. As I said, we should be just as  
6 concerned about how we run our agency as you are  
7 about how you run your operations. That's  
8 actually taken a lot more time than we  
9 anticipated. We have many people working on  
10 creating work systems and work flows, and  
11 assessing how we run our operations so that we are  
12 optimized. We are providing the type of service  
13 the tribes need based on the kind of feedback that  
14 we get from tribes. So that's going to be an  
15 ongoing internal sort of review of our operations.  
16 It's not quite as glamorous as review or  
17 consultation. But it's really important. How we  
18 run and how we operate -- if we're not providing  
19 what you need from us, then we're not doing our  
20 job. And all of our agencies should be tailored  
21 to doing that. That's again something that  
22 Commissioner Little intends.

23 One last thing you reminded me.  
24 We've been asked about whether or not the agency  
25 will adopt Indian preferences in hiring for our

1 staffing needs. We just authorized that  
2 (inaudible). So now we have an Indian preference  
3 in hiring (inaudible) for the agency as we move  
4 forward. That's forward looking. For all new  
5 vacancies, for openings moving forward. That's  
6 something that has not been placed before in this  
7 agency and we just changed that. So that's very  
8 similar to what BIA does, IHS, and other agencies  
9 that work directly with tribes. We're really  
10 happy about that.

11           Lastly, and what the topic of  
12 today's discussion is the regulatory review. When  
13 I was going through my nomination process, and  
14 this is the practice and the prerogative of any  
15 new administration that comes in. We can take a  
16 look back at the regulations that are in place,  
17 and check to see if they're relevant and if  
18 they're useful for the industry that we serve. If  
19 they're working for those people who have to abide  
20 by those regulations. And that's what we're doing  
21 today. We put out Lael Echo-Hawk -- sorry. I  
22 didn't recognize her as one of the staff that's  
23 here today. Lael Echo-Hawk, she's a counselor to  
24 the chair and she's heading up this regulatory  
25 review. She'll be talking about the notice of

1 inquiry that went out in November that we're  
2 talking about today. But today is not meant to be  
3 a line-by-line editing session. Today is to  
4 address the notice of inquiry that asks three  
5 basic questions. What regulations in what order,  
6 and how do we go about addressing these?

7           What we want to do is create an  
8 agenda to do regulatory changes based on your  
9 priorities. If you tell us certain regulations  
10 are more of a priority than other regulations,  
11 that's how our agenda is going to look. And Lael  
12 will talk in more depth about that. This is part  
13 of a monumental task. Rate review as many of you  
14 know, if you've gone through these processes with  
15 the federal government before, can take a long  
16 time. However, we're only here for a certain  
17 amount of time. My time is up in June 2013. I'm  
18 going to assume that the buzzer is going to go off  
19 and then I'll have to leave. And I want to do as  
20 much as I can -- we want to do as much as we can  
21 in the time that we're here. And that includes  
22 this rate review process because we know having  
23 come from the tribal side that this is important.  
24 Regulation affects tribes and how you run your  
25 operations. And so prioritizing is really

1 important as we move forward so we don't get  
2 bogged down with one issue. We don't get to the  
3 important issues because there are too many things  
4 going on. We do have priorities, and you all get  
5 to tell because those priorities are. We're not  
6 going to tell you what they are. You're going to  
7 tell us what they are. So that's what we're going  
8 to talk about today. You know, this is an open  
9 discussion. After we briefly review the notice of  
10 inquiry that went out in November, the floor is  
11 open. It's completely open for your comments,  
12 your questions that you might have about the  
13 notice and what we're doing. We know that from  
14 our past seven meetings, six meetings (inaudible)  
15 as tribal leaders you're very, very busy. You  
16 might have prepared remarks that cover a swath of  
17 issues. We don't -- we're not going to dictate  
18 how this meeting goes necessarily or what your  
19 comments will be. But it's a completely open  
20 forum for your comments and remarks and questions  
21 once we briefly go over the notice.

22 So that's what we're going to do  
23 today. And that's what we've been doing so far.  
24 We've been getting really good feedback from  
25 tribes on their priorities toward regulatory

1 review. Before we hand off to Lael, I'm going to  
2 turn it over to Vice Chairwoman Cochran and  
3 associate Commissioner (inaudible) for their  
4 comments as we move forward this morning.  
5 Steffani.

6 A SPEAKER: Introductions around  
7 the table?

8 TRACY STEVENS: Certainly. And  
9 what we'll do, just so you all know, we're  
10 recording this -- we usually have a  
11 transcriptionist but our transcriptionist couldn't  
12 make it today. So we're recording everything. If  
13 everyone can speak their name into a microphone.  
14 There should be one to pass around. Your name,  
15 introduce yourself around the table. Thank you.

16 ERIC BIG EAGLE: Eric Big Eagle.  
17 I'm the (inaudible) Crow Creek Sioux Tribe.

18 PETER LENGKEEK: Peter Lengkeek,  
19 treasurer Crow Creek Sioux Tribe.

20 KEVIN LEECY: Kevin Leecy, Tribal  
21 Chairman Bios Forte Tribe.

22 MARK FOX: Mark Fox, Three  
23 Affiliated Tribe (inaudible).

24 VINCENT MERRICK: Vincent Merrick,  
25 Secretary Omaha Tribal Council.

1 UNIDENTIFIED SPEAKER: (Inaudible).

2 PAT LAWSON: Pat Lawson, Chairman of  
3 the (inaudible).

4 ROBERT COURNOYER: Robert Cournoyer,  
5 Chairman of the Yankton Sioux Tribe.

6 TONY REIDER: Tony Reider, President  
7 of the Flandreau Santee Sioux.

8 UNIDENTIFIED SPEAKER: (Inaudible).

9 JOE FOX: Joe Fox, Vice President  
10 Northern Cheyenne Tribe.

11 ALEC SANDCRANE: Alec Sandcrane,  
12 Chairman (inaudible).

13 KEN GEORGE: Ken George (inaudible).

14 JOHN ALLOWAY: John Alloway  
15 (inaudible).

16 JOHN GILBERT STEEL: John Gilbert  
17 Steel, President of the Oglala Sioux Tribe.

18 UNIDENTIFIED SPEAKER: Another  
19 (inaudible).

20 MARLENE REDNECK: I'm Marlene  
21 Redneck, I'm tribal council Northern Cheyenne.

22 UNIDENTIFIED SPEAKER: Robert  
23 (inaudible).

24 UNIDENTIFIED SPEAKER: Dan  
25 (inaudible).

1           SCOTT WESTON: I am Scott Weston  
2 from the Oglala Sioux Tribe Council.

3           UNIDENTIFIED SPEAKER: (Inaudible).

4           SAM ALLEN: Sam Allen (inaudible)  
5 Tribe Council.

6           TRACY STEVENS: (Inaudible)  
7 certainly don't want to make you sit here, but we  
8 (inaudible). We can also make some room. Thank  
9 you for reminding me of the protocol. (Inaudible)  
10 turn it over to Vice Chairwoman Steffani Cochran.

11           STEFFANI COCHRAN: Good morning. I  
12 don't like microphones much. Thank you very much  
13 for allowing us to come out and meet with you this  
14 morning. (Inaudible) Cournoyer and (inaudible)  
15 Chairman (inaudible). Also I want to express my  
16 gratitude for our kind thoughts but also to say  
17 it's nice to see you again. I did spend some time  
18 out here last summer, and I was fortunate to do  
19 so. Tribes welcomed me into their facilities, and  
20 also in to meet with their leadership to really  
21 talk about issues that are important to them in  
22 particular, to educate me (inaudible) time I had.

23                   When I go back to DC, it's  
24 important to I have some connection with the  
25 people that we make decisions (inaudible). So

1 thank you for your kind thoughts and thank you --  
2 I wish somebody had ordered a little more heat.  
3 But next time I come out I'll be grateful because  
4 I will remember how cold it is today. So we're  
5 only here a short time.

6 And I look forward to the  
7 conversations today because the conversations that  
8 we've had (inaudible) have been extremely  
9 insightful. We've had really good participation.  
10 And I'm very fond of some of the issues up here,  
11 and I'm very interested (inaudible) the country.  
12 So I'm looking forward to our conversation today.

13 As I have said, places including my  
14 own home area which is a little (inaudible). It  
15 is my job to listen. (Inaudible) for you. We've  
16 come a long way and you've come a long way. And  
17 it's important that I hear what you have to say  
18 and to answer as many questions as I can. So  
19 thank you for coming, for meeting with us. I look  
20 forward (inaudible).

21 DAN LITTLE: Good morning,  
22 everyone. My name is Dan Little, I'm Associate  
23 Commissioner. I want to welcome all the tribal  
24 leaders, all the tribal elders here. Thanks for  
25 coming out. All I can say is wow. I'm from New

1 England and I thought it was cold there. But  
2 we've got nothing on you guys. So I really,  
3 really appreciate how a lot of folks have  
4 travelled a long distance, and how folks have  
5 driven here. I really, really appreciate it.  
6 That's in all honesty. Folks were asking us do we  
7 want to continue because of the bad weather. My  
8 initial thought was absolutely not. We've got  
9 tribes traveling a long distance to be here. The  
10 least I can do is be here. So I'm very, very  
11 happy to be here. Thank you for taking the time  
12 to travel here. It's very important.

13 I'll be really quick. As we go  
14 around the table and we start discussing issues,  
15 and Lael is going to talk about this very  
16 important (inaudible). Everything that you read  
17 in the packet or see on the board, these are just  
18 suggestions. These are suggestions that are on  
19 paper after things that we've heard meeting with  
20 tribes, with what our staff had seen over the  
21 years. They're just suggestions to be kind of  
22 focal points to discuss these issues. The  
23 commission has not made any decisions forward. We  
24 just want to really hear from you. I guess in the  
25 past, as the chair woman had said earlier, we've

1 had these types of consultation meetings where the  
2 Commissioner and the chair would get the tribes  
3 (inaudible). This commission wants to speak with  
4 the tribes. We understand that we're your  
5 partners. We're the regulators and we're gaming  
6 operations. We've all worked for gaming tribes so  
7 we understand how some of the issues that you  
8 have, and that we really are here to roll up our  
9 sleeves and get down and work on the issues that  
10 are important to this industry. So thank you  
11 again, and I look forward to hearing from you all  
12 today.

13 TRACY STEVENS: Okay. Lael  
14 Echo-Hawk, I'm going to turn it over to her.  
15 She's going to just briefly go over the notice of  
16 inquiry. It's been out there for a little over  
17 two months now. Just to talk about issues that  
18 are in the notice of inquiry very briefly. Again,  
19 just before I turn it over, I want to say thank  
20 you all for attending. I look forward to coming  
21 up with an agenda based on what you all have to  
22 tell us. A collaborative group moving forward.  
23 This is just one step in many steps that will look  
24 very similar to this as we work together. So I'll  
25 turn it over to Lael Echo-Hawk.

1 LAEL ECHO-HAWK: Good morning. My  
2 name is Lael Echo-Hawk, and I'm a member of the  
3 (inaudible) of Oklahoma. I'm very happy to be  
4 here. It is very cold. I grew up at the back  
5 country way up in the interior of Alaska. I was  
6 complaining to my father last night about how cold  
7 it was. He was giving me some attitude about I  
8 grew up in Alaska. I should know better. How  
9 come I didn't come prepared? I should have come  
10 prepared. But I do appreciate you welcoming us  
11 here. I was here this summer when it was much  
12 warmer and my sister and I drove out to  
13 (inaudible) hill and this is a beautiful place and  
14 I appreciate everyone coming and risking the roads  
15 and the drifts and the snow to be here. Thank  
16 you.

17 Logistically, we have more chairs.  
18 We can bring more chairs if we need to. We do  
19 have chairs up here at the table for tribal  
20 leadership. And there's coffee, water, snacks in  
21 the back. So please make yourself comfortable and  
22 hopefully we can have a good dialogue.

23 So this is my information. I've  
24 been sort of appointed the lead person here. This  
25 is also in your packet. There is the PowerPoint

1 so you can follow along and take notes if you need  
2 to. Additionally there's an agenda and some other  
3 information in those packets. You can reach me at  
4 this E-mail address with anything related to the  
5 regulation review. Also at that telephone number.  
6 If you do have questions, please don't hesitate to  
7 ask.

8                   Why regulatory review? Well, as  
9 you know, the Indian Gaming Regulatory Act  
10 requires the agency to enact regulations that  
11 affect -- that put the act into motion. So we've  
12 had regulations, the regulatory structure for some  
13 time now. And this is our opportunity to take  
14 another look and see where to go from here.

15                   Additionally, as we spoke about  
16 this morning, we have an executive order that  
17 mandates that agencies submit a regulatory review  
18 agenda to the administration every --  
19 semiannually. Every six months. That is coming  
20 up in April, so this is in preparation for that.  
21 In addition to the executive order up there, and  
22 the regulatory flexibility act, President Obama  
23 issued a directive very recently mandating that  
24 agencies do what we were doing, and that is to  
25 take a look at our regulations to streamline

1 processes, to look at where things are duplicative  
2 and see how we can refine what the agency does in  
3 a more efficient way.

4 Consultation. The commission is  
5 committed to the spirit and intent of this  
6 executive order, 13-175. It is on our website  
7 now. We do have a tribal consultation web page.  
8 If you go to [www.nigc.gov](http://www.nigc.gov), we do have a tribal  
9 consultation page now. And on that page is the  
10 executive order. The commission is committed to  
11 that -- to the intent of that order. We plan on  
12 doing it to the best of our ability in the best  
13 way possible.

14 A very important section in that  
15 order, section 3 c 3 that says in determining  
16 whether to establish federal standards, before we  
17 establish federal standards -- before we send out  
18 a notice of proposal, the order requires us to  
19 come out and do what we're doing today, and that  
20 is to ask you if it's necessary. What are the  
21 issues that you see with the regulations that  
22 we're looking at. That's what we're trying to do  
23 today, and that's really -- the commission's  
24 commitment to the intent of the consultation  
25 order.

