NATIONAL INDIAN GAMING COMMISSION CONSULTATION

ON MARCH 24, 2017 AT 8:35 A.M.

IN TULSA, OKLAHOMA
CHAIRMAN CHAUDHURI: We thank Mr. Enlow for that invocation --

MR. ENLOW: You're welcome, brother.

CHAIRMAN CHAUDHURI: -- and Mr. Enlow is a member of the Muscogee Creek Nation and we thank the

Muscogee Creek Nation for being the host tribe. We are
at the River Spirit Resort and we very much appreciate their hospitality. We also thank NTGCR, National Tribal Gaming Commissioners and Regulators, for allowing us to schedule this consultation in conjunction with their conference. This has been an incredible conference and we look forward to a positive day of consultation to cap everything off.

My name is Jonodev Chaudhuri. I'm a proud member of the Muscogee Creek Nation, also Bengali on my
father's side. It is especially good for me to be back home in Creek country and I'm thankful to be here with my fellow commissioners, fellow members of the NIGC team and fellow regulatory partners in the room. I thank you all for the time that you've taken to attend today's consultation.

We have a number of topics to go through that we very much look forward to hearing your input on. Before
we get into the specifics of how the format will proceed, I'm going to turn it over to my fellow
commissioners, but let me just say a brief thought and

we'll hear more from others about consultation.

For us at NIGC, we are governed by a unique

mission. We're proud of our mission, and that mission

is to support tribal self sufficiency, tribal economic

development and strong tribal governments. And we do
that through our regulatory work governed by the mandates of the Indian Gaming Regulatory Act.

But the particularly powerful aspect of our mission that I'm proud of is we are required to work closely with the primary regulators of Indian gaming, which are tribal nations themselves. And so we're part of a larger regulatory structure, a larger regulatory framework that requires regular ongoing positive collaboration and coordination with our partners.
Consultation is an important part of that.

In addition to our day-to-day interactions with our regulatory partners, hearing input regarding any regulatory directions or significant agency actions is part of our decision making process. So we are governed by our own consultation policy, but furthermore, we are on record for repeatedly saying, before we put pen to paper on any significant, any major action at the
24 agency, we will work hand in hand to listen closely and

25 to take input from our partners at every stage possible,
and so today's consultation is a reflection of that commitment.

We have a number of important topics that span a number of agencies -- agency activities and so I'm proud to be a member of my nation, Muscogee Creek Nation, proud to be a member of team NIGC, but I'm also proud to
be a member of the larger regulatory structure that has supported such an important economic development tool that has helped support some of the important services and programs in Indian country.

So thank you for your time today. Thank you for being here. I'm going to turn it over to our vice chair now, Ms. Isom-Clause.

COMMISSIONER ISOM-CLAUSE: Good morning. I see a lot of familiar faces here today, so I will keep
my remarks brief this morning. I'm Kathryn Isom-Clause.

I'm Taos Pueblo and I'm vice chair of the Commission. I

would also like to thank Muscogee Creek Nation and all

of you for being here with us today.

While we're here today to discuss several important

topics, in a larger sense, our work is to honor the

government-to-government relationship between the tribal

governments and federal government. In addition to the
trust responsibility -- trust responsibility that all

federal agencies have, our statutory purpose as an
agency is to promote tribal economic development, self-sufficiency and strong tribal governments through effective regulation of tribal gaming. And some refreshments here. It's early. All right. To me, this includes ensuring the policies and
regulations that we set forth have a view toward safeguarding benefits of tribal gaming for future generations. As our partners in regulation, tribal voices are essential to this work. This ongoing dialogue is one of the most important tools we have for creating strong regulations and policy. I'd also like to briefly mention that we're in the process of developing our required strategic plan that will start in 2018 and that your comments here today
will also be used in the formulation of that plan, and

there will be an opportunity to review that at a later
date once we have a draft and comment on it. We'll keep

you up to date with that time line and guidance as we

get it.

And beyond the session today, our door is always

open, so please always feel free to contact us, meet

with or email us. And so with that, thank you for being
here today and we look forward to your comments.

COMMISSIONER SIMERMeyer: Good morning,
everyone. I'm going to join my colleagues in thanking

Creek Nation and the speakers of the invocation earlier
today, our colleagues and especially everyone for being

here today. I'm Sequoyah Simermeyer. I'm Coharie. My

tribe is from Eastern North Carolina, and I'm the

associate commissioner. And I just want to join others
in emphasizing the importance of consultation.

For me, being in federal public service for about 10 years, it's been my experience that consultation is a really important tool in developing an ongoing relationship, whether it's providing formal settings like this or in cultivating collaboration that takes place on a day-to-day basis.

So I think that the opportunity we have to talk, especially with a lot of the leadership and
institutional knowledge at the NIGC today, hopefully

will instill, as the vice chair said, an ongoing,

open-door discussion, especially on some of the topics

that are a bit open-ended in terms of your feedback

about how we can meet our emphasis areas and how we can

meet our unique responsibilities as part of the federal

members of the regulatory team in Indian country, so

thank you.
CHAIRMAN CHAUDHURI: Thank you, Commissioner.

So at this point, in order for us to know who we're
1 speaking among so we can, you know, best share

2 information, and that's the point of these

3 consultations, to share and learn, we're going to move

4 forward with some introductions, but we have a lot of

5 the same folks that are in the room that were in

6 yesterday's consultation.
And I always recognize our alumni, and Ms. Homer is here with us today, and so Ms. Homer was former vice chair of the Commission. And -- oh, she keeps hiding back there. Lael Echohawk is there, too. Okay. And there she is. And she also worked as counselor to the chair working on some critical policy initiatives at NIGC, and so we thank them for their past service to the Commission, but their ongoing service to Indian country and to Indian gaming.
16 Just in the interest of time, I'm just going to

17 introduce the folks here at the table. And I don't know

18 if -- you know, if we'll have time to -- well, we'll

19 move forward with introductions with everybody in the

20 room so we all know who is here, but with us at the

21 table providing subject matter expertise and also being

22 available to answer any questions, we have our general

23 counsel, Mike Hoenig.
We have our deputy chief of staff, Christinia Thomas. You know, I'm just -- but we have our training
manager, Steve Brewer. Trying to see who all sat up

Okay. We have our finance director, Yvonne Lee.

We have our technology division director, Travis Waldo,

and our Oklahoma City regional director, Mr. Tom Cunningham. Mr. Tom Cunningham will be working with all

of you to receive questions and to distribute the
7 microphone.

