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CLASSIFICATION STANDARDS REGULATION
CONSULTATION MEETINGS
WITH THE OGLALA SIOUX TRIBE
taken on July 17, 2006

22 Reported by Sherry G. Auge, RPR
 DIANE M. WRIGHT & ASSOCIATES
23 5365 Maple Ridge Court
 Minneapolis, Minnesota 55343
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25

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1 The Consultation Meeting with the OGLALA
2 SIOUX TRIBE was taken before Sherry G. Auge, a
3 notary public in and for the County of Washington,
4 State of Minnesota, on July 17, 2006, taken at the
5 Sheraton Hotel, Lounge No. 3, 7800 Normandale
6 Boulevard, Bloomington, Minnesota, commencing at
7 approximately 11:15 a.m.

8

9 A P P E A R A N C E S:

10

11 ON BEHALF OF THE NATIONAL INDIAN GAMING
12 COMMISSION:

13 PHILIP N. HOGAN, Chairman of the National
14 Indian Gaming Commission, 1441 L Street NW, Suite
15 9100, Washington, D.C. 20005;

16 CLOYCE V. CHONEY, Chairman of the National
17 Indian Gaming Commission, 1441 L Street NW, Suite
18 9100, Washington, D.C. 20005;

19 JOSEPH M. VALANDRA, Chief of Staff of the
20 National Indian Gaming Commission, 1441 L Street
21 NW, Suite 9100, Washington, D.C. 20005;

22 NATALIE HEMLOCK, Special Assistant to the
23 National Indian Gaming Commission, 1441 L Street
24 NW, Suite 9100, Washington, D.C. 20005;
25 PENNY COLEMAN, Acting General Counsel for the

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1 National Indian Gaming Commission, 1441 L Street
2 NW, Suite 9100, Washington, D.C. 20005;

3 MICHAEL GROSS, Senior Attorney for the National
4 Indian Gaming Commission, 1441 L Street NW, Suite
5 9100, Washington, D.C. 20005;

6 JOHN R. HAY, Staff Attorney for the National
7 Indian Gaming Commission, 1441 L Street NW, Suite
8 9100, Washington, D.C. 20005;

9 JOHN PETERSON, Regional Director for the
10 National Indian Gaming Commission, St. Paul Office,
11 190 East 5th Street, Suite 170, St. Paul,
12 Minnesota.

13

14 ON BEHALF OF THE OGLALA SIOUX TRIBE:

15 WALT BIG CROW, Oglala Sioux Tribe Council
16 Representative;

17 LYLE JACK, Oglala Sioux Tribe Council
18 Representative;

19 PAUL LITTLE, Oglala Sioux Tribe Council
20 Representative;

21 RAY BIG CROW, Prairie Wind Casino.

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1 WHEREUPON, the following proceedings were duly
2 had:

3 COMMISSIONER HOGAN: We are ready to
4 proceed. Let the record show that this is the time
5 and place set for government-to-government
6 consultation between the National Indian Gaming
7 Commission and tribes. We're here in Minneapolis
8 at the Sheraton Hotel on the 17th of July, in
9 Bloomington, Minnesota, and the Oglala Sioux Tribe
10 is represented by a delegation.

11 I'm the chairman of the NIGC. With me is
12 Commissioner Chuck Choney, and John Peterson is our
13 Regional Director from our St. Paul office, and
14 Natalie Hemlock, at the end of our table there, is
15 an Assistant to the Commission in our Washington,
16 D.C office. Penny Coleman is our Acting General
17 Counsel, and from her office are attorneys Michael
18 Gross and John Hay, and Joe Valandra is from
19 Rosebud, is your Chief of Staff at the end of table
20 there.

21 And we have so many folks here, because we all

22 played a role in drafting these regulations, and we
23 all want to hear what's on the minds of the tribes,
24 so that we get it right if we make these
25 regulations final.