1           So what is a notice of inquiry?  
2       Well, it's very new to this agency. It's new to  
3       -- I haven't seen it used in any federal agencies  
4       that consult with tribes, that work with tribes.  
5       But it is a tool that's used by other agencies.  
6       What it is -- the FCC uses it, the (inaudible)  
7       uses it. They send out a notice of inquiry to  
8       their constituents, and they say hey, we've heard  
9       an issue. We've heard that there might be some  
10      changes needed to certain policies. What do you  
11      think? That's what we're here to do. That's what  
12      the notice of inquiry is about. We're asking  
13      tribes what do you think about the regulations,  
14      about the regulatory structure that implements  
15      IGRA, and what should we do about it.

16           This notice of inquiry asks three  
17      primary questions. The what is what regulations.  
18      The when is what order of priority? So we have a  
19      very short window of time in order to put these  
20      regulations into effect, to do the consulting, to  
21      actually do the revisions, and to do it in a good  
22      way, a thorough way that resolves some of the  
23      issues that are pending. So we're going to be  
24      moving very, very quickly. We apologize for that  
25      but we really want to do the best that we can in

1 the time that we have. And then finally how. And  
2 Mark and I were talking earlier today about the  
3 tribal advisory committee. That structure has  
4 been in place, has been utilized by this agency  
5 for a number of years. And is it a successful way  
6 to really get tribal input on how you revise  
7 regulations. Is negotiated rulemaking, is notice  
8 of proposed rulemaking and written comment okay?  
9 We need to know from tribes how you think that  
10 should work, how do we go about revising these  
11 regulations.

12 This is our road show tour  
13 schedule. We are on stop number seven of a very  
14 aggressive schedule. Tomorrow we leave to go to  
15 Fort Lauderdale and that's our last stop. So we  
16 really wanted to take the commission out to you,  
17 put the burden of traveling on us. I know that  
18 some of you traveled for probably as many hours as  
19 we were in the air to get here today. So we  
20 appreciate that. And this is a very large region.  
21 So we are trying to go back and forth between this  
22 area and perhaps the Minnesota way. But this is  
23 our 7th stop. 8th is Florida tomorrow, and then  
24 we're done with the actual consultations in Indian  
25 country for this particular issue.

1           The notice of inquiry was published  
2 on November 18th. If some of you were at  
3 (inaudible) or NCI, you would have heard the chair  
4 woman announce it. The comment period closes next  
5 Saturday -- Friday the 12th. It's a week from our  
6 last consultation. We wanted to give tribes an  
7 opportunity to kind of think about what's going on  
8 and then provide their comments. All the written  
9 comments in the consultation transcript will be  
10 posted on the tribal website. We had a little bit  
11 of an issue here with the transcriptionist, but it  
12 is being recorded and it will be transcribed and  
13 posted on the website. There's already one from  
14 the Cash Creek, the Sacramento consultation.  
15 That's posted on the website, as are about 12  
16 comments. Ten from tribes Owaga (phonetic) and  
17 (inaudible) comments as well as the EPA. So the  
18 if you're interested in seeing what other tribes  
19 have said or what other organizations have said,  
20 it's on the website. The tribal consultation  
21 page. If you click that button, then another  
22 button comes up for regulatory review. And all of  
23 this information will be on there. We want to be  
24 as open and as transparent as possible, and  
25 accountable to you with the information that you

1 send to us. If you know that we got it, and take  
2 a look at it and it's available for everyone to  
3 see.

4           Once again, to reiterate what  
5 Commissioner Little said, these are suggestions  
6 only. These are issues that we have heard over a  
7 series of consultations over the summer, issues  
8 that we've heard when tribes have come to visit us  
9 in our offices or a region have heard. I wanted  
10 to bring that forward. But they're suggestions  
11 only. We haven't committed to course of action on  
12 any of these, and we want to just reiterate that  
13 to you.

14           So what are the regulations that  
15 were in the NOI? What were the issues? We had  
16 some questions about the definition of revenue,  
17 management contracts, concerns about the net  
18 revenue bulletin and how that might correspond to  
19 any changes in the definition. But the fees  
20 section are -- we heard that it might be easier  
21 for tribes to go instead of having fees based on  
22 the calendar year, to have them be based on the  
23 fiscal year of the tribe so there's not two  
24 calculations made. I believe the industry  
25 standards are industry definition. A late payment

1 system, like a ticketing system for when fees are  
2 submitted late to the (inaudible) enforcement  
3 action -- I know that last year, the commission,  
4 there were a number of notices of violations  
5 issued to tribes who submitted their fees late.  
6 And we heard a number of comments that that might  
7 be too punitive; that the punishment doesn't fit  
8 the crime. So do we come up with a ticketing  
9 system instead of issuing an enforcement action  
10 that might just be the result of something like a  
11 personnel turn over.

12           The self-regulation regulation. We  
13 only have two tribes that are self regulating, and  
14 one is because they got secretarial permission.  
15 And we've heard that the benefit to  
16 self-regulation does not outweigh the burden of  
17 filling out all the paperwork and everything that  
18 comes with it. So if there's a way that we can do  
19 that so that tribes can actually regulate, have  
20 self-regulation certificate and it means something  
21 and be a benefit to tribes.

22           Management contracts. There's been  
23 a number of concerns about the management  
24 contracts that are issued that may come up. So we  
25 want to hear from you if you have any concerns or

1 thoughts about those issues as well.

2 Proceedings before the commission.  
3 I'm an attorney. I like to know what, you know,  
4 the court schedule is, when do I have to have my  
5 motion in, how many days, and those kinds of  
6 things. Currently the commission doesn't have  
7 those sort of procedures in a regulation form. So  
8 if you were to file an appeal or a condition,  
9 there's not a set timeframe for them to respond.  
10 It's a hearing to do all those things to resolve  
11 your issue. That's another issue that has come up  
12 before the commission that perhaps we need to take  
13 a look at.

14 The giant issue -- the issue that  
15 has taken up the most press, that's got all kinds  
16 of attention over the last several years, class  
17 two, class three, the technical standard. What do  
18 we do with those? Obviously the Colorado River  
19 Indian Tribe decision, the court said that IGRA  
20 did not give the NIGC Authority to enforce or  
21 promulgate class three regulations. Well, we have  
22 class three regulations on the books now. What do  
23 we do with those? For the tribes that have  
24 included those class (inaudible) into their  
25 contacts. Their ordinances are given the NIGC

1 permission to enforcement how do we resolve their  
2 issue and make sure that we're compliant with the  
3 decision of the court? It's a big issue. It's  
4 one that's been, as the chair woman said, sucking  
5 the air out of the room for a number of years and  
6 it needs to be resolved. The class two  
7 regulations, the technical standards, we have a  
8 current class two regulation draft. What do we do  
9 with that? Do we put together another tribal  
10 advisory committee? Where do we go with those  
11 issues? We need to hear from tribes. We need  
12 your guidance especially on this issue. And we  
13 need to figure out a way to do it so that doesn't  
14 over take all the other effort. The other things  
15 that we're going through, the other regulations  
16 are as important. They have as much of an impact  
17 on the class two, class three mix on the technical  
18 standards. All of these things work together. So  
19 we need to make sure that one issue doesn't  
20 outweigh the others. How can we do that? So we  
21 really need some input and guidance from the  
22 tribes on that issue.

23 The pilot program for background  
24 investigations. It's been sort of an informal MOA  
25 kind of program for a number of years. We're

1 considering putting that into regulation form.  
2 Fingerprinting for nonprimary management officials  
3 and key employees or vendors, this is an issue  
4 that we had tried to raise for access to the  
5 fingerprinting database that we have access to  
6 with the FBI. That will require a new MOA between  
7 us and the FBI. But if it's something that  
8 tribes would like or if they need, then it's  
9 something that we will definitely look into and  
10 talk to the FBI about. But again we need to know  
11 what tribes -- if that's an issue or not.

12 The facility licensing regulation.  
13 That regulation came out a couple of years ago.  
14 There was a lot of concern about it because tribes  
15 didn't feel like -- I was on the other side of the  
16 table at the time. I wrote a big long letter to  
17 the NIGC. I had to yell at somebody about it. At  
18 the time we didn't feel like we were consulted  
19 properly and there were some things in the  
20 facility licensing regulation that were  
21 duplicative. We felt it was encroached on tribal  
22 (inaudible). We just didn't feel like there was a  
23 voice before that, that the tribes were heard or  
24 consulted properly before that regulation went  
25 into effect. We're hearing a lot of feedback that

1 that needs to be opened up again and taken another  
2 look at.

3 Access and inspection access to  
4 records housed off site. We've had tribes come to  
5 us and say hey, we can't get our former management  
6 company to release our old financial records or  
7 those kinds of things. And so do we need to  
8 clarify that, that NIGC has jurisdiction or we can  
9 subpoena those records from an off-site facility?

10 Enforcement. Should the chair have  
11 the ability to withdraw an NOV once it's been  
12 issued? Along those lines, we've heard in past  
13 consultations since we've been doing this that  
14 perhaps there needs to be a precompliant sort of  
15 process that a notice -- not a notice of  
16 violation, but prenotice of violation and then an  
17 opportunity to cure the problem before an actual  
18 notice of violation is issued. We all know that  
19 NOV's are serious thing. As a tribal attorney,  
20 when I received a notice of violation, that was a  
21 big deal. So we want to make sure that when those  
22 are issued, they're issued -- they should never be  
23 a surprise. We heard the chair woman say this,  
24 and I'll say this. A notice of violation should  
25 never come as a surprise to tribes. We should be

1 there, we should be talking to you. There should  
2 be some other process. And do we need to  
3 formalize that into a regulation?

4 Those are the regulations that are  
5 currently on the books. In terms of potentially  
6 new regulations, a number of things have come up,  
7 including the tribal advisory committee process.  
8 How do we include tribal comments when we're  
9 drafting our input, revising regulations?  
10 Particularly technical regulations like the mix,  
11 like the technical standards. Because those do --  
12 we're not on the ground. We're not operators.  
13 I'm not an auditor or a finance guide or casino  
14 regulator. You guys really know how this stuff  
15 works, as does industry, manufacturers. They have  
16 a piece of this as well. So how do we include all  
17 the necessary voices to come up with the best  
18 product? And do we need a regulation for it? We  
19 need some guidance and some thoughts on that from  
20 tribes.

21 Sole proprietary interest. This  
22 has been a big issue. We've had tribes coming to  
23 us asking us for opinions on whether or not their  
24 agreements cumulatively or singly violate the sole  
25 proprietary interest provision in the IGRA. And

1 along with that, someone suggested in California  
2 perhaps we need a definition of primary  
3 beneficiary, and that might have also clarified  
4 the issue. But again, if that's a concern, then  
5 we do need your comments on that.

6 A communication problem policy. We  
7 are working very, very hard to communicate with  
8 everyone that has an interest in gaming, and who  
9 we affect. That means tribal council. That means  
10 operations. That means the T GRA's and the T  
11 GC's. But how do we do that? I worked for the  
12 tribes for six and a half years and it was only  
13 because I was good friends with the administrative  
14 staff at the board level that I would get all the  
15 NIGC stuff that otherwise would kind of fall into  
16 the tribal Chairman's black hole with all his  
17 other paperwork. Or the commission wouldn't get  
18 the information soon enough so they didn't even  
19 know what meetings were going on because there's a  
20 giant stack of paper somewhere at the tribal  
21 government offices. And so we want to make sure  
22 that we communicate with you appropriately and to  
23 the right people. And we will fax, mail, pony  
24 express, whatever we have to do to get it to you.  
25 But we also need to make sure that we're

1 communicating with the right people. Our  
2 obligation is to the tribal government but the  
3 Tribal Gaming Commission and the TGRA, you get  
4 this stuff. So how do we do that? And if you  
5 have thoughts on that, please help us because  
6 we're not the experts by any means.

7           Finally, the Indian act. I know  
8 this is abiding act regulation. There's been a  
9 movement led by NYGA and by other regional  
10 associations that tribes and gaming operations buy  
11 from each other. You buy products from other  
12 tribes, from tribal members, et cetera. So when  
13 we as an agency go out and we're purchasing space  
14 or, you know, whatever it is, should we be  
15 required to purchase that stuff from a qualified  
16 Indian business? The IA has this regulation. IHS  
17 has this regulation. (Inaudible) does as well.  
18 And it's something that we should do here at the  
19 agency.

20           That's just to clarify, that's just  
21 for the agency. So when we're purchasing -- for  
22 example, on this trip we tried to make a point of  
23 going to Indian facilities. The only two places  
24 that we were unable to do that was in DC, and  
25 here. But everywhere else, it's been Indian-owned

1 tribal facilities. So that's what -- when we go  
2 out and are making purchases as an agency  
3 (inaudible) regulation would be for.

4 So again, these are suggestions  
5 only. We haven't taken a position. We are  
6 looking for guidance from tribes. We need your  
7 help and assistance to put this plan together so  
8 in April we have a clear, concise plan. We know  
9 what order to do it. We have some advice about  
10 what the process should be. For some it just  
11 might be a notice of proposed rulemaking and  
12 comment on consultation. Some of these seem to be  
13 fairly low (inaudible). Maybe we could just get  
14 them done. On others, we may need a tribal  
15 advisory committee, or negotiated rulemaking  
16 process or something, some other mechanism for  
17 doing it. But we hope that we can gather all the  
18 information from you so that by April we have a  
19 plan.

20 Again, going back to the executive  
21 order, section 3 c 2 this time, it says that when  
22 drafting policies that have tribal agencies shall  
23 -- not may -- shall where possible defer to Indian  
24 tribes to establish standards. So this is an  
25 option for tribes. You can submit to us standards

1 that if we can if possible we need to defer to. I  
2 know that there's a tribal working group right now  
3 looking at some technical standards and those  
4 things. But it is an option for tribes to submit  
5 standards to us that we need to take a look at and  
6 defer to if possible. That's why the executive  
7 order and something the commission is taking very  
8 seriously. And we look forward to seeing those  
9 options come forward.