8 So that's our team here and there are other members

9 of our team in the audience today, but I'm going to turn

10 the microphone over to the audience at this point so we

11 can all introduce ourselves.

12 As I mentioned yesterday, these consultations are

13 transcribed and the purpose of transcription is so that

14 others may benefit from the comments that are provided.

15 There will be a transcript developed a little bit down
the road, but more than that, the comments received and

the transcription will be part of our deliberative

process. We take very seriously the comments we receive

both at consultations and through other submissions and

we review and discuss and evaluate all comments before

moving forward on a decision point.

So because our consultations are transcribed,

please state your name, your tribal affiliation, if any,
and if you're a tribal leader, what nation you represent, or if you're a designee of a tribal nation,
what tribal nation has designated you as a representative.

So this is, as our vice chair mentioned, an outgrowth of government-to-government consultation. Our primary purpose here is to hear from tribal leaders and their representatives, but we also recognize that there
may be other people in the room who have perspectives to share regarding the overall landscape of Indian gaming.

We welcome those perspectives, if all tribal leadership has had the opportunity to provide perspective and if there are no objections from tribal leadership to those perspectives being provided. And so with that, others are welcome to provide perspectives, but not -- not if there's an objection.

And along a similar line, these -- these
16 consultations are closed to media. We want people to

17 feel -- to feel free to provide input and comment. At

18 the same time, I reiterate that these consultations are

19 transcribed, but the transcription will be available

20 much later down the road.

21 So I'm going to turn it over to Mr. Cunningham who

22 can provide a microphone to everyone here and let's all

23 get to know each other a little better.
MS. KAISER COLLIER: Good morning, everybody.

Morning, back there. Barbara Kaiser Collier with the
1 Quapaw Tribal Gaming Agency. I'm the executive director

2 and I'm here on behalf of the Quapaw Tribe.

3 MS. HOMER: Good morning. My name is

4 Elizabeth Lohah Homer. I'm a member of the Osage Nation

5 of Oklahoma, so I'm just from a few miles up the road

6 from Hominy, Oklahoma. I'm very happy to be here in
Tulsa and I am here today accompanying the Quapaw Tribal Gaming Agency.

MR. TOMLINSON: Tyler Tomlinson, Choctaw Nation of Oklahoma, technical compliance manager for the gaming commission.

MS. NELSON: Jody Nelson. I work for the Choctaw Nation of Oklahoma, although I'm a Cherokee member and I'm audit manager there.

MS. PENZ: Good morning. I'm Paula Penz,
16 gaming commissioner for the Choctaw Nation.

17 MR. NORMAN: Kyle Norman, project manager,

18 Choctaw Gaming Commission.

19 MS. MYERS: Good morning. Kelly Myers. I am

20 with Cherokee Nation Gaming Commission and I'm also here

21 on behalf of Iowa Tribe of Oklahoma as their chairperson

22 for their gaming commission.

23 MR. SWITCH: Good morning. My name is Kelly
Switch. I’m with the Absentee Shawnee Tribe, member of

the Absentee Shawnee Tribe. I’m with the Absentee
1 Shawnee Gaming Commission as the deputy commissioner.

2 MS. BUTLER WOLFE: Good morning, everyone.

3 I'm Edwina Butler Wolfe, governor of the Absentee Shawnee Tribe.

5 MR. HITCHOCK: Jeff Hitchcock, Wyandotte Nation Gaming Commission.
MR. BURRIGHT: Jered Burright, IT manager for the Muscogee Creek Nation.

MR. ADAMS: Charlie Adams, the compliance and surveillance manager for the Muscogee Creek Nation.

MR. YORK: I'm Buddy York. I'm gaming commissioner for the Muscogee Creek Nation.

MS. GIBSON: Jackie Gibson, executive director for the Muscogee Creek Nation.

MR. MORGAN: Good morning. Matthew Morgan,
16 director of gaming affairs, Chickasaw Nation.

17 MR. BRYNE: Happy Friday, everybody. Billy

18 Bryne, director of audit, Poarch Band Creek Indians.

19 MS. COZZONI: Shannon Cozzoni, Northern District of Oklahoma, United States Attorney's Office.

20 MS. ECHOHAWK: Good morning again. Lael

21 Echohawk. I'm here on behalf of Seminole Tribe of Florida Band of Pueblo Indians and the Kickapoo Tribes
24 of Texas.

25 MS. MORAGO: Good morning. Sheila Morago,
1 executive director Oklahoma Indian Gaming Association.

2 MR. MOODY: Brian Moody, NIGC Tulsa region.

3 MR. LARNEY: Jeremy Larney, gaming commissioner, Seminole Nation of Oklahoma.

5 MR. LAURENZANA: Rudy Laurenzana, chief gaming regulator, Seminole Nation Gaming Agency.
MR. HALE: Terry Hale, compliance manager,

Seminole Nation Gaming Agency.

MS. DAN: Billie Dan, director of compliance

Seminole Nation Gaming Enterprise.


MS. MODRICH-ALVARADO: (Speaking in native language.) Mary Modrich-Alvarado with NIGC, Office of General Counsel.
MS. OBER: Good morning. Marci Ober with the NIGC in the Tulsa region.

MS. BLAKELY: Miranda Blakely, NIGC Tulsa region.

MR. BADGER: Austin Badger, staff attorney, NIGC.

CHAIRMAN CHAUDHURI: And I thank you again for taking the time to be here today. So a few housekeeping
24 topics before we move on to receive informal comments.

25 We're scheduled to go to 1 p.m. today. However, this
1 consultation may end early if all comments have been

2 made, if everybody has had an opportunity to speak.

3 As I always say, there is no crime in finishing

4 early, and even though we have a lot of topics to cover,

5 you know, our consultations often finish early. So

6 please feel free to speak your mind, say whatever you
want, but there's no need to fill up the entire consultation time.

I want to remind everybody about our upcoming consultation dates. Please encourage your cohorts, your colleagues to attend our upcoming consultations, because consultation isn't one bite at the apple type of situation. Comments and perspectives evolve over time.

We recognize that.

As we move forward with some of the topics that
we're discussing, as we heard yesterday, additional analysis takes place, additional reports are submitted. I want there to be multiple -- we all want there to be multiple opportunities to provide valuable perspective and feedback, both through attendance and verbal comments, but also in writing. At the end of June, we're going to collect all comments, review all comments and all comments received.
through June will be part of our deliberation process

for the next step in some of the -- some of the
consultation deliverables that we always try to proceed

with.

