



## **TWENTY-NINE PALMS GAMING COMMISSION**

December 5, 2011

National Indian Gaming Commission  
1441 L Street, NW, Suite 9100  
Washington, DC 20005  
Via email: [reg.review@NIGC.gov](mailto:reg.review@NIGC.gov)

Re: 25 CFR Part 514 Fees – Proposed Rule

Chairwoman Stevens, Vice-Chairwoman Cochran and Commissioner Little,

The Twenty-Nine Palms Gaming Commission would like to thank you for the opportunity to comment on the National Indian Gaming Commission's ("NIGC") Proposed Rule for 25 CFR Part 514 – Fees. The Commission notes that the NIGC is proposing five substantive changes to its existing regulation. Our comments on each of these five changes are below.

First, the NIGC proposes to change the fee calculation to one that is based on a fiscal year rather than a calendar year. Having reviewed any consequences associated with this change, we do not oppose this modification to the existing regulation.

Second, the NIGC seeks to require the submission of fee statements and payments on a quarterly basis. Again, we have reviewed this proposal and have no objection to it.

Third, the NIGC is proposing to change some of the terms used on the fee statement so that they are consistent with industry standards. The Commission recognizes the fact that the NIGC received no comments on this proposal. Likewise, we do not have any concerns with this change.

Next, the NIGC is making the regulation more flexible with regard to the payment of fees. We applaud this action. The Commission has been made aware of situations where a tribe who pays less than \$1,000 a year in fees to the NIGC, was fined upwards of \$20,000 because of a late payment. This is far too punitive.

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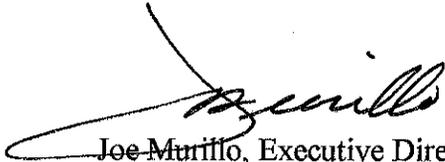
We therefore support the NIGC's move to what it calls a "ticket" system for late payments. Rather than immediately issuing an NOV, an extra fee would be assessed depending upon how late the payment is. Only in extreme cases will the NIGC issue an NOV. We believe this approach to be a reasonable one. We also find the percentages proposed in determining the amount of the extra fee to be reasonable.

One suggestion that the Commission would like to make is the incorporation of notice. In the event a tribe fails to make a payment on time or properly file its statement, we believe that the NIGC should notify the tribe of this fact. Perhaps the individual who is responsible for taking such action was away on vacation, or during a particularly busy time, simply forgot. The NIGC should not be allowed to sit back and wait the 90 days and then issue an NOV. As noted in the Proposed Rule, the issuance of an NOV can subject the tribe to serious consequences, including revocation of the Chair's approval of the tribe's gaming ordinance and temporary closure of the gaming facility. Proper notice to the tribe should be mandatory so that such deficiency can be corrected as soon as possible.

Finally, the NIGC is proposing to formalize the procedures for assessing fees for processing fingerprint cards. While the NIGC noted that previous comments support this change, the Commission disagrees. Tribes are already assessed a fee by the NIGC and we believe that the cost of processing fingerprints should be included within this fee. We therefore do not support this proposal.

On behalf of the Twenty-Nine Palms Gaming Commission, I thank you for the opportunity to provide comment on this Proposed Rule. Should you have any questions, please feel free to contact our attorney, Teri Poust, at 323-919-1800, or me.

Sincerely,

  
Joe Murillo, Executive Director

For

Norm Hansen, Chairman  
Twenty-Nine Palms Gaming Commission