10 The comment period closes next  
11 week. So please submit your comments to me. You  
12 can submit them on the website. You can hand them  
13 to me, fax them to us. You can E-mail, do  
14 whatever you need to do. But we would love to see  
15 your comments. We need as much input from tribes  
16 and Indian country as possible. Everything again  
17 will be posted on the website. You can see what  
18 other tribes are saying, what other people are  
19 saying. Just go to that website.

20 This is a committment from the  
21 commission. This is a committment by me. Every  
22 comment that we receive, everything that we hear  
23 will be reviewed and we will consider it  
24 carefully. We're going to give a lot of thought  
25 to what tribes, what your input is. And if we

1 agree, great. If we disagree, which may happen,  
2 you'll know why. When we release the regulatory  
3 review which is in April, it will come with a  
4 summary of why we went this direction. And if  
5 we're disagreeing with some tribal comments, we  
6 will explain to you why that is so that you know  
7 what the decision-making process is. So we're  
8 accountable to you and that our process is as  
9 transparent as possible.

10 Final agenda is going to be in  
11 April of this year. And then the real work  
12 happens. Then we all begin to sit down and  
13 actually take pen and paper and revise these  
14 regulations to come up with a structure that  
15 really works for Indian country and improves the  
16 processes that we have now.

17 So if you have questions -- that's  
18 right. These consultations are being recorded.  
19 This will be transcribed once we get back to DC,  
20 and it will go up on the website. So it's really  
21 important since we don't actually have a body  
22 here, that if you speak, please speak into a  
23 microphone. There's a standing microphone there.  
24 There are microphones around the table. Please  
25 state your name, the tribe that you're with, the

1 gaming commission. We need to know who you are.  
2 And then speak into the microphone. This is  
3 really important because we had the logistical  
4 issues with losing our transcriptionist. So if  
5 you have questions, you can comment. You can  
6 contact me at this address.

7 GERALD BIG CROW: I have a question,  
8 ma'am. My name is Gerald Big Crow. I'm with the  
9 Oglala Sioux Gaming Commission. I said you guys  
10 are sitting in the '70s and '80s and '90s and  
11 2000. My question to the gaming -- the compact  
12 gaming that we have in the state of South Dakota  
13 has been a very negative in the tribes here. I  
14 say that in this way: In South Dakota we have  
15 nine tribes. These nine tribes are allowed 250  
16 machines. When you take that times nine, that's  
17 2,250 machines that we have for the last 16 years,  
18 since these compact gaming has been put together.

19 Next step: (Inaudible) over here.  
20 Authorized 5500 machines a year. And half of  
21 their budget goes to the state of South Dakota for  
22 (inaudible) use. So I'm proposing to you guys our  
23 tribe back in 2000 wanted to go to the secretary  
24 of the interior and bypass the state here, bypass  
25 the gaming compact, because the secretary of the

1 interior is entrusted with responsibility of all  
2 regulatories under the AP 44 act, the department.  
3 So you guys need to take this into consideration  
4 and start working on this next week, next month  
5 because the tribes here in the State of South  
6 Dakota, we don't have too much revenue. The  
7 revenue that's coming down the road here is going  
8 to be cut with Congress ten percent. So you take  
9 the ten percent, that's a hundred billion dollars.  
10 (Inaudible) on everybody. So I'd like to propose  
11 that we sit down here and start talking about  
12 eliminating the State of South Dakota and putting  
13 our regulatories under the national gaming -- or  
14 in the Secretary of the Interior because the State  
15 of South Dakota is like Montana State. The two  
16 most racist states in the 50 states here, and the  
17 racist problem has never changed. And it isn't  
18 going to change. So if we can't realize and deal  
19 with the real issues in this world, then we're  
20 about 96 percent unemployment on our res. If you  
21 take the mathematics here, every five or ten years  
22 is a census, they just take the dot, move it to  
23 the right, a hundredth of a decimal to the right  
24 to do the equation of the poorest County in the  
25 United States. Off the top of my head, that's

1 about 33, 3400 Counties. (Inaudible) of that, and  
2 get maybe 2800, 2900 people around here to even  
3 this up. So let's flip the page. Let's go back  
4 to the treaties, the 1851 to 1868 treaties. Let's  
5 go back to the Constitution of the United States  
6 Constitution. Article 6 says treaties are supreme  
7 of all the land. Okay? I'm setting the table for  
8 you guys. Somebody is BSing somebody here. And  
9 they've been BSing the Indian tribes for almost  
10 200 years. So when you come back and go to the  
11 votes here. Those treaties were signed in 1858  
12 and 1868, they were (inaudible) as they went  
13 through Chicago, Detroit, into Washington, New  
14 York and Boston. In the treaties in the great  
15 Sioux nation here, I got a history degree, I got a  
16 business degree. I learned to make these work for  
17 us. You go back and it says that the treaties  
18 must be sent back to the great Sioux nation tribe,  
19 and three quarters of the (inaudible) must review  
20 this and act upon it. I got news for you guys.  
21 Three quarters male of our great Sioux nation  
22 tribes never did that, never. So in this  
23 Constitution of the United States here, all the  
24 great white files that we've been (inaudible)  
25 whatever we got to do here are BSing us. I could

1 use that other word but I use initials here.

2           So let's wake up. We have a lot of  
3 intelligent, young people here now. You heard  
4 that go around the room. The less change  
5 (inaudible). Let's make it equal to the tribes  
6 here. If we can't do that, then everyone around  
7 this table in this room here better go back home  
8 and give their position and let somebody else take  
9 over. So that's why I'm saying here, that's why I  
10 put those things out. Our reservation is probably  
11 the poorest ever in five years. They move us  
12 around here. And this computer and this Internet,  
13 96 percent of us don't have that. Let's talk  
14 about reality and get to the bones of meat of  
15 things and start doing things the way they should  
16 be. I sat on the councils back in the early '90s  
17 here when they put this act together. If you  
18 people that are sitting up here in Washington  
19 don't get your act together, you're diminishing  
20 tribal government's authority by putting it into  
21 context here.

22           Back then we talked about that. We  
23 were a little leary of it, and we're still leary  
24 of it. So I'm hoping that whatever comes out  
25 today is a benefit to all of us here. If you

1 can't do that, and we need to go back here, and  
2 you people need to (inaudible) assist, find your  
3 interest. Nonstop (inaudible) here. The people  
4 that you're going to hire in this area offices are  
5 people that you're bringing aboard should be hired  
6 by our tribal governments and our gaming  
7 commission. We should have the input. We know  
8 those people better than you guys do, and we know  
9 what's best for us. So I don't want to interrupt  
10 anybody but the only way I know how to take the  
11 show is walk up to the mic and introduce yourself  
12 and be forward. I just want to thank you guys for  
13 listening to me. I think those are the things  
14 that need to be said down here. And we got  
15 (inaudible) here. And you can understand when  
16 you're dealing with 20, 25, 30 below and you got  
17 people, we got people back home that need to be  
18 taken care of. I left home at 5:30 this morning  
19 and got up here because I wanted to have people  
20 hear me out and be involved with you guys. I'm  
21 glad you guys come and I'm glad you guys are  
22 making your consulting here. We need to change  
23 that too. We're not little boys on the street  
24 anymore. We're big people and we got a list of  
25 needs and wants here. So thank you very much, and

1 sorry for interfering.

2 TRACY STEVENS: Thank you. Please  
3 do not apologize. We welcome your comments and we  
4 welcome the candor. We need to hear from you and  
5 from your hearts on what you have to say. You had  
6 many good words to provide to us, and we're here  
7 to learn as well. If I could throw out the word  
8 consultation because it's unfortunately taken on a  
9 negative meaning now.

10 This is a dialogue and an exchange,  
11 and it's a government to government, nation to  
12 nation discussion. The discussions go two ways.  
13 They're not one-way. So we welcome your input.  
14 We welcome your comments in whatever form they may  
15 be. We need to hear how things are for you in  
16 this area. Knowing that 96 percent of folks don't  
17 have access to the Internet, we need to know that  
18 because we have to figure out another way to  
19 communicate and get information out. And we do  
20 want to get out to other parts and get out into  
21 Indian country, depending on the time of the year  
22 and, you know, our schedule and your schedule  
23 permits. So we're not running over other things  
24 that are happening in your area. So thank you for  
25 all your good words.

1           Is there anything else? I think  
2 that was just it. I do -- we didn't really -- we  
3 just wanted to run over the notice quickly. But  
4 other than that, this was just an open forum just  
5 as the gentleman that stood and spoke a moment  
6 ago. State what you think and tell us what your  
7 priorities are. And help us build an agenda that  
8 works for you. So other than that I think we've  
9 -- one last thing.

10           With regard to the secretarial  
11 procedures, those are procedures under the  
12 secretary, and those are authorities under his  
13 watch. We do have a good working relationship  
14 with the secretary. Those are procedures that we  
15 can't implement, but we can't be on the other side  
16 of them if they are implemented. We have one  
17 tribe that we have class three authority with just  
18 because of the secretary's procedures because it  
19 was negotiated. But because we have a good  
20 working relationship with the secretary and the  
21 department of the interior, we certainly can relay  
22 that because we understand that there are several  
23 tribes in South Dakota that (inaudible). So even  
24 though it may not be under our purview, we can  
25 pass that information on and see what we can do to

1 help you address that issue with our sister  
2 agencies. When we talk about relationship  
3 building, it's not just with tribes; it's also  
4 with other agencies. We're not an island, nor  
5 should we ever think we are. We do have to work  
6 with other agencies on a number of issues, and  
7 where we can help we should. So we will. Other  
8 than that we just open the floor for comments and  
9 if any tribal leaders have discussion points.  
10 We'll turn it over. Thank you.

11 JOHN STEEL: Thank you. Chairwoman  
12 Stevens, distinguished members of the National  
13 Indian Gaming Commission, my name is John Gilbert  
14 Steel, President of the Oglala Sioux Tribe  
15 (inaudible) reservation.

16 I like your words. You tell us  
17 where you come from. But we watch you. We are  
18 the Indian scouts. I hear this echo off to tell  
19 of new regulations. I see we're the most  
20 regulated people in the world. I'd like to tell  
21 you a little bit about our status in South Dakota.  
22 We have an adversarial relationship with the  
23 state. We have a treaty with the United States  
24 Government. We'd like to consider ourselves to be  
25 the independent sovereign. Casinos are a little

1 bit employment, over a hundred people. We're  
2 limited by the state. A number of machines affect  
3 the size of the casino and its operations,  
4 everything. But we're very proud to say  
5 (inaudible) as President I will arrest any state  
6 law enforcement officer who steps foot on our  
7 reservation without permission. FCC recognizes  
8 our regulatory authority over the air waves.  
9 Regulate water quality, air quality, everything.  
10 We operate it, we regulate it. Our law applies.  
11 State law does not apply anywhere on pine ridge.  
12 We look at you in your positions. Are you the  
13 little soldiers? I see that you're working for  
14 the great white father (inaudible) trying to  
15 relate to us. You tell us you come from tribes  
16 and other places. Those are different. But we're  
17 watching you. Our own private (inaudible) Bill  
18 Hogan, we've got his number. (Inaudible).

19 I think that we can't have a  
20 relationship with yourself out here is where it's  
21 going to happen. I would request that NIGC get  
22 the state out of our lives. (Inaudible) we'll  
23 work with NIGC to make it possible. (Inaudible)  
24 we're not near a populated area. We're all  
25 services. Here we can be quite radical and quite

1 wild. Here we have a treaty relationship with the  
2 United States Government, but you are a part of  
3 that. Here we value our traditions, our customs.  
4 (Inaudible) black hills, thank you for coming. I  
5 did submit some written comments. But (inaudible)  
6 something that the gentleman, their comments, and  
7 when we come to Washington we'll stop by your  
8 offices and say hello. (Inaudible). I don't know  
9 if we're going to have a good relationship with  
10 you, but we are watching, how you operate, what  
11 you're going to do. (Inaudible) more regulating  
12 including soldiers for the great white father.  
13 Help us. Thank you.

14 TRACY STEVENS: Those were actually  
15 very good words for us to be reminded of. I come  
16 from a reservation. And having this job, the  
17 choice was a difficult one. I'll just speak for  
18 myself. I hope that my tribal leaders and people  
19 that have gone before me (inaudible) that I keep  
20 my heart in the right place. I can safely say  
21 that this commission that we recognize the tribes  
22 are the primary regulators. We interpret the  
23 statutes in a way that may be different than has  
24 been interpreted in the past. We're supporters of  
25 sovereignty. And through our role here as

1 assisting you. I realize having come from my  
2 tribe that it's our action that will judge -- that  
3 we will be judged by. So I've run out of  
4 (inaudible) judge us by our actions. And we know  
5 that. We want you to do that as we move forward.  
6 So I appreciate your good words, your good  
7 (inaudible).

8 THELMA THOMAS: (Inaudible) good  
9 morning. My name is Thelma Thomas. I'm  
10 (inaudible). I just wanted to share some words  
11 with you this morning. That term saying that you  
12 hear (inaudible) is not negotiable. That  
13 originated with the Santee back in 1996. I'm not  
14 going to give a long presentation here. But what  
15 I would like to share with you is that I have had  
16 15 years' experience working with the National  
17 Indian Gaming Commission, the NIGC. And in the  
18 past 14 years, it has been difficult as our nation  
19 worked to establish its gaming -- small gaming  
20 operations way out in the middle of nowhere.  
21 There were two men that I had the experience, I  
22 guess, to work with in Washington. On the NIGC  
23 level, they were the chairs.

24 I want to share with you that the  
25 new NIGC appointees here, our new Commissioners --

1 in history -- they have made history. It has been  
2 my experience that we would get a phone call from  
3 Washington that the (inaudible). Hello? Hello?