I think we’re on record saying whenever we have consultations, we do our best to make sure that we have done our level best to produce deliverables on past topics and we have some announcements coming down the
road regarding some previous consultation topics.

For this series of consultations, at the end of June, we'll be compiling and collecting all comments.

So these upcoming consultation dates are important and if you can encourage your colleagues to attend those,

we'd greatly appreciate it.

April 5th at the Salt River Pima-Maricopa Indian Community; April 13th, in conjunction with the National Indian Gaming Association's conference in San Diego;
April 20th at the Northern Hotel in Billings, Montana.

One of our early promises was to have a consultation in Montana at some point, and we've had consultations in the past in Rapid City and St. Paul. We're proud to be hosting a consultation in Montana.

May 4th, in conjunction with the Southern Gaming Summit in Biloxi, Mississippi; May 22nd, to be held in conjunction with the Affiliated Tribes of the Northwest.
Indians at a date to be determined. So we would appreciate you -- your possible attendance, but also
your passing the word on to your colleagues.

So we have a number of topics that we're going to cover today. Let me go through them briefly and talk about who the subject matter expert is. At the end of each topic, we're going to hear comments, receive input.

We -- we see our consultations as a two-way street, a
dialogue.

Whenever possible, we'll -- we'll respond to any questions and engage. We have our subject matter experts here to -- you know, to weigh in as well, but we'll receive comments at the end of each topic, at the end, in case you folks want to add some final comments and we'll -- we'll go through a kind of catch-all section.

But before we move forward, I understand that some
16 people may have planes to catch. I know one member of

17 our team had to make arrangements to fly out early. If

18 anybody wants to get or needs to get a comment on the

19 record early in order to catch a plane, please let us

20 know at this time and we'll allow -- we'll have that

21 comment on the record before we kind of get into the

22 meat of the consultation.

23 Does anybody have a plane to catch that they need
24 to get a comment on the record right now?

25 Okay. With that, for rural outreach, we'll have
1 Christinia Thomas providing background information.

2 For our developing a strong tribal work force

3 through training topic, we'll have our training manager,

4 Mr. Steve Brewer, provide background.

5 For our management contract portion of our

6 discussion, we'll have our finance director, Ms. Yvonne
For our technical standards for mobile gaming devices we'll have our technology director, Mr. Travis Waldo.

For our fees discussion, we'll have Ms. Yvonne Lee again give comments.

And regarding our draft guidance, our draft voluntary, voluntary, voluntary guidance regarding Class III minimum internal controls -- did I say they're
voluntary guidance regarding Class III MICS, we'll have

Christinia Thomas provide some background on those
draft, voluntary, non-binding Class III MICS.

So with that, I'm going to start us off with rural outreach and turn it over to our deputy chief of staff,

Christinia Thomas, and we'll receive comments after her short presentation.
COMMISSIONER THOMAS: Thank you, Chairman.

The NIGC would like to consult with you on our rural
outreach initiative and ask specifically for discussion
and comments on, one, whether regulatory revisions are
needed that protect tribal gaming revenue and the
integrity of Indian gaming, while not burdening smaller
operations; two, whether NIGC should adjust the way we
do business, such as our training technical assistance
7 compliance efforts to provide better assistance where

8 needed; and, finally, whether the NIGC should create an

9 eighth region to provide a stronger connection to tribes

10 located in North and South Dakota, Montana and Wyoming.

11 We all know in Indian country that generally most

12 of our tribal lands are in rural areas. Reaching out to

13 smaller gaming operations that may not be situated in a

14 strong market is an important initiative of the agency.

15 The NIGC recognizes a likely correlation between
16 proximity to large population centers and the viability

17 of economic opportunities. Therefore, NIGC appreciates

18 that its functions will likely benefit from a greater

19 understanding of the -- the unique needs of and

20 opportunities available to smaller operations.

21 NIGC regulations have historically taken into

22 account the needs and capabilities of smaller gaming

23 operations. For instance, the MICS and accounting
24 requirements differ between Tier A facilities earning

25 lease than 8 million, Tier B facilities earning between
8 and 15 million, and Tier C facilities earning 15 million -- over 15 million.

The majority of tribal gaming operations are smaller facilities with lower gross gaming revenue.

Many small rural gaming operations provide their communities with much needed jobs, but earn little net
7 revenue for their tribal government. NIGC provides

8 technical assistance and training to all tribes and

9 enforces and its regulations as necessary to ensure

10 tribes are the primary beneficiaries of their gaming

11 operations.

12 The Commission also has a responsibility to review

13 the regulations to assure that compliance is responsible

14 and achievable for all tribes while protecting the

15 integrity of gaming as a whole. The NGIC may find
through this consultation and comment period that current regulations require amendments to better address the regulatory needs of smaller operations.

In a separate component of the rural outreach initiative, the commission is further considering creating an eighth region and expanding the Rapid City satellite office to serve it. The NIGC St. Paul regional office currently covers nine states, 59 tribes.
and 144 gaming facilities, and is the largest administrative region of the agency.
In 2003, the Rapid City satellite office was added to the St. Paul region to aid the region in reaching the tribal gaming operations in North Dakota, South Dakota, Wyoming and Montana.

Under this new plan, the St. Paul regional office would then cover only five states; Minnesota, Iowa,
Wisconsin, Michigan and Nebraska, 37 tribes, and 95 gaming facilities. The new Rapid City regional office would then cover four states; Montana, Wyoming, North Dakota and South Dakota, 22 tribes and 45 tribal gaming operations.

The NIGC would like to hear any questions, comments or concerns regarding this plan. Thank you.

CHAIRMAN CHAUDHURI: Thank you, Ms. Thomas.

So we'll open it up for questions and comments now. If
there are questions, we'll do our best to answer them,

you know, on the spot. If we need to get back to you,

we'll always be up front about our need to get back to

you, so with that.

And Mr. Cunningham will be here with the

microphone.

MR. YORK: Just one quick question I might

have on the thing. As far as the budgetary deal, would
this take away from our region resources or anything in

any way?
CHAIRMAN CHAUDHURI: I don't believe so.

There -- we haven't done an actual study. A lot of --

Efficiency is very important to the agency, so a lot of

the services that are provided to all of the regions are

shared between regional offices and headquarters. And

so there are a lot of services that really aren't
impacted by the region that is requesting work.