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1 Let me just say one other thing about what we
2 proposed: The two sets of regulations that we
3 proposed in the Federal Register on the 25th of May
4 of this year also will be supplemented by a third
5 set of regulations, which will be the technical
6 regulations that will go into the -- just that,
7 more technical aspects of how these interconnected
8 player stations are connected. What has to be the
9 standards as far as those number generators that
10 call the bingo numbers, and so forth. How the
11 system has to be secure. And we hope by the end of
12 this month to publish those standards as well. So
13 having said that, so the court reporter gets all of
14 this well recorded, let's -- why don't you
15 introduce yourselves, please, and tell us in what
16 capacity you serve with the tribe or represent here
17 today.

18 MR. LYLE JACK: I'll start first. First
19 of all, my name is Lyle Jack. I sit on the Oglala
20 Sioux Tribal Council. I'm also the Chairman of the
21 Economic and Business Development Committee, which

22 has oversight on our gaming operations and then --

23 MR. WALT BIG CROW: My name is Walt Big

24 Crow. I also sit on the EDA Committee as the Vice

25 Chairman, and the Tribe's Finance Committee. Thank

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1 you.

2 MR. PAUL LITTLE: My name is Paul Little,
3 Tribal Council Representative. I also serve on the
4 EDA Committee.

5 MR. RAY BIG CROW: My name is Raymond Big
6 Crow, and I'm from Prairie Wind Casino. I'm the
7 floor manager there. I've been there for 12 years.

8 COMMISSIONER HOGAN: And, Paul, you bring
9 some tribal gaming commission experience as well --

10 MR. PAUL LITTLE: Yes.

11 COMMISSIONER HOGAN: -- in that capacity.

12 Well, we're eager to hear your thoughts about these
13 proposed regulations. We understand that South
14 Dakota tribes, in general, and, maybe, Pine Ridge,
15 in particular, are faced with a state government
16 that hasn't been very friendly to renegotiating the
17 compacts to give you a larger number of machines,
18 so you're stuck with, right now, 250 Class III
19 machines, and even if you'd want to open more
20 facilities. And you're seriously looking at, not
21 only renegotiating that number to get more Class

22 III machines, but, maybe, looking to Class II
23 machines, so this would be of some interest to you.

24 MR. LYLE JACK: I'd like to start off --
25 and, first of all, I'd like to thank all you guys

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1 for giving us the time to give us our points of
2 view -- give you our points of view to speak.
3 First of all, we do have a written position paper
4 done for us by one of our attorneys. I think his
5 name is Larry (sic) Sandvin. You're probably aware
6 of who he is. We've been waiting for him to fax it
7 up here, and we haven't received it by now. Well,
8 we haven't received it yet, so we have a written
9 position paper, but it's my understanding that
10 there's still time to get you a written --

11 COMMISSIONER HOGAN: Right. We will be
12 happy to include that in the record and --

13 MR. LYLE JACK: And we will get that in as
14 soon as we can get it, but the thing is, you know,
15 what I'm looking for is, I haven't seen any --
16 anybody from the Department of Justice here. And I
17 realize following this, you know, that's where this
18 is all coming from, you know. The Department of
19 Justice has been opposed to the way Class II gaming
20 rules are now, regulations are set up now, because
21 they feel that it's too similar to Class III.

22 And as you know, the tribes feel differently,
23 and we're one of the same tribes that also feels
24 that way, too. If one -- if your -- the tribes
25 also feel that we don't really need changes in the

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1 Class II, but the Department of Justice feels
2 differently from our points, or stances. So, and I
3 guess, where this is all coming from, because I
4 know the Department of Justice has lost a lot of
5 court cases in regards to this, but where we're
6 coming from is that, you know, wouldn't even need
7 Class II machines if it wasn't for the IGRA
8 requiring a state compact.

9 And, as you know, like you said, Phil, we do
10 come from kind of a hostile state, which really
11 limits us, you know, 250 machines per tribe. We're
12 some of the largest tribes in the United States,
13 population-wise, as well as man based-wise. We're,
14 also, some of the most impoverished tribes out
15 there, so we really need gaming as an economic tool
16 to help us with other ventures, and, unfortunately,
17 we are not receiving that kind of support or
18 cooperation from the State.