4 UNIDENTIFIED SPEAKER: Hold it.

5 THELMA THOMAS: I'd like to share  
6 with you for the first time we would get a call,  
7 an NIGC Commissioner was coming to our  
8 reservation, the Santee Sioux reservation. That  
9 would be Steffani Cochran. We were really happy.  
10 We were really happy. Our people, our leadership,  
11 they fought long and hard. It's a most difficult  
12 past 15 years. To have a Commissioner come to  
13 Santee, and we explained to her it's all about  
14 employment for our people. We will never receive  
15 a per capita payment. We live out in the middle  
16 of nowhere. She said you know, this is what  
17 gaming is all about. And I was so happy that  
18 somebody finally understood us in Washington.

19 So I look forward to working with  
20 the new NIGC Commissioners here. It has been good  
21 for our people. In fact, today we want to invite  
22 all three of them to the Santee Sioux nation on  
23 February 11th. We will celebrate 15 years of  
24 being open. But sovereignty was nonnegotiable  
25 back in the day. And it still is today, but in

1 1996 we had a hard road. We stayed the course and  
2 we made it. Thank you. I want to wish you well  
3 because I saw a difference from the last 15 years  
4 to 2010 and 11. (Inaudible).

5 STEFFANI COCHRAN: I am (inaudible)  
6 Court Reporter so I'm not used to saying the names  
7 but I guess I should for the recording. Thank you  
8 for your kind words. I was listening to the  
9 President's words as well and I think it's  
10 important for us to understand and to make sure  
11 we're conveying as the leaders of your tribes that  
12 it is our job to put our statutory obligations in  
13 a manner that most supports economic development  
14 with the tribes. And if that means less  
15 regulation, so be it. This is not an attempt, nor  
16 would I ever support an attempt just to create new  
17 regulations for the sake of regulating tribes.  
18 When we do that, and it's not well thought out, we  
19 take away from the resources that it's our job to  
20 protect. And Thelma showed me -- it's a small  
21 facility. I told her this. But it's a very well  
22 cared for facility. Tribal members, children, it  
23 takes care of elders. And that is (inaudible)  
24 ultimate goal of what we should be doing. So  
25 thank you. And thank you for your hospitality

1 (inaudible).

2 MARK FOX: Good morning again. My  
3 name is Mark Fox, Three Affiliated Tribes  
4 (inaudible) nation. We're just slightly colder  
5 than you are here. I'm glad to be here. Glad to  
6 see a lot of friends, familiar faces over the  
7 years. Many of you, I'm glad to see you again and  
8 glad to be in this part of the country relative to  
9 its warmth.

10 I was going to try to say some  
11 things here to the Chairman. But we obviously  
12 caught up in the D. I. A. Budget meeting down the  
13 hallway. So I'm going to go ahead and speak about  
14 a few things here, and if he does come over, then  
15 maybe he can follow up with some other comment.  
16 But I'm sure he will stop by at some point.  
17 There's a number of things here. I've worked with  
18 NIGC, not only as a member of our council or as a  
19 member of the gaming association or anything else,  
20 but I also had the privilege for serving for short  
21 periods of time on the NIGC mixed advisory boards  
22 two times in that process, even though the last  
23 one I obviously had a lot of objections to what  
24 was going on and pulled away from it because of  
25 those objections. It wasn't yourselves of course,

1 the previous commission.

2 But there are a number of things I  
3 do want to raise, some concerns. A number of them  
4 -- and the bigger picture of things, I guess the  
5 biggest concern that I've always had, and I think  
6 probably everybody here probably has is this  
7 constant -- when I say to you, understand that I  
8 know Commissioner, you're new within the last  
9 year. When I say you at NIGC, don't take offense.  
10 I'm talking historically when I say you. But  
11 NIGC, what has happened with us is there's always  
12 -- in previous times there's the mentality of  
13 enforcement versus technical assistance. And I  
14 always would raise it with Mr. Hogan, who I  
15 consider a friend. And I respect him. But we had  
16 our differences, and that's the way it was. But  
17 what was going on in the past was always this  
18 reluctance it seems to provide technical  
19 assistance, whether it was budgetary, not enough  
20 staff, just don't have time. To me sometimes  
21 there was just a lack of effort by NIGC as far as  
22 I'm concerned. So when you have that going on,  
23 there's a lot of lack of technical assistance  
24 (inaudible) and what was relied on with  
25 enforcement, muscle. NOV's fix it or else. Shut

1 you down, et cetera. And you know what? When you  
2 do that to one of us in our country, one of our  
3 tribal nations in our area of the country, guess  
4 what. We're not going to come to you when we have  
5 problems. When we have things that we can't fix  
6 because there's a vendor who has messed up  
7 machines and we can't do the calculated averages  
8 (inaudible) on the machines because we can't get  
9 them over here because every time they come it's  
10 going to bring up the bill. But who is in  
11 trouble? The tribe, not that vendor. So we have  
12 that occurring. What does the tribe do? Leave  
13 the sleeping dogs lie, as they say. Why wake up  
14 NIGC and tell them we have a problem? They won't  
15 do something about the vendor. They'll do  
16 something to us. So you get that mentality, why  
17 go to NIGC? They're just going to beat us up. So  
18 it's better to stay away from them, fix it  
19 ourselves. (Inaudible) up north. So what I'm  
20 getting at is, and that's my whole time  
21 (inaudible) to President Steel, that things will  
22 be different. There will be an emphasis on  
23 technical assistance because you've got the money,  
24 you've got the staff to get help and provide  
25 technical assistance to help us fix those problems

1 and get us to compliance, and constantly make that  
2 the effort.

3 The last thing you should do is  
4 threaten enforcement. And there's many ways that  
5 we can help each other, but we need that from you  
6 as well. That's one issue.

7 Facility license, I think we have  
8 to address that. Some of us are trying to either  
9 meet the facility requirements. It isn't just new  
10 ones. It's our misunderstanding that we built a  
11 new one, we have to meet the standards. And then  
12 we come to find out by staff, no, your existing  
13 one has to meet standards. So that kind of made  
14 things a little difficult. So having some  
15 patience with us there, and technical assistance  
16 there is really going to be helpful as well,  
17 especially in our area. God bless them, but we're  
18 not Mr. (Inaudible). We're not soaring eagle.  
19 We're not (inaudible). We don't have a lot of  
20 money to say here is how we're going to get  
21 compliant. Hire a bunch of them and boom, you're  
22 compliant. We can't do that. You have to figure  
23 out how to do that. So we need your patience and  
24 understanding and assistance in helping us do  
25 that.

1 Background requirements. You know,  
2 you go to IGRA and we talked about it briefly  
3 (inaudible). Their requirements, what is a key  
4 employee? I think we've all (inaudible) IGRA,  
5 seven descriptions of what constitutes a key  
6 employee. Anywhere from security to this and  
7 that. It's really kind of almost ridiculous when  
8 you compare it to Nevada and their commission  
9 throughout, and what they do. You know, if you  
10 get a Blackjack who is going to be a key employee  
11 in our facility, man, background, things you have  
12 to do is a lot more difficult. A Blackjack dealer  
13 in Las Vegas, boom, they get a working permit and  
14 they can be working that day. There's some  
15 differences. I don't know. It's in the  
16 legislation. How do you change that? Is it  
17 difficult? But I don't know regulatorily,  
18 administratively if there's a way to deal with it  
19 better, interpret it in some way. But that's an  
20 issue as well. That background. We understand  
21 who our key employees are, who our primary  
22 managers and officials are, who our keys are.  
23 Work with us and help us. We'll help each other  
24 figure out to have that very in depth license and  
25 background. The others, no. Somebody that

1 happens -- a security guard that happens to pick  
2 up a watch (inaudible) being escorted.  
3 (Inaudible) background on him.

4 Also another issue. This is sort  
5 of a question, but it was reference to  
6 (inaudible). Of course, class three and authority  
7 of NIGC. And you mentioned something to the  
8 effect of something that needs to be resolved. So  
9 I quickly wrote a question mark. Does that mean  
10 your intent to go to Congress to resolve this?  
11 Does that mean you want to have Congress pass an  
12 amendment to IGRA that says that authority is not  
13 in question? I guess that was my question at some  
14 point, a response that you could address it. What  
15 your intent is to do that and what role would you  
16 play if you choose to do that?

17 And then one of the last ones here.  
18 Sole proprietorship. Is this going to come on a  
19 personal level, tribal level, personally tribal  
20 level, whatever you want to call it? In '07-'08  
21 our tribe, right or wrong -- I'm not going to  
22 speak on behalf of the former council, but they  
23 made decisions. They started going down a track  
24 and open up a new facility, and enter into an  
25 agreement. (Inaudible). Things went sour

1 basically. And myself, I was there saying you  
2 made a huge mistake. But I raised on behalf of  
3 our tribe issues about as Director of the gaming  
4 commission over a job the issue about sole  
5 proprietorship. That is an issue that has to be  
6 resolved, despite the lawyer -- two lawyers that  
7 are working for the tribe and the (inaudible)  
8 saying there's no problem there. I said you can't  
9 decide that. Only (inaudible) the commission, the  
10 national gaming commission can decide if there's a  
11 sole proprietorship issue or not. It's the  
12 federal regulation.

13 Well, the long and short of it is  
14 is tribes' problems with that proposed group, an  
15 outside entity got bad. Bad went to worse. Worse  
16 went to arbitration. Arbitration led to a  
17 decision. All during that process, part of the  
18 defense or the argument by the tribe in that was  
19 sole proprietorship was an issue. We've got to  
20 deal with it. You know what? When the letters  
21 came from our attorneys or from everybody else to  
22 NIGC, guess what we were told? Not our place.  
23 Can't help you. Basically, I'm sorry. I'm really  
24 kind of cutting to the chase here and describing  
25 it. But essentially that's what happened. Not

1 you, but bottom line, that's what happened. And  
2 NIGC backed up. Guess what, it cost us eight and  
3 a half million dollars. We got some scraped up  
4 ground and nothing else. Eight and a half million  
5 dollars of our money gone that we could have used  
6 for our children, sending people to Rochester  
7 because they're dying from cancer, et cetera, et  
8 cetera. I was very upset when NIGC took that  
9 position. It's not our fight. We're not going to  
10 decide whether or not it meets sole  
11 proprietorship, et cetera. And sorry, can't help  
12 you. That was really burdensome. So I'm getting  
13 stuff off my shoulders now. This is after the  
14 fact. Can't do anything about it really, but  
15 bottom line maybe now that will keep you from  
16 doing that to somebody else. Maybe somebody else  
17 has an opportunity. Not everybody out there has  
18 got good faith and character in dealing with  
19 tribes. I don't care what (inaudible) they call  
20 themselves. And a lot of that can go on. Move  
21 fast and hard and they got tribes over the barrel  
22 sometimes. Don't do that. Sole proprietorship  
23 I'm not saying should be elaborate and complex or  
24 that we can't move forward, but you got to have  
25 something in writing so that some (inaudible)

1 looks like we meet that, and then you guys can  
2 have some cursory review over it or something and  
3 say don't see it as a problem. But if there are  
4 problems, you need to step up to the plate and  
5 help. Because we're one example that suffered by  
6 it. So that's kind of a number of issues that are  
7 out there, and in particular like I said the  
8 (inaudible).

9 TRACY STEVENS: Thank you. With  
10 regard to the enforcement and technical assistance  
11 -- I'm Tracy Stevens, Chairwoman. I forget that  
12 the transcriptionist is not here.

13 One of the bases of what we've  
14 discussed as a commission -- as a new commission  
15 is not only shouldn't NOV's be a surprise, but we  
16 should be operating under this concept of ace,  
17 ACE, assistance, compliance, enforcement. We  
18 should be helping the tribe, assisting the tribe  
19 to come in conformance before we take enforcement  
20 action. That should not be a surprise. That's  
21 why we talk about the enforcement process so that  
22 perhaps there is an opportunity to cure before we  
23 ever get to an NOV, and an NOV should never be a  
24 surprise. Again, I come from the tribal side. I  
25 worked with my operation. I worked with my tribal

1 government. Enforcements are punitive. I heard  
2 somebody said that the NIGC, the NOV's aren't that  
3 big a deal. They're huge. They're huge. Because  
4 the banks look at it, the state looks at it. It's  
5 on the public record. It's a black mark on your  
6 record. We should be doing everything we can to  
7 assist the tribe before we take that measure.  
8 This idea that there's not enough time, there's  
9 not enough resources, not enough staff, that's a  
10 management issue for this commission standpoint.  
11 We have capital in place and we decide how they  
12 focus their energy and time. This commission  
13 supports technical assistance and training. We  
14 support the assistance assisting tribes rather  
15 than punishing tribes. I'll just say that to you  
16 now. We want to assist. Not that we won't take  
17 action when it's necessary, but there should be  
18 steps in place to cure a problem, to prevent them,  
19 and to cure them so they don't keep happening.  
20 Technical assistance and training does that.

21           When we target it in the right way,  
22 it should help end the problem from reoccurring  
23 and keep happening. If they're happening we are  
24 not doing something right. We're not hitting our  
25 target. We're not listening, we're not

1 understanding what the problem is. Something is  
2 going wrong. That's on us too. So I hear you on  
3 that. So that's our committment. Assistance,  
4 compliance, enforcement in that order. Go right  
5 after punitive measures first.

6 MARK FOX: And Chairwoman Stevens,  
7 you also have to remember the amount of collateral  
8 damage here too (inaudible) but generally in the  
9 tribe. We should (inaudible) Chairman and the  
10 council. Guess what, a lot of Commissioners are  
11 sitting in the audience now texting all of them.  
12 The political climate can get pretty hot. All of  
13 a sudden people are losing jobs (inaudible).

14 TRACY STEVENS: They do. It has  
15 great ripple effect. We coming from the tribal  
16 side appreciate that. We see firsthand the ripple  
17 effect that goes through. So that's our  
18 committment to you. In terms of Crit (phonetic),  
19 I know that the previous Chairman really  
20 advocated, lobbied for it. I'm not doing that.  
21 My job is to implement and execute the act as it's  
22 put in place, and also the judicial (inaudible)  
23 that interpret the act. What we're looking for  
24 with mixing class three and this whole question  
25 that came up with Crit was what do we do with the

1 rates that are in place now? How do we handle  
2 this for tribes that have put enforcement  
3 authority on it? Back for class three, through  
4 your ordinances on us, but those tribes also that  
5 don't meet the NIGC on the class three, that's  
6 what tribes are finding (inaudible) so far. They  
7 didn't realize what their need might be might be a  
8 problem for a tribe somewhere else. So that's I  
9 think what we're talking about, how to deal with  
10 the regulations on the books. How do we make sure  
11 that we put standards out there that don't leave  
12 behind the tribes that need our help, but don't  
13 interfere with the tribes that don't need our  
14 help. That's what we're talking about. We're not  
15 talking about me going up and trying to get Crit  
16 fixed in Congress. That's someone else.