Our office of general counsel is located in Washington D.C. We support our regional teams in the field. The split -- and it's not really a split. It's the creation of a new office won't impact certainly in any way the services provided by headquarters. And there -- you know, we do our best to balance our budgetary realities with our agency operations, and we haven't done a market study on that, but I don't -- I
16 don't foresee any impact to Oklahoma City.

17 COMMISSIONER THOMAS: And I'll add to that.

18 So our regional offices that are currently existing,

19 we're not changing the staffing levels there at all. So

20 your regional office and the staff that's at those

21 regional offices won't change with this proposal of

22 adding Rapid City as a region.

23 CHAIRMAN CHAUDHURI: Thank you, Mr. York. And
if I could ask folks, just for the benefit of the transcriptionist, if there are any comments, just, you
know, when you look at the transcript, it's just a bunch

of black and white letters. If we can just, again,

mention our names and our communities when we provide

comments, and just for purposes of the transcription.

MS. ECHOHAWK: Laela Echohawk from Hobbs,

Straus, Dean & Walker. Just a question, I don't know if
you've already done it, but to evaluate how would that expand the staffing levels at Rapid City and would the staffing levels in St. Paul decrease? What does that look like in terms of budgets?

I know that tribes are very conscious, you guys's budget is obviously based on the fees that our -- that the tribes send in, so I don't know if you've done that,

but if you haven't -- if you haven't, it would be great to see and maybe, you know, include some of this
information at next consultations.

CHAIRMAN CHAUDHURI: And, thank you,

Ms. Echohawk. I think I'll turn it over to Ms. Thomas again, but staffing levels we've anticipated -- we always try to staff according to needs. I think we've been pretty up front about the agency's commitment to supporting tribal beneficiary status, to supporting the primary regulatory status of tribal regulators. And so
we've -- we've tried to enhance our team in accordance to that.
So we've talked about gamesmanship over the last year. We've added a couple new compliance officers who will, you know, be part of the overall staffing of the agency, but our staffing has been in line with our budget, our funding levels and our priorities. I don't know if you want to provide any additional
details about this one.

MS. THOMAS: No, just that even the St. Paul regional office would not go down, the staff that's actually assigned to the regional office. The staff that's assigned to the Rapid City satellite office currently would stay with that office.

We would be adding an additional regional director and additional administrative staff to assist that region as well. And then I did want to point out that
our rural outreach coordinator would actually be tied to that regional office as well. She's currently in Billings, Montana.

CHAIRMAN CHAUDHURI: And I think it would be helpful to restate that rural outreach is a recognition of the fact that we have a responsibility at the agency to support the integrity of the entire Indian gaming structure, to support Indian country's work and
supporting the integrity of the entire Indian gaming structure. So I believe everybody involved in Indian
gaming has an interest in supporting smaller and rural

-- rural operations as well, because the health of the

industry depends on the health of facilities both large

and small.

And so that's why, you know, given the geographic

size of the region that St. Paul currently covers as
well as the number of rural and small facilities located throughout the region, that an additional office west of St. Paul is probably pretty wise. It's huge, and if you talk about plane, flight distances, driving distances, having sufficient coverage of the facilities in the plains region is necessary, and so that's what we're looking at.

Rural outreach is one of kind of our primary primary priorities, you know, along with a strong work
force protecting against gamesmanship on the backs of tribes and staying ahead of the technology curve, and we see this as an outgrowth of that commitment. Thank you for that question, Ms. Echohawk.

MS. HOMER: It's just a question -- Elizabeth Homer. It's just a question. Do you -- I mean, that is a very large -- a large area. Has there been any thought given to instead of creating a single regional
office, to create multiple field offices?

CHAIRMAN CHAUDHURI: And I don't know if any
of the other members of the team wanted to address this.

We do have -- and that's an excellent question,

Ms. Homer. We do have field offices. I think, as

Ms. Thomas mentioned, the Rapid City office is a field

office at this time, but being able to have the

administrative infrastructure to coordinate with the
office of general counsel from a regional director level to the point person at OGC to coordinate with the compliance division, you know, elevating that office to an actual regional office is helpful for a number of administrative reasons, but where needed, we do have point people in the field to operate out of field offices. Another good example is our rural outreach coordinator is currently located in Billings, Montana to
help service some of the communities in that area. We recognize the rural communities throughout Indian country and all of the work that we do is, you know, needs to support rural outreach in Indian country, but that's one of the reasons our rural outreach coordinator is located out there. But we do have an eye towards trying to develop field presence wherever needed given the geographic
realities of how -- you know, how diverse and how large Indian country is.
MS. THOMAS: So I'll add to that, too, so if

you add multiple field offices, I'm going to get back to

the budget question, so adding office space actually

increases our budget because we have to do all the work

through GSA. So it is more feasible for us from a

budgetary perspective to elevate the Rapid City
satellite office to an actual regional office than to create multiple field offices.

MS. HOMER: I guess you have to balance that off with the travel expenses, you know, and the time it takes to visit everyone and it's a tough problem.

MS. THOMAS: Yeah, it is.

MS. KAISER COLLIER: Barbara Kaiser Collier.

You know, we -- we do think about our brothers and
sisters that have that vast majority of land and they're

really kinda off the main path, beaten path, as you

might say, so they have a more difficult time, even

though they do have some revenue trail.

Have you -- and it's good to bring it to other

places, but like being an Oklahoma tribe, if I was going

to expand or want something done in my area, I would

want all of the tribes to have an input. So I feel like
24 perhaps -- I mean, maybe you've done that. All the

25 tribes in that area, have you contacted them and
their -- their hierarchy or commissions and see what would work best for them?

You know, they're there and they know what might be better for their area than us here sitting in Oklahoma.

So I feel like that your people there as well as the tribal leaderships that are in those vast areas should
have major input and maybe be contacted one on one to see what would actually work best for them.

CHAIRMAN CHAUDHURI: And thank you, Ms. Collier. It's not an accident that we have an upcoming consultation in Billings, Montana, and we have reached out and very proud of our team. Our compliance officers especially, but the regional office as a whole has very strong one-on-one relationships with their tribal counterparts and so our communications and
 coordinations with our regulatory partners in that area

are strong in terms of reaching out and discussing, you

know, issues of mutual concern, but the consultation in

Billings is an outgrowth of our interest in hearing

input and hearing perspectives about -- about ongoing,

you know, anticipated tweaks.