19 I guess, our position would be that, you know,
20 we really would like to keep the Class II machines
21 the same as they have been. One -- the other thing

22 is, we're really opposed -- we feel that they
23 aren't -- if the changes go through, we're worried
24 about compact being required with the State under
25 Class II, and that's one thing we're very much

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1 opposed to.

2 We were the same way with Class III. We feel
3 that it infringes upon the sovereignty of the
4 tribes. And we also feel that by requiring that
5 might, also, been unconstitutional under the State
6 of South Dakota's constitution, which is their
7 Enabling Act, which states that South Dakota will
8 not interfere with tribal laws or regs, that would
9 be up to Congress. And I know Congress gave them
10 that authority, so that's my point of view, and,
11 again, we are very much opposed to the proposed
12 regs. We would like to keep them the way they are.
13 And I'll turn it over to Walt here.

14 MR. WALT BIG CROW: Thank you. This is
15 Walt Big Crow. I want to thank the Commission for
16 allowing us to speak here. We were sitting outside
17 kind of kicking this around, and one of the things
18 that we do have concerns with, and Lyle mentioned,
19 is having the state compact with Class III at all.
20 And we fear that Class II will go that route, also.

21 Right now, we -- we've -- and I don't know if

22 you're all aware of it, but right now, we are
23 building a new casino at the hotel, and we've
24 designed it for 580 machines. And at the opening,
25 I made the comment that, when we open, we're gonna

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1 have 580 machines in there, and, maybe, it's time
2 we start testing our sovereignty through issues
3 like this.

4 We seem to -- we seem to come to meetings and
5 get pushed back a little bit, and we give and we
6 give, and each time we do that our -- our tribe
7 gets poor, our people get poorer, and yet, we're
8 growing. And I know gaming isn't the cure-all to
9 helping our people get out of poverty, even a half
10 a step out of poverty, but it is a start, and right
11 now that -- other than government jobs down there,
12 gaming is our biggest employer.

13 And, you know, as Lyle mentioned earlier, if we
14 didn't have the state compact, we -- there wouldn't
15 be Class II gaming, if we didn't have to compact
16 with the State. But getting back to your Class II
17 regs, and I don't think they need to be -- to be
18 changed, especially where they get more
19 sophisticated, and there's that blurred line
20 between II and III, Class II and Class III.

21 And if it does -- if it does go that route,

22 right now, you can't purchase any Class II's. You
23 can go to the manufacturer and do a 70/30 split,
24 and, I think, NIGC needs to get involved with that.
25 If you're gonna regulate gaming, you should also be

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1 able to regulate the sale of the machines to where
2 we can purchase them, rather than having to lease
3 them with the 70/30 split.

4 On July 28 of this -- within the next couple of
5 weeks, we're scheduled to meet with all the Sioux
6 tribes in South Dakota, and we are going to
7 establish South Dakota Indian Gaming just for the
8 tribes in South Dakota. South Dakota is in the
9 middle of an election year with Governor Rounds,
10 and I think we are going to make gaming, not only
11 Indian gaming, but State gaming, video lottery --
12 they make those issues.

13 Right know, there's -- there's really no
14 control over video lottery, and the State had
15 mentioned that to us, also, that we will allow you
16 as much machines as you want, as long as there are
17 machines, and that's not right for one government
18 to dictate to another government.

19 So I do oppose, basically, having to have a
20 state compact, whether it's Class II or Class III,
21 and I know we will -- the tribes will -- we will

22 organize under the new South Dakota Indian Gaming

23 Association, and then just see where that takes us.

24 So with that, I want to thank you guys for

25 listening, and, hopefully, you'll listen to us when

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1 you guys get back when you do the final drafts, and
2 I want to thank you.

3 MR. PAUL LITTLE: I want to thank you,
4 again, for giving us this opportunity. My name is
5 Paul Little, and I'm a member of the Oglala Sioux
6 Tribal Council. I totally oppose what Congress is
7 trying to do. I -- I'm totally against this. I
8 know the tribe would -- would be totally against
9 what's happening within Class II gaming.