17 LAEL ECHO-HAWK: In that regard, if  
18 you go on the website, for example (inaudible)  
19 comment. The first consultation, Scott Crawl  
20 (phonetic) is the attorney. And he recommended on  
21 behalf of his client that the class three  
22 regulations be repealed and put into some sort of  
23 -- we heard repeal, put it into bulletin form,  
24 some sort of guidance. Have NIGC be a repository  
25 for sort of model class three mix tribes that have

1 their own that we would house so other tribes can  
2 see them and model after them. There are lots of  
3 options out there. But in California, it was very  
4 clear -- there's a very clear divide between the  
5 tribes that have put class three -- NIGC class  
6 three mix regulations in their compact and in  
7 their ordinance, and then given the NIGC  
8 permission to go in and enforcement well, that's  
9 not what Crit said. That's our kind of issue  
10 right now. Repeal the class three regulations.  
11 How does that affect those tribes? How do we --  
12 it is a limited number. So we're taking all  
13 options. We've heard use the self-regulation  
14 regulation as a way for those tribes to resolve  
15 that issue. We've heard enter into some sort of  
16 M. O. A.'s with those tribes. We've heard we  
17 don't want to you go in and take audits on these  
18 tribes. We want you to stay out. And they're all  
19 fair comments and they're all things -- like I  
20 said, they're on the website. But we need to hear  
21 -- we need to figure out what to do with that  
22 issue.

23 Because currently the class three  
24 regulations on the books, and Crit saying what  
25 Crit says, and IGRA saying what IGRA says, we may

1 have an issue to deal with.

2 TRACY STEVENS: I hope that answers  
3 your question about Crit and Congress. Sole  
4 proprietary interest. One of the things, it's not  
5 just this issue, we're trying to create some  
6 consistency coming out of the agency because for  
7 that one story there's many others where they did  
8 step in with an opinion on sole proprietary  
9 interest. That's why we want to talk about sole  
10 proprietary interest. I think there might be a  
11 bulletin out there, but it's inconsistent. That's  
12 why we bring it up because tribes have brought it  
13 to our attention. That there's something concrete  
14 that tribes when they're going to negotiate  
15 whatever deal they're negotiating, whatever it  
16 might be for, that they can look to and reference  
17 and say this is some framework that I need to be  
18 cognizant of as we move forward brokering a deal  
19 for the tribe so there are some ground rules that  
20 you can rely on. Right now there really aren't  
21 any. So we want to hear your comments about that.  
22 Lots of tribes have different opinions about it.  
23 But, you know, we just want to hear what your  
24 priorities are. Just because we're looking at  
25 regulations doesn't mean we want to make more

1 regulations. Less in some cases. (Inaudible)  
2 absence or a void of direction or ground rules  
3 with regard (inaudible)

4 MARK FOX: (Inaudible) maybe in  
5 regards to sole proprietary (inaudible) sole  
6 proprietorship should or should not be (inaudible)  
7 or the ability to do that. Maybe you went through  
8 a lot, some (inaudible) that could be considered.  
9 And then let the tribes look at them and then say  
10 you know what, that was good or maybe not so good.  
11 And circulate those amongst the tribes. I'm not  
12 saying (inaudible) to do. I'm just saying here  
13 are some things that you may want to consider  
14 being part of the sole proprietorship (inaudible).

15 TRACY STEVENS: Thank you for  
16 providing me with a solution. I appreciate that.  
17 That's really what we're looking for, some  
18 solutions. (Inaudible) do you all feel like you  
19 need to get up and stretch your legs? Would you  
20 like to take a break right now? Coffee? Let's do  
21 that. Let's take a break and we'll come back in  
22 15 minutes.

23 LAEL ECHO-HAWK: Just make sure  
24 they get in my hands so I can get them to the  
25 technical people. Thank you.

1 TRACY STEVENS: Let's reconvene.  
2 If everyone can get settled in again, we'll get  
3 started. I think we had some fresh coffee brought  
4 in. There's water at the table. But let's open  
5 the floor back up for anybody who would like to  
6 provide comment. Any questions, any  
7 clarifications? Open mic. Go ahead.

8 ROBERT COURNOYER: Good morning,  
9 everyone. What I wanted to -- this is Robert  
10 Cournoyer, Chairman of the Yankton Sioux tribe. I  
11 guess one of my greatest concerns is in terms of  
12 all the tribes themselves is (inaudible) the  
13 limited number of machines. I don't know if  
14 (inaudible) or like secretary or Google because  
15 still the State of South Dakota has failed to  
16 negotiate in good faith. And I know that  
17 (inaudible) is currently in a lawsuit with the  
18 State of South Dakota. We all support what  
19 they're doing because of (inaudible) not like  
20 we're going to go out and put a thousand machines  
21 out there to -- you know, we'll do a calculated  
22 market study to see how many machines would best  
23 suit each of our casinos. It's not like we're  
24 going to go out and spend all this money and buy  
25 all these machines and then no one is going to

1 come and play them. It's just we want to have the  
2 same economic opportunities that other gaming  
3 industry in South Dakota has. There's the South  
4 Dakota video (inaudible). I guess I heard  
5 different estimates about the whole State of South  
6 Dakota. They got about 10,000 machines, and I  
7 guess someone said today that (inaudible) is up to  
8 5,000. And we got all the tribes in South Dakota  
9 except for I think Cheyenne river is not involved  
10 in gaming. They're looking at it, but we're only  
11 about 250 gaming licenses, and we want to do class  
12 two, I mean, it's not the same as the regular  
13 gaming (inaudible). Pretty similar, but it  
14 doesn't have the same effect. People would rather  
15 play the class three game than they would the two.  
16 And we try to incorporate those into our casino,  
17 and they just never seem to work. But the regular  
18 gaming licenses, yeah. The other day we had an  
19 event, and we had people standing in line waiting  
20 to play machines. It's not like that all the  
21 time, but we want to be able to as I say market a  
22 study that (inaudible) dictated we only needed 51  
23 machines, that's all we would purchase. But like  
24 all the tribes, we feel that the tribe just isn't  
25 -- I mean the state just isn't negotiating in good

1 faith. And you know, you look at all the tribes  
2 that are in various states around us, and they  
3 have some relatively good working relations with  
4 their Governor. South Dakota we don't have that  
5 luxury. You know, we just got a new Governor, and  
6 we haven't really tested yet. But I hope that  
7 he's more open than the previous one. We had  
8 Governor Allen who said he wanted to work with all  
9 the tribes. That was his opening statement eight  
10 years ago. For eight years he never had any  
11 contact with the tribes. Governor Daugaard, I  
12 listened to the state address, talked about  
13 creating some relationships with the tribes. But  
14 give it some time. He was just installed here in  
15 January. So we're hoping that something good  
16 happens. You know? I mean, we have to get beyond  
17 this basis mentality in the State of South Dakota.  
18 And give the tribes some economic development  
19 opportunities. Like Mr. Big Crow said, on most of  
20 our reservations, the unemployment is pretty high.  
21 It varies from tribe to tribe. You look at nation  
22 (inaudible) unemployment is running at ten  
23 percent, and some of our tribes are 60, 70, 80  
24 percent unemployment. What is that telling us?  
25 We don't have the same opportunities in the tribe

1 business. But you know, gaming has been a God  
2 send for us. And it has worked. It's not like  
3 we're making money hand over fist like some of the  
4 tribes. Like Mr. Fox said, we're not (inaudible)  
5 any of these other tribes are. But gaming works  
6 for us. All we want to do is have an equal  
7 opportunity as some of these tribes in these our  
8 surrounding states to be able to put 500 machines  
9 out there, maybe 750 or if the market takes one of  
10 the tribes could have a thousand machines, sure.  
11 We feel that -- I don't know what the National  
12 Gaming Commission could do about it, or -- or look  
13 at Secretary O'Toole and Secretary maybe things  
14 would be different. Maybe things would change.  
15 (Inaudible) 250, and we've been here for 20 years.  
16 We're going through a casino expansion. We're  
17 building a brand new gaming court. But those  
18 types of things, if we had poor machines, it would  
19 really enhance what we're doing now. More  
20 employment opportunities, those kinds of things.  
21 That's all we're asking for, to be able to have  
22 the same opportunities as a lot of the other -- as  
23 the private sector. NonIndians, they have these  
24 opportunities, economic development opportunities.  
25 Gaming has been that for us. All we're asking for

1 is that same opportunity. I hope that (inaudible)  
2 if they're really successful in their lawsuit, and  
3 that will open the door for all of us other tribes  
4 in South Dakota. A hundred percent in their  
5 endeavors to crack that nut that hasn't been  
6 cracked in a long time. Ever since the Indian  
7 gaming has opened, and the Yanktons are the first  
8 ones -- we've been in business for I'd say 20  
9 years and they're just ahead of us. Tribe not  
10 involved in gaming, but you know, how can you  
11 expand or do anything to enhance gaming when  
12 you're limited with 250 machines? It's  
13 (inaudible) allowed to expand. (Inaudible) a  
14 thousand is a small number. We just want that  
15 opportunity, the playing fields are level for all  
16 of us involved in gaming. That's my comment. I  
17 hope that somehow maybe go back and maybe do  
18 something about it. Maybe take an act of Congress  
19 or who knows. You know how we feel in South  
20 Dakota just isn't up to (inaudible). Thank you.

21 TRACY STEVENS: Thank you,  
22 Chairman. It's been brought to our attention in a  
23 number of the comments and on the side -- we can  
24 certainly talk to the Secretary, the department of  
25 the interior who really has the authority to

1 negotiate in secretarial procedures. It's not an  
2 authority that NIGC has. Like I said, we do have  
3 a good working relationship with the department,  
4 with the secretary, with the assistant secretary,  
5 and we'll see what we can do to help with your  
6 concerns. (Inaudible) when we're done with this  
7 meeting, what we can do to help move that  
8 discussion along under their authority. So thank  
9 you, sir.

10 ROBERT COURNOYER: I wanted to  
11 comment and thank Ms. Cochran for coming out and  
12 going around the reservation and the casino. She  
13 met all of our gaming commission, tribal council  
14 and other people that are involved in gaming. I  
15 hope that (inaudible) gaming commission comes out  
16 and, you know -- a lot of us are small casinos.  
17 Close to the big casinos. But we're really  
18 thankful that she did come out and visit with us.  
19 Made us just feel as important as the big casinos.  
20 You know? Thank you. And (inaudible).

21 Heading in a new direction, taking  
22 a different stance on how to look at things and  
23 the tribes, and the consultations. The first step  
24 -- when we go to consultation in the past, but  
25 they (inaudible) and here is what we're going to

1 do and whether we get your approval or not, we'll  
2 go ahead and do those types of things. Perhaps  
3 not even consult the tribes. So thank you for  
4 taking us in this new direction.

5 TRACY STEVENS: Open for more  
6 comments.

7 TONY REIDER: I'd like to say a few  
8 things. (Inaudible) I guess first on the list is  
9 violations. (Inaudible) tribes to get these  
10 issued in a more timely manner. We've been  
11 dealing with (inaudible) a lot of money and until  
12 we get the (inaudible) violation (inaudible). A  
13 lawsuit in the state for failure to negotiate in  
14 good faith about five years ago (inaudible) NIGC  
15 and department of the interior to make the  
16 procedure a priority. Again, this is not a  
17 lawsuit that's cost millions of dollars in the  
18 economy this a state that is making a ten percent  
19 cut for spending millions of dollars fighting us.  
20 (Inaudible) in this lawsuit, they opened the door  
21 for the state to start looking at us under a  
22 microscope. They have their licenses (inaudible).  
23 More (inaudible) taxes, cigarette taxes, the  
24 (inaudible) taxes. To the point where  
25 (inaudible). The state has (inaudible). We'd

1 really like to see the secretarial procedures.

2 TRACY STEVENS: I think we have  
3 some time to (inaudible) a little later today.  
4 But some of the (inaudible) also share your  
5 concerns. (Inaudible).

6 PETER LENGKEEK: Nobody else is  
7 going to, I'll say a couple of words. I want to  
8 thank you for coming out here. My name is Peter  
9 Lengkeek. (Inaudible). Two years ago I was  
10 elected to represent our tribe at a consultation  
11 at the federal government with Obama and Salazar  
12 and (inaudible). And I went out there with high  
13 hopes. Finally we're going to get heard. But  
14 leaving there it was very disheartening. It was  
15 more or less what we call a (inaudible). There  
16 was no dialogue back and forth between  
17 (inaudible). We were rushed along the whole time.  
18 30, maybe 45 seconds to say it. It was like this,  
19 sitting in front of the panel, then smiling and  
20 nodding and jotting notes. And then move on to  
21 the next one. So it really felt like it was  
22 hollow. I just pray that this isn't, you know,  
23 the same type of thing. (Inaudible) the state  
24 bullies us. They push us around and step on us,  
25 and they don't see us as citizens.

1           In Indian country, I've heard a lot  
2 of talk about -- I think (inaudible) is one of the  
3 leading states, and I've heard South Dakota is  
4 following suit. But opening the gaming statewide.  
5 Have you heard anything there in Washington D.C.  
6 about this?

7           TRACY STEVENS: (Inaudible) with  
8 regard to South Dakota. I know just from my own  
9 experience it's a trend.

10          PETER LENGKEEK: Yes.

11          TRACY STEVENS: (Inaudible). We  
12 saw in Washington the (inaudible) continues.  
13 Continuing back. But I hadn't heard specifically  
14 about North Dakota or South Dakota. But it's not  
15 unheard of as a trend that states (inaudible).