We recognize that once you formalize a regional

office, for administrative and bureaucratic reasons,
that takes on a life of its own. That's just part of government, and so we strongly value the input we
receive from the partners that are affected by it.

So we've had consultations in Rapid City many, many times. I don't know many, but you know, we've had prior consultations in Rapid City. Knowing tribes and knowing nations that are outside of Rapid City are impacted by the services of -- of our Great Plains region, you know,
help to inform the decision to have consultation outside

of Rapid City as well. We want to hear all voices in

those decisions.

Mr. Cunningham?

COMMISSIONER CUNNINGHAM: If I could just add,

having once been the Tulsa region when we split those

regions into two, Tulsa and Oklahoma City, the advantage

that I saw, and I think it's one of the advantages that

they're considering, is when you take 130 facilities and
16 divide that into two or almost two, so if you're one of

17 130 and you have an issue and you call the region

18 office, you've got to -- you know, you're going to take

19 a rank on priority of where the NIGC resources get to

20 you. It could be training. Could be investigation.

21 Could be a number of issues.

22 Well, when you divide that region into two, your

23 odds of rising up higher on the priority list go up
substantially. And that’s kinda what we saw in the

split between Oklahoma and Tulsa, is that having two
regional directors to manage those issues, it got

more -- it actually put more resources into both

regions. And I will leave it to you guys to tell them

if you think it was beneficial or not.

CHAIRMAN CHAUDHURI: Let the transcription

show there's a lot of head shaking in the "yes"
direction. Thank you for that comment. Additional

comments, questions?

MR. MORGAN: Thank you. Matthew Morgan, Chickasaw Nation. In looking at the question that Ms. Thomas put up there on the rural outreach, I will say, you know, Chickasaw Nation will be submitting formal or in-depth comments, but just to briefly address some of those questions this morning. On your first question on the regulatory revisions
needed for gaming tribe with small rural operations, I think a hard look needs to be taken at that. With tribes that have other economic development going, the impact is not as deep, but it's still hard when there is a one-rule-kinda-fits-all decision that comes down, especially when you consider the timing of that during the budgetary cycle of how you're going to handle that. And if that's your only economic development in some of
the more rural areas, that impact is really great in trying to decide how you're going to cover that within
whatever time is given to be in compliance.

I think you said it earlier, Mr. Chairman. You know, a lot of people -- a lot of tribes' gaming facilities in more rural areas and the focus is jobs.

It's not really profit. It's jobs. You know, it's becoming better partners with that community and lending
assistance there, because you know, you have the tribal

and non-tribal citizens alike there, but it's becoming

partnerships and developing and making sure something

stays, money is turned over.

Maybe you get lucky and you're creating more of an

insurance pool that's utilized in the health care

centers, whatever it is, but it's not really -- you're

not -- you're not becoming rich off that facility. And

like you said, the vast majority of tribal gaming is
So I do think some special consideration needs to be given anytime we look at new rules and regulations on how that's going to impact those facilities, because it becomes a difficult balancing act for tribal government, tribal leaders when they are trying to decide how they want to allocate revenue across many programs and
services that they offer, because again, it's really

about employment at that point.
1 Should NIGC adjust the way it does business with small -- probably, again, it's kinda the same answer.

3 They're in a different business mindset than some large.

4 You know, we're very blessed in Chickasaw Nation, we have multiple facilities. We have very large facilities and we have very small facilities as well. Those small
facilities run the gamut on where they're at.

You know, does the town have that power supply that

you need, you know, running into that building? You

know, does it have some of the services there that

may -- that you may need? We opened up that, again, for

jobs in a building that's 20 years old and we've got it

up to spec that were on the books seven, eight years

ago, and suddenly those -- those environmental health

and safety or something raises. There's some particular
considerations that need to go into that, how we want to

come to be in compliance with those standards.

I think that's all a good thing that you've created

to this rural outreach coordinator that really can focus on

some of these issues, because again, I know that you

placed it up in Montana, but I think -- if you haven't

seen it, I invite you to look. OIGA did its last

economic impact study, and one of the things they were
looking was the rural impact versus the urban impact

here in Oklahoma, and you know, what does that mean and
how do they differ. And I think you'll find some of

those differences through a lot of regions across the
country.

CHAIRMAN CHAUDHURI: Thank you, Mr. Morgan. I

think that it brings up a lot of thoughts. I don't know

if anybody wants -- wants to share.
COMMISSIONER SIMERM EYER: Sequoyah Simermeyer

with the Commission. Thank you for that comment and the

earlier comments. I'll take a minute here and say a few

of my thoughts about some of the comments of the day.

And I appreciate Mr. Cunningham talking about the unique

perspective that existed for this particular region for

process or things that have occurred in the past that

have helped us to form how we might look at this in

other parts of the country. So thanks for that, as well
as the comments that has unique impacts on that part of

the country as well. So we should be looking at that as

well.

So one of the thoughts that I had with the comment

that just -- Mr. Morgan's comment just now was that in

looking at other emphasis areas of the Commission and

the Chairman's leadership early on and I think before

the vice chair, all those emphasis areas were
identified, including rural outreach and technology and other issues. But there is -- one of the things that
1 attracted me to that approach was that the -- often

2 times tribal communities, rural or non-rural, the

3 technology considerations and decision making processes

4 that they go through often impact beyond just the gaming

5 operation and really serve as an infrastructure corridor

6 for that community.
So I think it translates well into some of the comments that were just made about how a community that might not have the opportunity to diversify its revenue or other issues might have unique considerations in how they are looking at their decision making processes so that, as partners, we want to avoid from the federal side a one-size-fits-all approach in taking the opportunity to develop a process to look at the unique needs of each community and how they have
structured their vision and how they're going to execute their goals to their citizens is really important in structuring that around perhaps rural outreach.

And then a final thought of some of the earlier comments about the budgetary process, and I appreciate those comments, and you know, each of us -- one of the decision making roles that we each have on the Commission is the budget process and we'll talk a little
24 bit later on I think in this consultation series

25 about -- about fees and how we approach that. But you
know, from my perspective opportunities to engage more and have input and thought are very important and it's a matter of good governance. And so I appreciate those comments that are being made today in this specific part of the consultation.

CHAIRMAN CHAUDHURI: And excellent comment,
and echo everything Commissioner Simermeyer just said.