10 Like Walt said, we -- we -- we wanted to have
11 more machines, but if we have to have Class II in
12 our -- Class II in our casino, I'm sure we're gonna
13 put them there, but being Class II has always been
14 just because the machines are becoming more
15 sophisticated and more closer to Class III gaming
16 that they want to regulate, and I'm -- same way as
17 Mr. Jack, I'm totally against this, because we're
18 gonna compact with the state of South Dakota.
19 Thank you very much. That's all I have to say.

20 MR. RAYMOND BIG CROW: My name is Raymond
21 Big Crow, and I thank you guys for listening on

22 this. First thing I have is, there's a fine line
23 between Class II and Class III. I think that has
24 to be made clearer, but we have to leave the
25 government -- I mean, the State out of it, you

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1 know.

2 If we're gonna be dealing with someone else,
3 it's got to be straight up, not with our State,
4 because I know the State just don't want to deal
5 with us in Class III. And these guys, these three
6 here (indicating), are the council people, and I'm
7 not into politics like they are, but I'm more into
8 the gaming part, but there's a fine line between II
9 and III, and all I have to say is, we have to clear
10 that, plus, we have to leave the State out of it.

11 Otherwise, they're gonna get the revenues,
12 sharing this, or the taxes, whatever they go by.
13 And like Walt said, we need to put something
14 together to have the big companies who make these
15 Class II machines, you know, deal with us. Let us
16 purchase them, because with our population out
17 there, we're not gonna be able to pay that
18 30 percent, you know, or either a share with the
19 State. We can't do that, 'cause we just don't make
20 enough for that.

21 So that's what we have to look forward to,

22 'cause I've seen Class II gaming machines look real
23 good. They're very up to date now. They're pretty
24 close to Class III. Like I said, we just can't
25 afford that. We'd like to have the machines in,

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1 and, you know, make more money off of them for the
2 reservation itself, not to give it to the State or
3 to other people outside. So with that, that's all
4 I have to say on that.

5 COMMISSIONER HOGAN: Thank you. Let me
6 comment on some of the comments you have made, and
7 I really appreciate where you're coming from, and
8 let the record show that I'm a member of the Oglala
9 Sioux Tribe. If we were starting over, and we were
10 drawing on a blank slate, we probably wouldn't
11 write the Indian Gaming Regulatory Act the way it
12 is, that is, it stepped right in the middle of
13 tribal sovereignty. It said to the tribes, you got
14 to go to the State if you're gonna do slot
15 machines, but that's not who we are. That's not
16 our job. Our job is trying to interpret this Act
17 that Congress wrote.

18 And they said you can play Class II without a
19 compact, and you can use technologic aids to do
20 that. And they said, if you're gonna do Class III
21 gaming, you've got to have a compact, and Class III

22 gaming includes electronic facsimiles of games of

23 chance and slot machines of any kind.

24 Well, that puts right in front of us the

25 federal regulatory body: Where do we draw this

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1 line between those technologic aids and those
2 electronic facsimiles? Congress had to mean
3 something by that, but just what exactly did they
4 mean? And we've scratched our heads. We formed a
5 Tribal Advisory Committee, and we think that one of
6 the things that distinguishes bingo and Class II
7 games from slot machines and electronic facsimiles
8 is, in the bingo game, you have to play. You just
9 don't push the button and the slot machine random
10 number generator does it all. You got to be a
11 participant.

12 So that is what we tried to come up with here.
13 Try to make it fast. Try to make it fun. Try to
14 make it profitable, but have a recognizable
15 difference there between what Congress said you
16 could do as Class II, and what Congress said you
17 couldn't do as Class III.

18 And it's terrible that gaming machine
19 manufacturers would say to tribes, you can't buy
20 these machines. You have to lease these machines.
21 If they do it that way, the tribes can't make

22 enough money. One of the reasons that we're in
23 that fix, right now, is nobody knows just where you
24 can't -- where that line is, what a manufacturer
25 can build to call Class II, and what they can't.

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1 So, I think the industry will be better served
2 once we get a clear line there. Then, I think,
3 you'll find more competition for this business, and
4 vendors will say, we'll sell you our machine. I
5 hope that that happens.

