



NORTH FORK RANCHERIA
OF MONO INDIANS OF CALIFORNIA

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August 10, 2011

Via Electronic Mail: [reg-review @ NIGC.gov](mailto:reg-review@NIGC.gov)

Ms. Lael Echo-Hawk, Counselor to the Chair
National Indian Gaming Commission
1441 L. Street, N.W. Suite 9100
Washington, D.C. 20005

Re: Comments on NIGC's Preliminary Draft of Revised 25 C.F.R. Parts 556,
558, 571 and 573

Dear Commissioners:

The North Fork Rancheria of Mono Indians (Tribe) is pleased to submit the attached comments on the above-referenced revisions prepared by the National Indian Gaming Commission (NIGC). Our comments are in the form of a blacklined markup of the NIGC's Preliminary Draft revisions with accompanying commentary added where necessary to explain the intent or rationale of our proposed changes. These comments were prepared in conjunction with our developer, but ultimately reflect the comments of our Tribe.

We appreciate the opportunity to provide these comments and hope that they assist the NIGC in developing the best regulations possible.

Sincerely,

Maryann McGovran
Tribal Vice-Chair

Enclosures

PRELIMINARY DRAFT - FOR DISCUSSION PURPOSES ONLY

Due Date for Written Comments to NIGC: August 10, 2011

7/7/11

Part 558 – Gaming Licenses of Key Employees and Primary Management Officials.

§ 558.1 Scope of this part.

§ 558.2 Notification to NIGC of gaming license issuance and retention obligations

§ 558.3 Review of notice of results for a key employee or primary management official.

§ 558.4 Notice of disqualifying information and gaming licensee right to a hearing.

§ 558.5 Submission of notices.

§ 558.6 Compliance with this part.

General Commentary: The phrase “gaming license” has been suggested in order to distinguish the type of license being referenced in Section 558 from other types of licenses, such as facility licenses, vendor licenses, business licenses and other types of licenses.

§ 558.1 Scope of this part.

Unless a tribal-state compact assigns responsibility to an entity other than a tribe, the licensing authority for class II or class III gaming key employees and primary management officials is a tribal authority. The procedures and standards of this part apply only to gaming licenses for primary management officials and key employees.

§ 558.2 Notification to NIGC of gaming license issuance and retention obligations

(a) After a tribe has provided a notification of results of the background check to the Commission, a tribe may issue a gaming license to a primary management official or key employee.

(b) A gaming operation shall not employ a key employee or primary management official who does not have a gaming license after ninety (90) days.

(c) If a tribe does not issue a gaming license to an applicant —

(1) The tribe shall notify the Commission; and

(2) ~~Shall or~~ May forward copies of its eligibility determination under this section and investigative report (if any) under §556.65(b)(1) to the Commission for inclusion in the Indian Gaming Individuals Record System.

Commentary: A tribe may have good reason for not wishing to submit to the Commission for inclusion in a central data base information regarding complete or incomplete information regarding an individual to whom the tribal gaming regulatory authority does not issue a gaming license.

(d) Within 30 days ~~of~~after the issuance of the gaming license, a tribe shall notify the Commission of its issuance.

(e) A tribe shall retain the following for inspection by the Chair or his or her designee for no less than three years from the date of termination of employment:

- (1) Applications for licensing;
- (2) Investigative reports; and
- (3) Eligibility determinations.

§ 558.3 Review of notice of results for a key employee or primary management official.

(a) Upon receipt of a complete notice of results for a key employee or primary management official as required by 25 C.F.R. § 556.6(b)(2), the ~~Chair~~Commission has 30 days to request additional information from a tribe concerning the applicant or licensee and to object.

(b) If the Commission has no objection to issuance of a gaming license, it shall notify the tribe within thirty (30) days ~~of~~after receiving notice of results pursuant to § 556.6(b)(2).

(c) If, within the 30 day period described in §558.3(a) of this part, the Commission provides the tribe with a statement itemizing objections to the issuance of a gaming license to a key employee or to a primary management official applicant for whom the tribe has provided a notice of results, the tribe shall reconsider the application, taking into account the objections itemized by the Commission. The tribe shall make the final decision whether to issue a gaming license to such applicant.

(d) If the tribe has issued ~~the~~a permanent gaming license before receiving the Commission's statement of objections, notice and hearing shall be provided to the licensee as provided by § ~~558.4.~~558.4.

Commentary: The word "permanent" has been added to paragraph (d) because it is not necessary for the regulations to mandate that an individual who has received temporary or provisional license be afforded notice and hearing as provided in § 558.4

§ 558.4 Notice of information impacting eligibility and gaming licensee's right to a hearing.

- (a) If, after the issuance of a gaming license, the Commission receives reliable information indicating that a key employee or a primary management official is not eligible for ~~employment~~a gaming license under §556.5, the Commission shall notify the issuing tribe of the information.
- (b) Upon receipt of such notification under paragraph (a) of this section, a tribe shall suspend the gaming license and shall provide the licensee with written notice of suspension and proposed revocation.
- (c) A tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a gaming license.
- (d) A right to a hearing under this part shall vest only upon receipt of a gaming license granted under ~~an~~ gaming ordinance or resolution approved by the Chair.
- (e) After a revocation hearing, a tribe shall decide to revoke or to reinstate a gaming license. A tribe shall notify the Commission of its decision within 30 days.

§ 558.5 Submission of notices.

- (a) All notices under this part shall be provided to the Commission to the appropriate Regional office.
- (b) Should a tribe wish to submit notifications electronically, ~~they~~it should contact the appropriate Regional office for guidance on acceptable document formats and means of transmission.

§ 558.6 Compliance with this part.

All tribal gaming ordinances, resolutions and ~~ordinance~~ amendments that have been approved by the Chair prior to the effective date of this section and that reference this part do not need to be amended to comply with this section. All future gaming ordinance, resolution or amendment submissions, however, must comply.