The jobs creator role of the majority of tribal gaming facilities is not lost on us, and we want to do whatever we can to support the regulatory efforts of communities that may not always have, you know, the largest IT departments or the largest regulatory bodies, but we see a benefit to supporting the overall framework of Indian gaming and that that framework benefits all parts, all members of that, large and small, and so if there are,
you know, any issues anywhere in Indian gaming that

affects everybody and so we are committed to doing

whatever we can through our regulatory mission to support small rural operations.

And so this isn't a one bite at the apple consultation. If there are other things that we can do as we move forward as an agency to support newer possibly start-up operations, we always -- we already
have quite a few trainings for start-up facilities, for

new facilities, but if there is anything that we can do
to support newer or rural facilities, please let us know.

You know, we have certainly a lot of our emphasis on the technology side. We provide, you know,
vulnerability assessments free of charge, which I think are especially beneficial to newer or smaller
facilities. We provide a number of trainings that I think help in terms of not just regulation, but governance issues that tribal nations face, but beyond that, when we look at the challenges that rural communities face, sometimes there are related issues, whether they be telecom or connectivity that we may be able to help facilitate dialogue with other members of the federal family, that even though there may not be a direct issue in our regulatory lane, we may
provide a resource to some of those communities who are seeking to expand their infrastructure across the board.

And so we want to be helpful and we want this to be an ongoing conversation. So the Rapid City office is an important part of that, but everything we’re doing as an agency, we want to make sure supports rural and newer facilities because we're all in it together. If there are compliance challenges, if there are operational
challenges, if there are market challenges that that

smaller or rural facilities face, we understand that
impacts everyone in Indian gaming. And certainly the

impact on jobs, the work that OIGA has done and its

analysis, the economic study that NIGA has put forward,

we are -- you know, it's important for us to recognize

in all stages the impact on jobs, both for Indian

country and surrounding communities in everything we do,
and so that's part of our commitment to rural outreach.

So thank you for that comment, Mr. Morgan. Okay.

We have a number of topics to cover, but I always -- I want everyone to feel that all opportunity -- that everybody has had every opportunity to share. Are there any additional comments on this topic before we move forward with our next topic?

And I know it's a long consultation schedule. It's 9 -- almost 9:30 right now. If we can shoot for a short
five-minute break at 10:15 in case anybody needs to use the facilities or just stretch, we'll shoot for a 10:15 break.

But with that, we'll move on to our next topic, unless there are any other comments that anyone wants to submit, which is developing a strong tribal work force through training, and we'll turn it over to our training manager, Mr. Steve Brewer.
COMMISSIONER BREWER: Good morning. As Jonodev said, my name is Steve Brewer. I'm the training
strong work force is an essential ingredient to the success of any business. The NIGC believes one of our best assets is our employees and recognize that this is also the case for tribal gaming operations. With this in mind, the Commission is prioritized to
supporting a strong work force both within NIGC and among our tribal regulatory partners as one of its four initiatives. In order to foster a strong tribal work force, the NIGC seeks to enhance our external training program and ensure that it continues to meet the needs and demands of the industry. To that end, we take this opportunity to update you on the direction and commitment of our training program and to consult with you about how we can deliver a
better training program to meet the needs of our tribal regulatory partners.

Currently, the NIGC offers three types of training events: The regional training conferences. These are based on and derived from our training catalogue and are based on the needs of the region where training is occurring. We also have the regulating gaming technology, which is geared towards providing both an
understanding of our variety of technologies on a casino floor and strategies on how to effectively regulate and
1 understand such technology.

2 It should be noted that the RGT training for 2017

3 has been suspended to allow time to revamp the training

4 to make sure new technologies are included, and it is

5 anticipated that the new RGT will start in 2018.

6 Finally, we provide site specific trainings. These
trainings are trainings that are requested by a tribe to meet the individual needs of its tribal government, gaming commission regulators and operators.

The NIGC has developed some assessment tools that tribes can request at no cost. The first assessment opportunity is the information technology vulnerability assessment or ITVA for short. The ITVA is performed by the division of technology who completes a vulnerability assessment of a facility's IT system to identify
potential security threats.

The second type of assessment is an internal control assessment or ICA performed by the audit staff. This could be a comprehensive review of a tribal gaming facility's entire system of internal controls or it could be a specific system, such as an internal audit review. Based on the identifying -- findings identified in either a completed ITVA or ICA, the training program
can then offer and develop training specific for that tribe.
All NIGC training is developed to support our tribal customers. The training request process is used to shape and deliver training courses and programs that are uniquely tailored to each organization based on their specific needs and requests.

The NIGC training program is currently undergoing a
process to revamp, revise and update all our training offerings. The NIGC is committed to craft trainings that are carefully targeted to meet the evolving needs of our regulatory partners and address high priority matters critical to safeguarding the Indian gaming industry. In this manner, the NIGC training program is in the process of revising its instructor-lead training courses to provide a more interactive and hands-on experience.
As a commitment to the value we put on training, we have recently brought in additional staff to help develop our training platform and assist with incorporating new methods of training. Additionally, we will utilize more technology in our training offerings. We are working towards offering an online, on-demand training to allow for live video conferencing events.
With the kickoff of our current training unit, the NIGC has developed new training classes, including a
1 12-hour comprehensive training for internal audit, a

2 12-hour hands-on workshop for TICS, SICS development, a

3 new gamesmanship 2.0 training, and a new IT training

4 related to the auditing of the Class II control

5 standards as it relates to Part 543.20. Each training

6 is designed to be interactive and take a hands-on
We're in the process of revising our full training catalogue to reflect these new training opportunities. Additionally, in 2016, the NIGC instituted knowledge reviews in certain audit courses. The intent of the knowledge review is to review the effectiveness of our training. This testing is performed in two points: First, upon completion of a training class to understand what
16 the students learn, and a second test is performed 90

days later to see if the student retained the

information.

For 2017, the NIGC is expanding the knowledge

review for all courses offered by the NIGC. The NIGC is

interested in learning from you about what our training

program can do to meet the needs of your operations,

what additional types of trainings or events you'd like
to see, what more can our training program do to help

tribes stay abreast of emerging trends in Indian gaming,
including technological developments such as online and on-demand training, smart phone or tablet apps or other technology? Or if you have any other comments or concerns you would like to share, we look forward to hearing your input and questions. Thank you.

