



POARCH BAND OF CREEK INDIANS

5811 Jack Springs Road • Atmore, Alabama 36502
Tribal Offices: (251) 368-9136 • Administrative Fax: (251) 368-4502
www.poarchcreekindians-nsn.gov

August 9, 2011

VIA EMAIL: reg.review@NIGC.gov
Lael Echo-Hawk, Counselor to the Chair
National Indian Gaming Commission
1441 L Street, NW, Suite 9100
Washington, DC 20005

Re: Comments to Draft Amendments to 25 CFR Parts 537, 571 & 573

Dear Commissioners:

On behalf of the Poarch Band of Creek Indians, I thank you for the opportunity to comment on the National Indian Gaming Commission's preliminary draft of amendments to 25 CFR Part 537 regarding background investigations for persons or entities with a financial interest in a management contract, 25 CFR Part 571 regarding monitoring and investigations, and 25 CFR Part 573 regarding enforcement.

A. 25 CFR Part 537

1. Part 537.1(d)

We applaud the Commission's effort to make the background investigation process more efficient. However, we disagree that the Chair should have absolute discretion in determining if the investigation or scope of information can be reduced. We believe that there should be a "bright line" to determine if an entity's prior background investigation will be accepted or all entities should be subject to the full scope of the investigation.

2. Part 537.3

Subsections (b), (c), and (d) deleted the language "bond or letter of credit" so that only a "deposit" is required to cover the cost of background investigations. It appears that the intent of this deletion is to require a cash deposit for the background investigations. We agree with such a provision.

3. Part 537.4(c)(4)

It appears that the actual language for the false statement notice has been inadvertently removed.

B. 25 CFR Part 571

1. Part 571.4

While we like the idea of an investigation closure letter, we believe that whether or not the letter is sent should not be left to the discretion of the Chair. We believe that an investigation closure letter should always be sent.

2. Part 571.5(a)

We agree with the addition of the “any other person” language; however, we believe that additional language should be added to explain the nexus between the “other person” and the gaming operation. We would suggest adding “or any other person who maintains papers, books, and records for the gaming operation.” This additional language would be similar to the language used in Part 571.5(d).

C. 25 CFR Part 573

1. Part 573.2

We commend the Commission on trying to obtain voluntary compliance before enforcement proceedings are initiated. As always, we are concerned about the discretion left to the Chairman. There is no requirement that the Commission try to obtain voluntary compliance before issuing a notice of violation; thus, we are concerned that it could lead to unequal treatment among the tribes. We do understand that in some situations that the Commission must immediately precede to a notice of violation. We would suggest trying to identify those situations and requiring that in all other situations a letter of concern or a non-compliance notice be issued first so that future Chairs and Commissions would be required to adhere to the goal of obtaining voluntary compliance prior to enforcement proceedings.

Page 3

August 9, 2011

Comments to Draft Amendments to 25 CFR Parts 537, 571 & 573

I again thank you on behalf of the Poarch Band of Creek Indians for the opportunity to provide comment on the proposed changes relative to background investigations, monitoring and investigations of gaming operations, and enforcement actions. We look forward to working with you as other proposed changes are circulated.

Sincerely,

A handwritten signature in black ink that reads "Stephanie A. Bryan". The signature is written in a cursive style with a large initial 'S' and a distinct 'A'.

Stephanie A. Bryan

Vice-Chair

Poarch Band of Creek Indians