6 The NIGC doesn't want to become the
7 bureaucratic bottleneck if and when we get these
8 regulations in place, and that's why we've said we
9 don't want you to bring the machine to us. Take it
10 to an independent gaming laboratory. They test it.
11 If it meets our standards, then you're -- you're
12 good to go. You'd still have some oversight, but
13 we wouldn't be testing these machines ourselves.
14 So, I think there's a need.

15 Lyle, you pointed out, you know, let's leave
16 Class II gaming where it is. The problem that we
17 have is that keeps moving. When the courts decided
18 these cases, most of them were dealing with Mega
19 Mania machines, which was a bingo game that you
20 played on kind of a big clumsy terminal. It had
21 bingo cards on it, and it took about two minutes to

22 play each bingo game, and you couldn't play 'til 12

23 people were playing, and the court looked at that.

24 And when the Justice Department said, that's a

25 slot machine, that's an electronic facsimile, the

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1 court said, no, wait a minute. You can't play
2 unless at least two or, at least, twelve people are
3 playing, and they actually have to play the game,
4 so if you keep that characteristic there, it
5 distinguishes it from a Class III slot machine.

6 They also did these cases involving the Lucky
7 Tab II pull-tab. Justice Department said, hey,
8 that's a slot machine, and the Tribe said, well,
9 yeah, it's got slot machine reels on it, but they
10 don't have anything to do with the play of the
11 game. The game's in that pay for pull-tab that it
12 dispenses. That's just bells and whistles. And
13 the Court said, Justice Department said, you're
14 wrong. Tribes, you're right. You can do that.

15 Well, since that time, the machine
16 manufacturers have married these two contents.
17 Now, we've got bingo games that play in a
18 heartbeat, and it looks like slot machines on a
19 reel, and it's okay if it's the bingo game that
20 determines the winner, and if the players
21 participate, but some of these have gone so far

22 that you just push the button once, and the game is
23 over. There is no player participation.

24 So we're trying to write these regulations that
25 will permit places like South Dakota, where you're

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1 stuck with a 250 machine limit, and you got space
2 for 580 machines, you can put some other fun, fair,
3 profitable machines beside your Class III machines
4 that you can play. But if you can't tell the
5 difference between Class II and Class III, then
6 Congress is gonna say, NIGC, you're not doing your
7 job. You didn't distinguish between these two.

8 So we're giving it our best shot in trying to
9 write these regulations and get them in the right
10 place, but we won't be doing our job if we forget
11 about the predicament of tribes like the Oglala
12 Sioux are in where you can't get machines, or the
13 State is saying, play our machines. We've got to
14 come up with a deal, so you will know exactly what
15 you can do. The State will know what you can do if
16 they don't come to the table and negotiate with
17 you, and there'll be some clarity.

18 So, I -- we will ponder in our hearts the
19 comments that you've made. We'll look forward to
20 getting that written, the statement and include
21 that. And should you go home and think of

22 something else you want to tell us, please send
23 that along to us, and we'll be getting those
24 technical standards to you, probably, in early
25 August, and, hopefully, we'll get them published,

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1 yet, in July. And if you have thoughts about
2 those, we'd like to hear about that, too.

3 MR. LYLE JACK: Can I say something?

4 COMMISSIONER HOGAN: Please do.

5 MR. LYLE JACK: Realizing that when the
6 Supreme Court made the ruling about how big, like,
7 the Mega Mania machines were, but, I think, there
8 was two basic things that was the rulings, and that
9 was it had to be a game of chance with other
10 participants, and, I think, it's at least two
11 people, you know, so it can't be electronically
12 done.

13 You know, with technology the way it is, you
14 know, I really feel that with the computers and the
15 chips and everything that are manufactured today,
16 that you can still keep that, still keep what the
17 Supreme Court has said, or what the courts have
18 said, and still upgrade to a point where it is
19 similar to a Class III, but that distinction is
20 still there, and that's what I'm saying, is that
21 can be done without harming tribal gaming. I think

22 it can do that. And, I think, that's what we want

23 to stand by.