CHAIRMAN CHAUDHURI: And thank you, Steve. So
comments and questions on that? This is an exciting part of the consultation for me. A lot of our trainings are specifically tweaked because of the comments received from Indian country, and so we're always open to input and guidance, but we're really looking forward to kind of setting some clear benchmarks about our training program as we move forward, you know, down the road.

So very much look forward to input here. Looking
around the room, I'm just thinking about the impact that
certain comments have made -- been made. I see one
person, individual -- I mean, in particular. I don't
want to throw her under the bus unless she wants to go
on record, but she very much helped -- helped inform
our -- even though this isn't technically training, but
our vulnerability assessments, the need to support
communities that don't have full, you know -- or that
have smaller IT services, Francine Dupuis.

MS. DUPUIS: Dupuis.
CHAIRMAN CHAUDHURI: Francine Dupuis. I remember early conversations with the Commission regarding, hey, many community's vendors effectively provide IT services. I'm, like, well, what support can we do. And really thank Travis and his team for kind of really developing a program that's perfectly tailored to
-- to those needs.

Same thing with training. You know, gamesmanship,

a lot of our specific trainings come from comments in

the field. So if anybody has any specific comments now

or later, please let us know about how we can tweak our

trainings and very happy that Steve has set us on a very

good path.

MR. HUMMINGBIRD: Excuse me. Jamie

Hummingbird, Cherokee Nation. I want to applaud the
NIGC for the efforts that they've taken for increasing

and expanding their training programs. That is one area

that I've been advocating for the NIGC to take up for a

very long time, just simply because, as you mentioned,

tribes across the country have varying degrees of

capabilities when it comes to technology, maybe even

just coming down to budgetary issues and staffing.

So the -- having that type of training be easily
accessible is a critical component for all tribes.

One thing -- and, Steve, I apologize if I missed
something. When you were talking about being able to

possibly look at online or something not in person,

let's just put it that way, does that contemplate also
doing trainings sort of in the style of YouTube where

you would be able to have a training on a subject that
could be accessed via the NIGC website or is it
something that is just going to be a static downloadable type presentation?

MR. BREWER: That's a great question, Jamie.

One of the things that we're looking at is we're looking at creating our own YouTube channel, you know, recording some of our trainings and then placing them on a YouTube channel so it would be something that you could watch.

We're also talking about interactive training by developing a learning management system where it's --
you know, you go in and it could be multiple different types of aspects from video to PowerPoint to, you know, voice over with questions and going to that interactive approach of training like you see on some of the other LMS for education.

MR. HUMMINGBIRD: Just a quick follow-up.

Jamie Hummingbird again. Two -- actually, two questions. One is, would the -- would it be possible
24 for some expanded training offerings on the IT side?

25 And I'll point it to Travis and his group. They've done
a great job up to now getting things kinda brought up to
date with respect to certain aspects of the operation.

One of the things that I see, and it may be already
in the works, is we tend to focus a lot on the machine
and the system itself. One of the things I think may be
lurking in the background is the other issues we talked
about, the internal -- excuse me, the vulnerability

assessment, which is good and gets us part of the way
towards assessing network security and vulnerability

that way.

Is there any plans to expand training in that area

or any offerings in the network security type area?

CHAIRMAN CHAUDHURI: And before Travis weighs

in on this, I do want to just take my hat off to Travis

and Steve in terms of -- of the way that they work
So obviously training and the positive direction training takes needs to be supported by a larger technology, you know, vision and Travis has provided that vision. You know, I mentioned Francine -- Francine's input regarding technology as a whole. That was early on that helped inform the emphasis on technology. The vulnerability assessment was Travis's brain child. I
really gotta give Travis massive credit for that, but

the work that Travis is doing on the technology side and
1 the work Steve is doing on the training side, they go

2 hand in hand.

3 So it’s a perfect question. Just wanted to mention

4 that and take my hat off to those two before Travis

5 weighs in.

6 COMMISSIONER WALDO: Thank you, Jamie. We are
actually looking at some expansion of that, but we have
to kinda limit what we can do because we end up putting our hands on systems that we shouldn't really probably touch. So we can't get in that break-fix situation, but we're looking at some non-industry specific training -- or excuse me, non-vendor specific industry standard type trainings, the CISSP for network security. There's some stuff in there that we're kinda looking at maybe incorporating.
I'm looking at kind of expanding the vulnerability assessment a little bit with some different types of scans and some software that we could use, but again, we always have to stop short of actually doing a physical PIN test and we have to stop on the -- you know, just on the assessment side of that, but as far as training goes, we can tailor training to just about anything, you know, someone needs.
If someone or a small operation has a specific need for network security training, or you know, some
information on, you know, network security training, you

know, with specific vendors, we can tailor to that. We

certainly could.

MR. HUMMINGBIRD: And finally, Mr. Chairman,

one last point to -- Jamie Hummingbird again. And I

understand that the things can be tailored. I like that
aspect. I would just encourage you and Steve as you are going through and deciding these training programs to keep people like me in mind that don't know come here from sic 'em when it comes to a great deal of the technology.

What I'm saying is keep in mind people that have varying levels of understanding of the technology aspect and -- because back in my day, I knew computers backwards and forwards. Today, I'm lucky if I can turn
16 it on. So keep people -- people's degree of proficiency

17 in mind.

18 CHAIRMAN CHAUDHURI: That's an excellent

19 point, Chairman, and he's got me to deal with on a daily

20 basis, so he's used to breaking things down into short

21 sentences and using small words, so we're working on

22 that.

23 MR. BREWER: The one thing I'd like to add if
I could quickly is a lot of the new trainings that have been developed through the training program is directly
1 as a result of the feedback that we've gotten from the

2 tribes themselves in our regional training conferences.

3 Specifically, the regional guidance on the issues was --

4 was a course that was developed based on comments that

5 we received here in Oklahoma as to why we were not

6 giving specific information to the specific region and
just kinda more of a broad overview of the regulations.

And so whenever we get our evaluations back from the RTCs, I go through it and I look at it, and I've gotten some really great ideas and that's kind of what caught -- it's kinda continuing the training program to advance. It's based on the comments. So we -- I agree with you. I think best practices and breaking things down is the best approach for getting everybody up to a higher level. Thank you.
CHAIRMAN CHAUDHURI: Thank you for those comments. Additional comments on this topic? Okay.