16          JOHN STEEL: My name is John Steel,  
17 President (inaudible). (Inaudible) before we have  
18 a gentleman just before me, that relationship with  
19 the state that is not conducive to good neighbors  
20 or whatever. And we were talking a little earlier  
21 about the minimum internal control standards,  
22 class three (inaudible) illegal. Class two also.  
23 And your point of view that compacts of the  
24 California tribes, I thought maybe you would be  
25 more understanding than the white man in lumping

1 us all in one category as Indians. But I tried to  
2 tell you a little earlier that -- you mentioned  
3 yourself that the tribes are different from each  
4 other, how they operate, their standing, their  
5 relationships with other entities. And so as a  
6 commission, I would think that you would  
7 understand that we're all different. And  
8 California tribes, if they want to act sovereign  
9 and do that, so be it. That's their business.  
10 But us here who do not want minimum internal  
11 control standards on class two, we should be  
12 treated that way also.

13 We don't treat us all the same.  
14 Because one is one (inaudible) all Indians this  
15 way. But need a little innovating. Things are  
16 not like the past. Thank you.

17 TRACY STEVENS: Thank you for your  
18 comments. I agree with you. I think that's one  
19 of the issues that we're facing, that there is no  
20 blanket solution. It's impossible. So how do we  
21 address how tribes have in their own -- using  
22 their own sovereign right to decide for  
23 themselves, all the varying mechanisms that have  
24 been put into place, and when they defer to us and  
25 when they don't defer to us. That's why we come

1 here and say help us figure out some ideas so that  
2 we can do it differently. Because the blanket  
3 solution is not going to work on certain  
4 regulations. It's just not going to work because  
5 gaming -- we recognize that tribes are different.  
6 Ordinances, they're different. One size does not  
7 fit all in this situation. I certainly appreciate  
8 you bringing that to our attention. We certainly  
9 (inaudible). Help us do it differently. We want  
10 to do it differently. (Inaudible).

11 PETER LENGKEEK: (Inaudible)  
12 another comment. Mr. Big Crow spoke earlier of a  
13 treaty. You know, a couple of weeks ago in  
14 Congress they read the Constitution. They skipped  
15 Article 6 that said that treaties are the supreme  
16 law of the land. (Inaudible) voices in Washington  
17 D.C.. I'm going to tell you what I told them at  
18 that last Washington D.C. (inaudible) personally  
19 and (inaudible) people in this room. I want to  
20 know why they skipped Article 6.

21 STEFFANI COCHRAN: I didn't see  
22 that. I don't know why. Congress is Congress.  
23 (Inaudible) I can tell you they did skip other  
24 parts as well, and they have some justifications  
25 like (inaudible) slavery was not discussed because

1 (inaudible) has a long history of (inaudible).  
2 And I appreciate your words. I should be  
3 (inaudible). It was a big decision. I came out  
4 of the Indian country (inaudible) I was very happy  
5 representing (inaudible) by representing. Big  
6 risk putting myself out there. But it's  
7 (inaudible) I went from being accountable to one  
8 -- well, two. One, my tribe (inaudible) tribe  
9 membership to (inaudible) 33. (Inaudible). We  
10 should work harder to (inaudible) I can't explain  
11 Congress but I should be able to explain  
12 (inaudible).

13 JOHN STEEL: John Gilbert Steel  
14 again. (Inaudible) in here, South Dakota, we  
15 complained about the compacts. We don't have the  
16 leverage dealing with the state, the compacts.  
17 Other places say leverage revenue sharing.  
18 They've got other things to leverage. Possibly if  
19 we were to work with you, and I don't think it  
20 will take legislation, but through IGRA would it  
21 be possible -- I'm not a lawyer -- would it be  
22 possible to limit what was in these compacts to  
23 the state without having legislation? We'd like  
24 to work with you to somehow take care of our  
25 problem here in South Dakota.

1 TRACY STEVENS: I'm sitting here  
2 thinking if these compacts were approved by the  
3 secretary, the secretary procedures are through  
4 the secretary. I'm trying to think of what can  
5 NIGC do. Most of what we do is after the  
6 Secretary of the Interior (inaudible) just to help  
7 the tribes get together with the Interior because  
8 those are two areas that we don't really -- it's  
9 always after the fact. And even with compacts,  
10 we're out of it even after they're implemented.  
11 But I'm sitting here thinking what can we do to at  
12 least help the discussion because I hear you. I  
13 hear that (inaudible) issue for (inaudible) the  
14 tribes for 20 years. It's (inaudible) your  
15 ability to raise revenue if you (inaudible). So  
16 again, I'm just going to commit to being able to  
17 reach out to the department of the interior to  
18 (inaudible) and see what I can do to help  
19 facilitate these discussions and move them along  
20 so that (inaudible) about how we can have those  
21 discussions. Again (inaudible) we're limited if  
22 they don't (inaudible) at all. I can help. I can  
23 try to help move things along. I know that one of  
24 the mandates (inaudible) is that we don't have  
25 agencies in the executive branch. We should be

1 working collaboratively for our constituents,  
2 serve people that we're meant to serve. And that  
3 means working with other agencies, even if it's  
4 taking information, and saying we've heard this  
5 concern. We've heard concerns from other  
6 agencies. What we can do is carry that water for  
7 you and try to bring it (inaudible) tribes, and  
8 the concerns you have to the agencies rather than  
9 to sit here and say it's not my worry. I'll see  
10 what I can do to help.

11 JOHN STEEL: Chairwoman Stevens,  
12 would it be possible say if NIGC were by  
13 regulation (inaudible) to craft a regulation.  
14 (Inaudible) what is directly related to gaming, or  
15 what is good faith.

16 TRACY STEVENS: We're open to  
17 listen to what the options are and seeing if  
18 (inaudible) authorities and (inaudible). I think  
19 the same thing, trying to help set up a meeting  
20 with the tribes and Interior -- certainly I can't  
21 promise for them, make committments for them. I  
22 can commit to doing some outreach to connect the  
23 tribes and the department so that you can  
24 (inaudible) and see what I can do with that. And  
25 certainly when we say we're going to consider all

1 your comments, we're going to consider that  
2 comment and see where (inaudible) authority and  
3 what we can do to help this situation.

4 MARK FOX: Members of the  
5 commission, this is Mark Fox, three AT again. I  
6 haven't heard anything with regards to where we  
7 were a year ago on structure and things of that  
8 nature for NIGC itself. Buzz words were held  
9 there regarding (inaudible), of that nature. I'm  
10 making an assumption that you're following up you  
11 on that. You're demonstrating developments in  
12 that so that the National Indian Gaming Commission  
13 actually has people working there. So I'm  
14 assuming that you're making an attempt on that  
15 briefly. But I also will raise the issue on  
16 (inaudible) we've prepared something together that  
17 showed that we're the largest region as far as  
18 geographical distance and number of tribes, et  
19 cetera, et cetera. And yet (inaudible) NIGC just  
20 to make the great plains here, South Dakota and  
21 North Dakota maybe (inaudible) Wyoming in one  
22 region rather than just have a satellite office.  
23 They seemed to be on top of it but (inaudible).  
24 So can you touch on both of those?

25 DAN LITTLE: I'm very, very proud

1 to say, and as Chairwoman discussed earlier, last  
2 week the commission did (inaudible) policy. That  
3 is policy of the commission to move forward for  
4 any new hirings or (inaudible). So that's on the  
5 books. We're happy to report that.

6 One of the things in our agency  
7 operation review that we're doing is we're looking  
8 for the entire commission. Keep in mind what the  
9 Chairwoman said about Ace, assistance, compliance,  
10 enforcement. Looking at how we do our business.  
11 We all come from tribes and we all understand how  
12 tribes for years have been be tightening their  
13 belt looking at their own internal operations, how  
14 they can do their business better, cheaper. I'm  
15 not so sure -- we're looking at a way the  
16 commission can do that also. Budgeting through  
17 (inaudible) control, our operating procedures, we  
18 are in a split system, some help in reviewing our  
19 infrastructure, working with the employees, making  
20 sure that their jobs match up with their job  
21 function. So we're working on that, looking at  
22 the process. What you bring up about your region,  
23 you're absolutely right. I mean (inaudible)  
24 stretches from Michigan out to Montana. That's  
25 huge. You're right. I think overall when we do

1 do this agency review, we'll be looking to make  
2 sure that the staffing requirements meet the  
3 (inaudible) in office where it seems  
4 geographically correct. But bringing us out  
5 (inaudible).

6 TRACY STEVENS: I want to say --  
7 this is Tracy Stevens. When we came in, I guess  
8 you could sort of say we hit pause because there  
9 were a lot of plans in the works for more  
10 employees, more offices, more of a lot of things.  
11 It was like stop. Let's take a look. That's why  
12 it's one of our major initiatives. Four things  
13 we're going to do, four doesn't sound like a lot  
14 but they're actually monumental tasks. And a lot  
15 of our time and energy is actually going towards  
16 (inaudible) an inordinate amount was not  
17 anticipated when I came into office. Not at all.  
18 What was on my mind was consultations, technical  
19 assistance, and training, and the regs because I  
20 went through all those reg processes for years and  
21 years on the other side of the table. And I knew  
22 that the agency needed to be looked at. But it is  
23 taking a lot of our time. We're in the beginning  
24 of this process. And just, you know (inaudible)  
25 make sure we're working in a way that serves the

1 tribes the best. That means (inaudible)  
2 processes, our systems, our internal control,  
3 making sure that we're not doing anything, that  
4 we're missing things. That's all part of what  
5 (inaudible) agency. We won't do this with your  
6 tribe. We don't do it with operations. We come  
7 from backgrounds where you get grilled when you go  
8 through the budget process. It's a (inaudible)  
9 process. I don't know about your tribe, but my  
10 tribe, we got to stand up and talk to a lot of  
11 community people, and people who ran the programs.  
12 We had to stand up in front of everybody and  
13 explain yourself, and explain your budget, explain  
14 what you were doing, and if you wanted something  
15 more or if you wanted to change something, you  
16 better hope (inaudible) and you better convince  
17 them. We have to do that too to make sure that  
18 we're providing the most of what we've got, and  
19 not overreaching. Like I said, when we came in,  
20 there was a lot of things on deck to start moving  
21 forward. (Inaudible) home fires first, and see,  
22 let's test what we're doing before we follow  
23 through with these. (Inaudible) serving tribes.  
24 We hear you. And we appreciate that this is  
25 actually a very large region geographically. And

1 how best can we serve you in a way that is best  
2 for this region? And we're open to those ideas.

3 DAN LITTLE: One quick addition.  
4 We're all very cognizant that fees that operate  
5 this commission are paid by all of you. So we  
6 want to be good stewards with these funds because  
7 they're not ours; they're yours.

8 LAEL ECHO-HAWK: Just a quick look  
9 at the trading survey that was in your packet,  
10 because it is very important to us. It was  
11 interesting, we had a conversation with the  
12 regional staff, the Chairwoman and I did  
13 yesterday. And they were telling us about their  
14 schedule. And they go out to you guys, and that's  
15 what we want. But we also know that your dollars  
16 are very limited for training. Like (inaudible)  
17 thing about that. And if we really want to assist  
18 you, the best way for us to do that is to figure  
19 out what training is needed so that we can get it  
20 out to you because it's free. So if we can do it  
21 here, we can do it there -- but we really need  
22 your input on that so that we can do the best, and  
23 as we look at what our structure is, our  
24 organization, the need for the training needs are  
25 going to play a part and be a factor in those

1 decisions. So please fill out that survey and get  
2 it either to me or your region staff.

3                   JOE FOX: Good morning. My name is  
4 Joe Fox. I'm Vice President Northern Cheyenne  
5 Tribe. (Inaudible) Montana. I you guess I just  
6 wanted members of the commission (inaudible) each  
7 and every one of the commission (inaudible)  
8 dialogue with the state (inaudible) regulatory  
9 commission and gaming (inaudible) as a commission,  
10 and (inaudible) tribes. And I know that the  
11 council here this morning (inaudible) tribal  
12 leaders to continue to make comments and  
13 (inaudible) always going to see what's best for  
14 us, for the tribes. You also want to take a look  
15 at what's our advantage here to make it work. At  
16 some point in time (inaudible) South Dakota, North  
17 Dakota, and the Dakotas (inaudible) dialogue with  
18 the state governments as far as (inaudible).  
19 We're fortunate to have a democratic Governor  
20 (inaudible) State of Montana which is (inaudible)  
21 republican. I (inaudible) pretty good  
22 relationship. (Inaudible) and here in Montana  
23 we're fortunate (inaudible) right now.  
24 (Inaudible) our Chairman (inaudible) tribal  
25 council. (Inaudible). But I just wanted to point

1 out how much (inaudible) if you have any kind of  
2 relationship with (inaudible) about the states  
3 (inaudible) any kind of dialogue? (Inaudible)  
4 what transpires from our meeting to (inaudible)  
5 current leaders (inaudible) various concerns and  
6 (inaudible) regulatory commission (inaudible). A  
7 relationship between (inaudible).

8 TRACY STEVENS: Yeah. I do want to  
9 (inaudible) in particular. But we talked about  
10 this. I talked about this during my nomination  
11 process. Where we can have good working  
12 relationships -- of course there are obligations  
13 to the tribes. But for the sake of information  
14 sharing, I did not necessarily -- to learn and try  
15 to use good (inaudible) where possible, no harm to  
16 talk to states about best practices, learn from  
17 good examples. I have a working relationship with  
18 Washington State and Washington because I worked  
19 for years and years and years with a compact.  
20 Worked out our internal controls, and worked with  
21 them all the time. Others have relationships that  
22 they brought with them. But we've thought about  
23 how we can (inaudible) be informed about what  
24 states are doing and how it's working out. But  
25 not intrude on the (inaudible) state

1 relationships, whatever those might be. Because  
2 our obligations are to the tribes. But I'm open  
3 to alternative good examples of how to work on all  
4 levels of regulatory properties. Because I  
5 recognize (inaudible) the most regulated team  
6 there is. We have three levels. We can use that  
7 as an opportunity. Some of us have relationships  
8 already established. Sometimes I think they call  
9 our office for some clarification. But I'd be  
10 curious about what you all think with that because  
11 we don't want to intrude, and we don't want to  
12 over step either, and have it appear as though  
13 we're only working with the state. But we are  
14 curious about how things might work if there were  
15 opportunities.