24 Second of all is, you know, the State of South

25 Dakota, pretty much, gaming has put the tribes

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1 under the State's thumb. We have comparisons,
2 'cause the State does have gaming in Deadwood, you
3 know, where they've allowed Deadwood to expand
4 their games. They've allowed them to expand their
5 machines. They've given them more machines, but
6 not once, since this gaming comeback has become
7 available, have they allowed the States more
8 machines -- I mean, allowed tribes more machines.
9 The tribes have never expanded.

10 So Deadwood keeps getting bigger and bigger,
11 but at the same time they're suppressing the
12 tribes, or oppressing the tribes, which we look
13 at -- whichever way you want to look at it as
14 keeping us at 250, and there's no fairness there,
15 at all.

16 Again, I'm gonna say South Dakota's
17 unemployment rate's around 4 to 6 percent. When
18 you're looking at the tribes you're looking at,
19 anywhere from 60 to 80 percent unemployment, and
20 yet the -- the State keeps the tribes under that
21 thumb, and we're not allowed to expand, and we're

22 not allowed to do our own ventures. And we don't
23 think it's fair, and we're probably gonna end up in
24 court over this whole mess, but the last thing we
25 need is the Indian Gaming Commission also joining

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1 the State in trying to keep us suppressed as well.

2 So we're hoping that you will be out there, and
3 you will be fair to the tribes, 'cause we sure
4 haven't gotten a fair deal since gaming has become
5 available to our tribe. And so that's all we're
6 asking. And you want to test these machines, and I
7 hope it is truly an independent tester and not a
8 tester that the Department of Justice or the
9 government chooses, but someone who's truly
10 independent. Those are my comments, and, again, I
11 want to thank you.

12 COMMISSIONER HOGAN: Paul.

13 MR. PAUL LITTLE: I'd like to say
14 something about Deadwood. We can come here, and we
15 have an established -- one establishment, but yet,
16 you can go to Deadwood -- I've been there -- you
17 can go to the old Franklin Hotel, and it has the
18 gaming on here, on the bottom, and gaming on top.
19 You can go to Gold Dust and never have a -- Gold
20 Dust Casino in Deadwood, South Dakota, and every
21 one of those has an establishment that's a gaming.

22 And yet, they allow this man, who owns all these
23 buildings, this big building, to have machines in
24 every one of these places, and yet we can't. And
25 yet we're held to a major -- meager 250 machines.

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1 We're under the thumb of the State of South
2 Dakota. We can't go no place, you know. We employ
3 a lot of tribal members. We also employ some
4 nonmembers at the casino. We're not a real
5 profitable casino like some other tribes are, you
6 know. We make money, but we don't make that much
7 money. Just take a look at Deadwood. Go look at
8 Deadwood, and see what's happening in Deadwood, and
9 yet, they want to hold us at that -- so that's all
10 I have for you. Thank you.

11 MR. WALT BIG CROW: I've got a question
12 for the Chair. What's the time frame look like for
13 consultation to hand in and come out with the final
14 ruling?

15 COMMISSIONER HOGAN: From here, we're
16 going to go out to the Northwest, and then, we're
17 going to sit in California. Then, we're going to
18 Oklahoma, and then, that'll take us into August.
19 And we'll get those technical regulations out, and
20 it's our goal to be ready to finalize these
21 regulations this fall.

22 We've had some other requests that we extended
23 the period of time a little bit, and we aren't --
24 we haven't chiseled in stone any magic date, but
25 one of these days, Chuck and I are gonna get tired

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1 of doing this, and we'd like to get this done
2 before we go home, so to speak. So I'm hoping this
3 fall we can come up with some final regulations.

4 MR. WALT BIG CROW: Because our grand
5 opening for the casino is scheduled for
6 November 15.

7 COMMISSIONER HOGAN: Right. We'll try to
8 keep that date in mind as we do what we do.

9 COMMISSIONER CHONEY: It's your birthday?

10 COMMISSIONER HOGAN: That's my birthday.

11 COMMISSIONER CHONEY: What is your birth
12 date?

13 COMMISSIONER HOGAN: The 13th.

14 COMMISSIONER CHONEY: We'll have a
15 birthday party out there.

16 MR. LYLE JACK: We'll invite you out for
17 your birthday.

18 MR. WALT BIG CROW: Then, the other thing
19 you mentioned something on, that you can't regulate
20 the manufacturers on the Class II. Do you regulate
21 the manufacturers on Class III?

