



**NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL**

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August 15, 2012

NATIONAL INDIAN GAMING COMMISSION

Ms. Tracey Stevens, Chairwoman
1441 L Street NW, Suite 9100
Washington, DC 20005

Dear Ms. Stevens:

The Navajo Nation ("Nation") is pleased to submit the following comments in response to the National Indian Gaming Commission's ("NIGC") Proposed Minimum Internal Controls Standards and Technical Standards for Class II Gaming Part 543 and Part 547 ("Proposed Rules"). As you may be aware, a Tribal Gaming Working Group, ("TGWG"), was created to gather and draft additional and specific details to these proposed rules. The TGWG comprised of representatives of the Class II gaming industry, including elected tribal officials, tribal gaming regulators, casino operators, gaming equipment manufacturers and suppliers, gaming laboratories, tribal organizations, attorneys, and a broad spectrum of technical experts. This coalition worked tirelessly over the last several years to rework the Class II MICS and Technical Standards in an effort to develop a set of regulations better suited to the unique and ever-changing Class II industry. The Nation has continuously followed the TGWG's work effort in support for final submittal to the NIGC. The Nation fully supports the concerns and recommendations provided by the TGWG, and have attached to this Letter the re-line drafts for Class II Gaming MICS and Technical Standards, Part 543 and Part 547.

As you know, the Nation served on the NIGC's Tribal Advisory Committee ("TAC"). While on the TAC, the Nation supported recommended a supplement to these proposed rules with more detailed guidance documents. Although it is outside the realm of minimum standards, it may prove helpful to tribal gaming regulatory agencies and operations when promulgating their own internal control policies and procedures. Especially, since, under the Indian Gaming Regulatory Act, tribal governments have the primary regulatory authority in relation to Class II gaming activities.

The Navajo Nation in support of the TGWG identified key points underlying the proposed changes: 1) that regulations are clear, concise, and easy to understand; consistency minimizes the potential for uncertainty and promotes greater predictability and fairness, particularly in the context of complex regulations such as the MICS, which set forth minimum standards for approximately thirteen different subjects relating to Class II gaming; 2) that the rules are not unduly burdensome nor limit appropriate flexibility so that the implementation of the regulations can be tailored to the particular circumstances of each tribal gaming operation; and 3) that the regulations not impose a particular organizational structure or have other unintended consequences. The key is simply to ensure that the required standards are met with an appropriate segregation of functions and independence.

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The Nation is new to Indian Gaming, and is grateful in being acknowledged by the NIGC in providing suggested information and comments to proposed rulemaking for the benefit of the Navajo Nation. We ask that the NIGC be favorable in the comments it receives for the benefit of all Indian gaming and in the interest of tribal sovereignty.

Should you require additional information please feel free to contact Carleen Chino, Executive Director for the Navajo Gaming Regulatory Office at 928-871-6712 or Karis Begaye, Attorney for the Navajo Nation Department of Justice at 928-871-6933.

Sincerely,



Harrison Tsosie, Attorney General
Office of the Attorney General

Enclosure