16 DAN LITTLE: You did a good job of  
17 saying what I would say. (Inaudible) we basically  
18 have been working together now for five or six  
19 months. We did discuss that. Possibly if there  
20 was a way to establish a kind of clearing house  
21 for information on what works and what doesn't  
22 work in different states. But keeping in mind,  
23 like the Chairwoman said, we would never want to  
24 get in the way of the government government  
25 relationship that you have with your states. We'd

1 be definitely interested in hearing your thoughts  
2 and how (inaudible).

3 STEFFANI COCHRAN: I also am aware  
4 that our regional staff I know has not much  
5 (inaudible) relationship with (inaudible). And I  
6 know some of you spend time attending their annual  
7 -- excuse me, whatever the state (inaudible) is  
8 set up so that there is that relationship with our  
9 agency and (inaudible). I would be interested as  
10 well to see if that (inaudible) tribes want to  
11 pursue (inaudible) very concerned about making  
12 that relationship (inaudible).

13 CHARLES BAILEY: Good afternoon,  
14 Chairwoman Stevens. I have a few comments. I'm  
15 Charles Bailey. (Inaudible) gaming commission.  
16 The NOV's that I'm (inaudible). Okay. The NOV's,  
17 you heard comments from other tribes that kind of  
18 gives us a black eye, even when a settlement is  
19 reached. Our comment was that if the settlement  
20 can be reached, why should there be an NOV? We've  
21 had one (inaudible). Kind of gives us a black  
22 eye.

23 The other one I noticed you had  
24 some suggestions for simplifying. We thought that  
25 if you could ear tag or earmark those fines to be

1 implemented for education and training for the  
2 tribes that (inaudible). Just a suggestion.

3 The other one is the class two mix.  
4 We feel they need to be revised. However, through  
5 a tack committee. But that tack committee needs  
6 to be diverse or it's going to (inaudible) in your  
7 smaller operations. As you heard, we're all small  
8 here in this area. Some of our concerns -- most  
9 of our concerns occur deep in your mix where it  
10 addresses bigger operations, whereas the small is  
11 not. But those are just a few. I got to get  
12 going, so I thank you for allowing me to comment.

13 TRACY STEVENS: Thank you. I  
14 appreciate you staying long enough to provide your  
15 comments. Hopefully you've given written  
16 comments. There are some examples on the website.  
17 And not necessarily on content, but (inaudible)  
18 form is actually a good example of regulations  
19 saying we have an issue with it, we don't have an  
20 issue with. It's a priority, it's a high or low  
21 priority, and we suggest you do (inaudible) or  
22 just go to rulemaking. It's pretty clean. So  
23 thank you for your comments. You're right, NOV  
24 shouldn't be a surprise. They're a black eye on  
25 tribes. We want to help prevent it, proactive

1 rather than punitive. So we appreciate your  
2 comments.

3 CHARLES BAILEY: I think the  
4 Colorado decision (inaudible) kind of takes the  
5 air out of the room. You heard what we commented  
6 about today. I hope that (inaudible) that  
7 Colorado decision shouldn't take away from  
8 (inaudible).

9 TRACY STEVENS: On our schedule  
10 we're scheduled for a lunch break for about an  
11 hour and a half. Let's hear some comments that  
12 need to be made now. I'll defer the group, if  
13 you'd like to take a break right now for lunch for  
14 an hour and half, and we'll be here at 1:45.  
15 Thank you.

16 Let's go ahead and resume for those  
17 who have further comment. Let everybody come in  
18 and get settled. I'll apologize now. I'm going  
19 to keep my coat on because I'm just cold. It  
20 looks like I'm ready to leave, but that's not  
21 what's going on. I'm just cold. I'm a water  
22 Indian, so when it rains I'm good. This is too  
23 much.

24 Do we have any additional comments,  
25 any questions? Yes, sir.

1           ALEC SANDCRANE: Alec Sandcrane,  
2 Northern Cheyenne Tribe. (Inaudible). I was  
3 talking to Joe (inaudible) states aren't putting  
4 the work into it. (Inaudible). I don't really  
5 understand (inaudible). Also since some of the  
6 (inaudible). (Inaudible) turned around and  
7 (inaudible). (Inaudible) going on for (inaudible)  
8 two miles before (inaudible). Regulation  
9 (inaudible). (Inaudible) a lot of the problems  
10 throughout (inaudible).

11           TRACY STEVENS: Sir, did you say  
12 you had an ordinance before us? Okay. I'd like  
13 to check on that and see where they're at  
14 (inaudible). I'm sure we'll have staff  
15 (inaudible) to check and see where we're at in the  
16 process. (Inaudible) for you. Thank you for your  
17 comments.

18           Other comments? If you can come up  
19 to the mic. Feel free to sit down too.

20           WILSON TWO LANCE: I'd like to  
21 stand. My name is Wilson Buzi Two Lance. I've  
22 been (inaudible) since '97. A couple of years ago  
23 (inaudible) executive secretary for the  
24 (inaudible) tribe. Just a couple of comments and  
25 some questions. I guess one question. I'm going

1 to use three words here. Economic oppression,  
2 breath of fresh hair, and Indian (inaudible)  
3 friendly. But back to economic oppression. Back  
4 in 1993, I think if we knew then the things that  
5 we know today our compacts would be quite  
6 different. And I think when we allow the  
7 different form of government to come in and tell  
8 us what our profits should be, how much we should  
9 be making, limiting our establishment, that's  
10 economic oppression. I use that word a couple of  
11 times. A couple of years ago, I did an interview  
12 with the local paper here in Rapid City. Because  
13 we do a South Dakota Indian gaming (inaudible)  
14 every year in December. I did it. And economic  
15 oppression, and (inaudible). I'll give you one  
16 sentence. That says that compacts should be  
17 (inaudible). Anyway, back to the economic  
18 oppression.

19 I think if we allow the state to  
20 come and continue to tell us how much our profits  
21 should be, I think we need to get away from that.  
22 Some back doorway to -- in '93 we made the compact  
23 and then we allowed the state to control this  
24 position and (inaudible) compromise. A compromise  
25 -- a compact should be a compromise between two

1 governments. Back in '93 the state took that  
2 controlling, and (inaudible).

3           Breath of fresh air. I went to a g  
4 2 e and I listened to your panel discussion. I  
5 know you've been involved in gaming for a long  
6 time. I noticed how they used to treat us at the  
7 reservations and (inaudible) cram it down our  
8 throats and say here, you have no comments come  
9 back with (inaudible). We know what's going on.  
10 Anyway, a breath of fresh air. I listened to you  
11 guys talk. And I thought it was a breath of fresh  
12 air to see NIGC (inaudible) you guys coming down  
13 and cramming things down our throats. You're  
14 going to work with us. You and (inaudible) I  
15 think is awesome.

16           And finally, my final question,  
17 once we go through all this reviews and stuff, and  
18 you're going to make changes with IGRA, and Indian  
19 renovator, how are we going to get through  
20 Congress? Because we know there are a lot of  
21 people there that are very anti-Indian,  
22 anti-gaming. And I know this is a (inaudible)  
23 question I guess but Obama didn't make it  
24 (inaudible), three years from now are we going to  
25 be doing the same thing here? Trying to protect

1 some of the advances we've made as Indian tribes?

2 TRACY STEVENS: Thank you for your  
3 question, your comments, and good words. With  
4 regard to Indian movements and IGRA, as I stated  
5 earlier, I view my job as executing and  
6 implementing what the IGRA tells me are  
7 statutorily (inaudible). I said this before. I'm  
8 not going to go (inaudible). But we are doing  
9 here within the purview of IGRA. (Inaudible).  
10 Our regulatory authority. And our authority to be  
11 able to promulgate regulations, to address  
12 policies and advance regulation. And that's what  
13 we're trying to do with the area that we have the  
14 authority, how we interpret the act.

15 What's going to happen if a new  
16 administration comes in, if any administration  
17 comes in? They have authority just like we do  
18 (inaudible) agencies that they're heading up to  
19 enact the policies of that particular commission.  
20 That's I think what every agency does, every  
21 administration does, look at the executive  
22 agencies (inaudible), the policy of the current  
23 administration. That's what we're doing. And we  
24 happen to have a President that is very supportive  
25 of (inaudible) self-determination,

1 self-governance, and you know, our goal is to work  
2 collaboratively with tribes in the policy section  
3 of IGRA. It's about strong tribal governance,  
4 economic development, self-determination,  
5 self-sufficiency. That's the policy we have. We  
6 (inaudible) that. (Inaudible) making it more  
7 difficult for you (inaudible) that policy that's  
8 written in plain language in the first part of the  
9 act. I'm not sure if that answers your question.  
10 But as I said, any new administration will  
11 probably go through the same. Not exactly the  
12 same (inaudible) come in and examine the practices  
13 (inaudible), their priorities.

14 LAEL ECHO-HAWK: Another piece to  
15 that is we have a very -- as you know, we have a  
16 very limited amount of time. It's not set in  
17 stone as far as the President and judicial action.  
18 And come a certain point in time, they tell  
19 agencies you have to quit rulemaking. So we  
20 probably have, you know, a best guess 18 months  
21 max to get these regulations done. So you know,  
22 when you see the agenda in April, it's going to be  
23 very, very aggressive because we have to consult,  
24 act -- we have to make any revisions or additions  
25 or deletions that are appropriate. And we have to

1 get them on the federal register, notice  
2 (inaudible) final. All these time constraints.  
3 So we're going to be moving very, very fast. But  
4 the goal is that that (inaudible) rulemaking, that  
5 will have left the industry better. That will  
6 have left the Indian country and Indian gaming in  
7 a better position than we are today. That's the  
8 idea. Whatever help you guys can give us to get  
9 that done, we really appreciate it.

10 TRACY STEVENS: That brings up  
11 another point. I just want to share this with  
12 everyone. When the three Commissioners sat down  
13 in the first strategy meeting two weeks into my  
14 time in office, one thing that we all agreed on  
15 just having been brought up a certain way, or have  
16 worked with Indian government (inaudible).  
17 Something I was always taught -- I heard it from  
18 my mother. I heard it from my grandmother. Put  
19 it back better than the way you found it. Better  
20 than the way you found it. That's your job.  
21 Whatever you're doing. And that's what we're  
22 trying to do with this regulatory review. Not to  
23 be overreaching, but to have it serve you. Have  
24 it be better than when we walked into our  
25 positions. And to have it work to protect the

1 industry and help tribes realize the economic  
2 value, the economic results of (inaudible). I  
3 want to share (inaudible), leave it better than  
4 you found it. Any more comments from anyone in  
5 the audience? I know we tried to defer -- if you  
6 can come up and have a seat at the mic or one  
7 right up here. Your preference.

8 GERALD BIG CROW: Gerald Big Crow.  
9 I do feel very comfortable with you guys coming  
10 out here and meeting with us. It's been pleasant  
11 in my mind. There are two years left in this  
12 administration. So these executive orders that  
13 Obama put out to the administration, does that  
14 mean that we say something, you're going to take  
15 it back and implement it in the best interests of  
16 the tribes or the best concern here? Or what  
17 angle are we getting at? Because I live in the  
18 state all my life. I've been in tribal government  
19 politics all my life. As long as we're fighting  
20 the state here over things here, we're not getting  
21 anywhere. I think the national gaming regulatory  
22 act ought to sit down and see those. You don't  
23 have the pass resolutions or ordinances to vote  
24 back to you guys (inaudible) like numbers we gave  
25 you guys you this morning. 2250 machines that we

1 have 1994 till now. I think in that that time, 20  
2 years (inaudible) money now that that's another  
3 resource that can benefit all of us tribes that  
4 don't have the money to operate. So I think it's  
5 my opinion, but you people need to see these  
6 numbers and stats and say maybe we need to go out  
7 there and talk to these people about this. This  
8 morning, I agreed with you a hundred percent that  
9 (inaudible) advice together to help us benefit out  
10 there. The state here is going to ignore us and  
11 pick us all out one by one in doing that, the  
12 state in this court case (inaudible) here, and  
13 they've been dragging it out. (Inaudible) a lot  
14 of good foundation and (inaudible). (Inaudible)  
15 goes back to the republican side and that order  
16 comes down from there (inaudible). So you have to  
17 (inaudible) politics in a way here because if it  
18 comes out on the democrat side, it's usually a  
19 benefit (inaudible). If it comes out on the  
20 republican side (inaudible). I mentioned that  
21 earlier. One time this great Sioux nation had  
22 (inaudible) was taken from us. (Inaudible).  
23 Nobody wants to talk about it. A hundred Senators  
24 (inaudible), 456 Congressmen don't want to say  
25 (inaudible). We heard that all the way around the

1 table. I think if you guys got 18 or 19 months  
2 left, I think your agenda is set (inaudible) for  
3 us. Benefit us. You know? At least you should  
4 get that in before the door closes. (Inaudible)  
5 we have another four years to vote. So there's a  
6 bright side to this whole thing. We're crossing  
7 our fingers, but that hope is always there. I'm  
8 hoping that President, Chairman (inaudible)  
9 sitting around this table (inaudible) -- the last  
10 administration, the last 11 or 12 months without  
11 benefit to any tribe. Any tribe. I think to make  
12 this thing work, I'm hoping it does, but I think  
13 all the positions that you got out there  
14 (inaudible) have some input in this. (Inaudible)  
15 but I think send somebody out (inaudible) on a  
16 monthly basis (inaudible) each month, it would be  
17 best for everybody. (Inaudible). I called that  
18 guy a couple of times (inaudible) put me to  
19 another person. That's not my territory.  
20 (Inaudible) just like anybody else here. We all  
21 got (inaudible). Two years, come to talk  
22 (inaudible) needs to be heard. (Inaudible)  
23 regulate and take care of the own economic needs  
24 and our own people. Before we open that up, I  
25 would like to see you guys take this compact

1 (inaudible) and open it up and (inaudible).  
2 There's more about to come (inaudible). I don't  
3 know if that's good or bad, but things are going  
4 to get tight for the next five years. To have a  
5 ten percent cut this year (inaudible) another ten  
6 percent cut in the next two or three years. Right  
7 now Obama is saying that he wants to freeze all  
8 salaries. (Inaudible) we're trying to  
9 (inaudible). How far do we go to make our  
10 (inaudible) wants heard? That's what I got to say  
11 (inaudible). We appreciate it. (Inaudible)  
12 administration is (inaudible). They want to get  
13 going too. (Inaudible).