22 COMMISSIONER HOGAN: Those, we really
23 don't. That is the only time we get into dollars
24 and cents issues is when we review and approve
25 management contracts. Those would have to be

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1 written so that the tribe gets at least 70 percent
2 of the net revenue, but in terms of whether you can
3 lease or whether you can sell, we are looking very
4 carefully at some of these arrangements where
5 companies are leasing machines. And right now --
6 we've not always treated those as management
7 contracts, but we're thinking, maybe, some of them,
8 naturally, are management contracts. Maybe, the
9 vendors are really managing the gaming and not the
10 tribe. If that's the case, then that rule would
11 perhaps come into play.

12 MR. WALT BIG CROW: The manufacturers, do
13 they have a license that they have to apply for for
14 the Class II?

15 COMMISSIONER HOGAN: No. Under S.2078,
16 that's pending before the United States Senate, it
17 would broaden the category of contracts that NIGC
18 would review. Right now, as I mentioned, it's just
19 management contracts that would give us the
20 authority to write some regulations that would
21 apply to gaming related contracts, and that would

22 probably include some of those kinds of contracts.

23 Once again, we're concerned that if we get into

24 that area, that we do not want to become a

25 bottleneck, so that we choke off business on a

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1 day-to-day basis, but we think that if we're given
2 that assignment, we could write regulations in a
3 way that most of the day-to-day kinds of things
4 would sail along the way they're doing it, and the
5 tribes themselves would continue to -- continue
6 with the vendors. There might be a role for the
7 NIGC, particularly, for some of these money-minded
8 corporations to get licensed with NIGC, or have
9 background investigations done by NIGC. We could
10 be moving in that direction.

11 MR. WALT BIG CROW: Don't Class II regs
12 state in there that the tribes must own the
13 machines, Class II?

14 COMMISSIONER HOGAN: They don't say that
15 right now, but we'll take that as a suggestion and
16 see if it should say that.

17 MR. WALT BIG CROW: I think simple wording
18 like that would wake up the manufacturers.

19 MR. LYLE JACK: That's it. We'll have our
20 written testimony in. What's the cutoff date for
21 written testimony?

22 MR. HAY: August 2.

23 MR. LYLE JACK: August 2. I was hoping to

24 have it today. We could have handed it in today,

25 but if not, we'll get it to you as soon as

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1 possible.

2 COMMISSIONER HOGAN: Okay. Well. Thank
3 you very much.

4 (Whereupon, the proceedings concluded at
5 approximately 11:42 a.m.)

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1 STATE OF MINNESOTA)
) SS
2 COUNTY OF WASHINGTON)

3 Be it known that I took a verbatim record of
the National Indian Gaming Commission's
4 Consultation Meetings regarding Classification
Standards Regulation on July 17, 2006, at The
5 Sheraton Hotel, 7800 Normandale Boulevard,
Bloomington, Minnesota 55439;

6 That I was then and there a notary public in
and for the County of Washington, State of
7 Minnesota, and that by virtue thereof I was duly
authorized to administer an oath but did not;

8 That the conversations of said participants was
recorded in stenotype by myself and transcribed
9 into typewriting, and that the Consultation
Meetings is a true record of conversations given by
10 the participants to the best of my ability;

11 That I am not related to any of the parties
hereto nor interested in the outcome of the action;

12 That I am not financially interested in the
action and have no contract with the parties,
attorneys, or persons with an interest in the
13 action that affects or has a substantial tendency
to affect my impartiality;

14 That all parties who ordered copies have been
charged at the same rate for such copies;

15

16 WITNESS MY HAND AND SEAL THIS 24th day of July,
2006.

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Sherry G. Auge
Court Reporter

DIANE M. WRIGHT & ASSOCIATES