14 TRACY STEVENS: Thank you for your  
15 words. Any other comments from out in the  
16 audience? I know there's a lot on the table. And  
17 when we go from region to region, various talks  
18 about the commonalities, the common issues that  
19 they have there. The same is true here. The mix  
20 had come up at the regular meeting (inaudible)  
21 facility licensing has come up. (Inaudible) and  
22 should be more centralized. (Inaudible) the  
23 process is so cumbersome that (inaudible) doesn't  
24 give you the benefit (inaudible). (Inaudible)  
25 enforcement practices, interest in a similar issue

1 so far and across all the regions (inaudible).  
2 More cure-based enforcement, and more compliance  
3 based really, more of a desire to have rather than  
4 punitive actions like we talked about earlier  
5 today -- rather than that, have efforts  
6 (inaudible) efforts.

7 GERALD BIG CROW: How about doing  
8 away with compacts (inaudible)? You guys  
9 regulate.

10 TRACY STEVENS: Interesting.  
11 There's (inaudible) out there on the other side of  
12 that. But it varies from region to region. And  
13 that's why we wanted to have open discussions  
14 about this so you can see where the concerns are  
15 with other tribes, especially with there are such  
16 differences that we're going to have to come up  
17 with resolutions (inaudible) more difficult for  
18 tribes unknowingly.

19 DAN LITTLE: Do you have any ideas?  
20 As we move forward with the process, we're  
21 actually going to need to figure out the process.  
22 And something that was kind of very helpful in the  
23 past but I think we've fallen down (inaudible) on  
24 the trip last time around was tribal advisory  
25 committee. Does anybody have any comments on ways

1 that we can refine that system? I think the last  
2 one, the complaint was that the industry is  
3 diverse geographically, but class two, class  
4 three, different kinds of compacts. How can we  
5 get a good representation on all the segments of  
6 the industry, and geographically throughout Indian  
7 country? Does anybody have any suggestions this  
8 or if you don't want to say them today, maybe you  
9 can put them (inaudible) and you might want to  
10 submit them. (Inaudible) do you have any? I know  
11 you always have comments about that.

12 UNIDENTIFIED SPEAKER: Oh, I'll  
13 (inaudible).

14 DAN LITTLE: (Inaudible) you have  
15 any comments? I can return the favor. But always  
16 appreciated, Mark.

17 TRACY STEVENS: We have received a  
18 lot of critiques about the tribal (inaudible) have  
19 morphed over time. For those that have been  
20 involved in gaming for a while, they started out  
21 more friendly. They had facilitators. Ground  
22 rules were established and there were work  
23 objectives that were set. The committee members  
24 were diverse in where they came from across the  
25 country. But also from the part of the industry.

1 Machine manufacturers, operators, regulators,  
2 tribal leaders. It was very diverse. And it was  
3 more organized.

4 Fast forward five, six, seven,  
5 eight years, and it became a very narrow selection  
6 process. Not diverse. And for criticisms  
7 (inaudible) give comment and know that their  
8 comment was heard; that it didn't go into a black  
9 hole somewhere. Or that it's being listened to,  
10 and none of their comments were taken into  
11 consideration. We want to avoid that model. We  
12 want meaningful input from whomever is on  
13 committees for whatever purpose they might serve.  
14 I have the good fortune of working with the  
15 department of the interior, Mr. (Inaudible) and  
16 Mr. Salazar for over a year. And going through  
17 processes that were more (inaudible), and having a  
18 facilitator who is a neutral party who can --  
19 especially a facilitator that can (inaudible) and  
20 has (inaudible) so that we can do traffic control  
21 (inaudible) in his advisory committee meetings  
22 (inaudible) with that many differing opinions and  
23 that many people at the table. (Inaudible) as  
24 facilitator, someone who serves as traffic control  
25 and (inaudible) on certain issues and (inaudible).

1 But we're open. Something -- if you don't want to  
2 have comment today or you're not prepared to  
3 comment on advisory, and the processes that we  
4 addressed, rulemaking, please consider those in  
5 your written comments on behalf of your tribe.

6 ERIC ANTOINE: My name is Eric  
7 Antoine, I'm with the Rosebud Sioux Tribe. I did  
8 have a couple of brief comments about the advisory  
9 committee. I apologize for getting here late. I  
10 came from the east, and the weather is not very  
11 nice.

12 As far as our comments about the  
13 advisory committee, is this advisory committee  
14 representation based upon region or based upon the  
15 actual class two activity and then each tribe  
16 participates in? Because some tribes have more  
17 class two activity than others. Rosebud is  
18 looking at expanding our class two activity in  
19 gaming because of the limitations of the compacts  
20 in South Dakota. That was one issue that we were  
21 going to bring up. And we would like greater  
22 tribal participation, not just by region, but  
23 mainly by the coast or the amount of class two in  
24 that tribe participation.

25 The other thing that I wanted to

1 mention is that the committee, the budgeting  
2 committee should be allowed to consult other  
3 advisory committees that the tribe has, and  
4 consult outside. The representatives should be  
5 allowed to consult outside the advisory committee,  
6 not just in closed sessions. I think that was one  
7 of the complaints that we had before that they  
8 were closed sessions.

9           The other thing I want to mention  
10 is that committee members should have relevant  
11 class two regulatory experience. Not just  
12 representatives that may or may not have any  
13 experience at all in regulatory -- regulating  
14 class two facilities. And finally, and this is  
15 kind of a general comment, that we think Rosebud  
16 (inaudible) class two regulations and technical  
17 standards should appropriately reflect current and  
18 future technology. And we do intend to expand our  
19 comments with written comments as well. Thank  
20 you.

21           TRACY STEVENS: Thank you for your  
22 comments. I'm not really answering your question  
23 about the make up of committees, but I'm going to  
24 turn the question back to all of you and to Indian  
25 country. How would you like to see that format?

1 We want to remain flexible enough. We don't want  
2 to be so rigid that we paint ourselves into a  
3 corner when it comes to advisory committees. My  
4 personal feeling having been on -- I was never on  
5 an advisory committee but I was in what was termed  
6 the peanut gallery. Not allowed to speak but I  
7 sat in the back trying to speak. But we don't  
8 want to be so rigid that we can't -- based on  
9 whatever the topic is, that we bring in the  
10 appropriate people that can inform the drafting of  
11 a regulation who are experienced enough that  
12 there's broad representation in the industry from  
13 regions throughout Indian country. But I think we  
14 want to -- I think the desire is that we remain  
15 flexible enough to be able to adjust the committee  
16 to the subject. And not be so rigid that we can't  
17 change it. You're going to see a lot of  
18 flexibility with this commission. And openness to  
19 options as we go forward. So that doesn't really  
20 answer your question about format. So I'm asking  
21 you how you all would like to see it go. Or we  
22 appreciate the history. I think Mark Fox was  
23 talking about business, his caveat that he wasn't  
24 necessarily talking about us. The past practices  
25 of the NIGC. It's good for us to know our

1 history, and what has worked and what hasn't  
2 worked. So we welcome your thoughts on anything  
3 that hasn't worked as well as provide a possible  
4 solution.

5 STEFFANI COCHRAN: Since you  
6 weren't here this morning, I wanted to point out  
7 some things (inaudible). We're also looking for  
8 some feedback from tribes on what types of issues  
9 might require a tribal budget (inaudible) and what  
10 may require something a little less bold because  
11 we do have so many different issues out there that  
12 may come up. Not get (inaudible) or things that  
13 might require a little more process to it. So if  
14 you have thoughts and you share that with us and  
15 help us formulate what issues might require the  
16 advisory committee. That will be very helpful.

17 DAN LITTLE: One thing we heard  
18 from different regions is folks have had some  
19 difficulty complying with the facility license  
20 regulation. Issues that are (inaudible). I don't  
21 know. (Inaudible). But the commission is looking  
22 at how that whole regulation was adopted. I  
23 myself was for the tribe and was surprised at the  
24 speed that regulation was enacted. And have since  
25 seen how it's applied. So (inaudible) for that.

1 TRACY STEVENS: Something to think  
2 about if there are comments to hear verbally,  
3 think about as we move forward (inaudible). Just  
4 to go off (inaudible). We've heard some tribes  
5 said it was helpful to have those kind of  
6 guidelines put in front of them, those  
7 requirements for facility licensing. Better  
8 inform the processes. I've also heard tribes say  
9 it's duplicative. We already have practices  
10 within our tribe that project (inaudible) public  
11 health and safety. And we have public works  
12 departments, we have (inaudible), we have a  
13 grievance with the fire department, police  
14 department. We have codes that cover this. Also  
15 with regard to facility licensing, providing the  
16 NIGC with records (inaudible) has that  
17 information. Why don't you (inaudible). Why  
18 should we have to provide it to you again? Those  
19 are the things we've heard coming from tribes.  
20 Something to think about, comment on facility  
21 licensing. Those are the kinds of things we're  
22 hearing. And again all these comments in the  
23 transcription, these records will be posted on the  
24 website (inaudible).

25 While I'm not one to keep you all

1 here, you all need to get back. If there are no  
2 other comments, we'll be around a little bit  
3 afterwards here in case there are any questions  
4 that maybe you're not comfortable with asking on  
5 the record. We welcome questions. If you're not  
6 clear about something, let us know. By the way,  
7 our phone system in Washington D.C. is down for a  
8 week. It's been up and down. Our E-mail system  
9 is working though. We tried to have caller ID put  
10 on, and apparently our system is so old that we  
11 couldn't get it to work. So we broke the phones.  
12 We're trying to fix them now. I understand we've  
13 had some calls going in (inaudible). We will get  
14 your message, whoever gets it back there if you  
15 have any questions about what we are doing.  
16 E-mail, like I said we'll stay here for a bit  
17 afterwards to talk with you all if you have  
18 anything you want to ask us (inaudible). But if  
19 it's all right with everybody --

20 LAEL ECHO-HAWK: Just logistically,  
21 if you do have some concerns about -- or if you  
22 have some issues you want to talk to the  
23 commission about individually, just for your  
24 tribe, while we're not doing this sort of line up  
25 of tribes (inaudible) speak with you 15 minutes.

1 That format we're not using anymore, but we are  
2 going to be at various conferences and meetings  
3 around the area. And if you're going to be at one  
4 of those, you can go to our website under the  
5 contact us website. There's a request form. Fill  
6 that form out, we'll try to make arrangements in  
7 our schedule to meet with you. If you're in D.  
8 C., in the area, you want to come by, just pop by  
9 and say hello. We have crazy security downstairs,  
10 so it gets a little dicey but you can also fill  
11 out a request form for that. It helps us when you  
12 fill out the forms so that we know what your issue  
13 is so that we can be prepared. As always, the  
14 region staff is available to meet. We're  
15 available by conference calls (inaudible)  
16 Commissioners, office of general counsel. But  
17 we're really trying to be as accessible as  
18 possible. So even though we may not be sending  
19 out those letters (inaudible) 15 minutes, we are  
20 going to be at the various meetings and we try to  
21 have that stuff on the website. And if you'd like  
22 to request a meeting, please use that form. Call  
23 us. Maybe we'll answer. We don't know about the  
24 phone system just yet. But for sure that form  
25 will work, and E-mail us so we can meet with you

1 one on one and you won't have to try to chase us  
2 down somewhere.

3 TRACY STEVENS: Thank you for  
4 attending. I hope that you all have a safe travel  
5 home, wherever that might be. One last time, the  
6 Commissioners will stay if you have any comments.

7 STEFFANI COCHRAN: I just want to  
8 say thank you again for coming to sit with us  
9 today. Your time, share your thoughts to the  
10 tribal leadership. I'm always grateful for your  
11 time to tribes for your wisdom. Thank you. To  
12 the rest of you who came, thank you for your  
13 attention. I appreciate it very much. I look  
14 forward to the hard work. I really do. I'm  
15 always up for a challenge. And (inaudible). Not  
16 only Indian country now, but Indian country today  
17 which is my son's future. I wish you (inaudible).

18 DAN LITTLE: Just to add on to what  
19 Tracy and Steffani said, I really appreciate the  
20 comments. I look forward to reading them. Like  
21 Lael said, we're going to go through and we're  
22 going to read all your comments. One thing we did  
23 hear and the Chairwoman did point out is folks  
24 didn't really know that comments that they sent to  
25 NIGC were ever acknowledged or read. And having

1 the formal councils to submit comments -- I know  
2 the amount of work that goes into these things.  
3 This whole commission promises you we will read  
4 your comments. Once again, thank you for coming.  
5 I know that many of you travelled long distances  
6 by car. I really appreciate that. Thank you.

7 TRACY STEVENS: Thank you all for  
8 attending again. Thank you for attending. We'll  
9 be here for a few minutes afterwards, probably  
10 another half an hour. So thank you again.

11 LAEL ECHO-HAWK: If you have any  
12 surveys, put them in my hand please. Thank you.

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C E R T I F I C A T E

I, LAUREN SCHECHTER, do hereby  
certify that the foregoing is a true and accurate  
transcript of a tape recording in this matter.

I do further certify that I am  
neither of counsel nor attorney for any party in  
this action and that I am not interested in the  
event nor outcome of this litigation.

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Certified Shorthand Reporter for the State of  
New Jersey

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