Any additional --

COMMISSIONER SIMERMeyer: I just wanted to --

as folks are considering this consultation series for these next couple of months, two things that, for me, would be helpful to hear more about and to keep thinking about is kinda what unique role can be played in -- in
kind of facilitating these dialogues, understanding

there might be kind of regional differences or capacity
differences that might exist between operations, but if you have thoughts on that, I think that would -- from operations, be -- to be beneficial. And also to keep in mind, I think in the presentation or the earlier comments that was made, I appreciate significantly is, you know, the call for how
we can assess and benchmark and understand the impact

that our actions are having on the regulatory community

and the ability to read articles, so ... 

MR. SWITCH: All right. Okay. My name is

Seisman (phonetic) Switch and I have one question,

Mr. Chairman. NIGC has developed its training program.

Later on in the future, on down the road, will the NIGC

be focusing towards tribes requiring these to qualify or

yearly inspections to make sure the tribes are doing
these trainings or anything like that? Is there

anything like that, such as developing these training programs, beefing up the training which it's providing

in the fashion you-all are doing now? Are there

anything like that be coming up in the future?

CHAIRMAN CHAUDHURI: And, sir, are you

speaking about certification or requiring certain
certifications?
MR. SWITCH: Yeah, requiring certifications.

CHAIRMAN CHAUDHURI: I don't know if Steve or
Christinia want to speak to that, but our trainings at this point are voluntary and --

MS. THOMAS: So we are actually required by statute to provide training, so that's why we put such emphasis on our training program. And I'm going to reiterate that Steve and Travis together have actually
upped our standard for training and what we provide, but

no, at this time, we are not looking at making any

requirements or certifications for tribes for the

training that we provide.

CHAIRMAN CHAUDHURI: And just to add to that,

there's a general statutory -- I mean, I think all

credit goes to Indian country who worked to amend NIGRA

to put in a training aspect into our mission, but

what -- what we've done with that is we've elevated it
to, you know, a fundamental priority in the agency and

it's -- it's, you know, the utmost importance to us

because it informs everything we do.

So even in terms of the ongoing compliance side of

our functions, we're committed to the notion that doing

whatever we can on the front end to support tribal

regulatory efforts through training to avoid compliance

issues is the most efficient way to -- to achieve
compliance. And, of course, we're -- we're -- we never

shirk from our responsibilities to address compliance
issues on the back end, but just part of our philosophy

as an agency is to do whatever we can to listen to the

needs of our regulatory partners and to tailor our

trainings accordingly.

So that's inherently voluntary. That's inherently

a two-way street in terms of listening to our tribal
7 partners, figuring out what the needs are from other

8 regulatory bodies and tailoring our training

9 appropriately. We -- we don't have a requirement that

10 mandates certain trainings because there are other

11 functions of the agency that are in place to ensure

12 compliance, and those other functions, you know, involve

13 other authorities of the agency.

14 We see training as a two-way hand-in-hand operation

15 where needs are discussed. We tailor our trainings
accordingly and that serves the entire community better
to work better on the front end rather than the back
end. So that's kinda how we approach trainings. It's voluntary in nature. Thank you. Excellent question.
Thank you, sir.
MR. YORK: Thank you. Buddy York with Muscogee Creek Nation Gaming Commission. Just a quick comment on the training. We have -- and they do provide
us with any type of training that we request. That's not a problem. One of the things I would like to see is
maybe have training for, like you say, from A to Z, from

start to finish, but a lot of times, we have a lot of

turnover in our -- some areas. And so beginning

training is fine, but for people that have been in there

for a long time, maybe have a different type of training

that would be a little more in-depth for those people
that have been there for quite awhile, and you know,

just train them on anything that may be new or get a

little more into it than we would for those that are

just starting out in a certain area. Thank you.

CHAIRMAN CHAUDHURI: Thank you, sir. We'll

definitely look at that, but one of the things that

we're proudest of is, you know, these trainings aren't

free, even though sometimes I say, you know, it's no

charge to the tribes. A better way of saying it is
they're prepaid. It's like a prepaid phone card. You know, our fees come from Indian country and the ideas to support -- support Indian -- the health of the industry.

So they are prepaid, and as a result of that, if there are any specific trainings that are specific to a nation or specific -- specific to a TGRA that's needed, we're very proud of the fact that our team will do in-person training for a given nation. And hats off to
24 Steve and his team for overseeing that, but thank you so

25 much for that comment, Mr. York.
And I apologize for sounding like a duck. My allergies are kicking in right now.

Okay. Additional comments? So let me take one second to converse with the team here briefly. Okay.

So we may have to push our break back a little bit, depending on how this session goes, but if you will, I
think we're going to adjust the order of our topics

briefly. We have, you know, a couple of members of our

team who have to change schedules for important

purposes, but you know, I want -- I want to give all

attention necessary to the MICS discussion, the

voluntary, non-binding MICS discussion.

Unless there's objection, we always -- you know, we

take great effort to provide notice as to whatever we're

doing and how we're going to do it and we did lay out
this order of topics, but unless there's objection, we'd

like to move forward with -- with our discussion about

the draft guidance regarding -- voluntary, non-binding

guidance regarding Class III MICS, and if we could move

forward with that portion of the discussion just in the

interest of having all relevant parties in the room when

we have it.

Okay. So, Ms. Thomas, I don't see any objections,
please proceed.

MS. THOMAS. Thank you. Christinia Thomas
again. So as a result of the 2015-2016 consultations,

the Commission will issue non-binding Class III MICS

guidance. We have issued a draft of that guidance and

are asking for feedback before we finalize and publish.

Although a guidance document does not require a

formal notice and comment process, the Commission
recognizes the value of tribal and industry input and

intends to thoroughly consider all comments we receive

from you to inform this guidance. Copies of the draft

64-page guidance document are provided for review today,

but are also available on our website.

The NIGC is very fortunate to have so many tribal

gaming subject matter experts working for the agency who

are well versed in operational procedures and the risks

associated with them who have been diligently working to
You'll notice that the draft follows the formatting and style of the current Part 543 Class II MICS. We hope it assists those tribes with MICS facilities to develop a comprehensive set of controls while still enabling tribes themselves to establish standards that best fit their needs. Exclusively Class III areas such as gaming machines
and table games have been updated after extensive review

of other jurisdictions incorporating tribal regulatory
1 in current industry standards. Additionally, those

2 controls in Part 543 that require TGRA analysis and

3 approval, such as variances and supervision controls,

4 are carried over into the Class III guidance.

5 We would also like to consult with you on a

6 proposed decision to suspend the existing 542
regulations. Suspension of the regulations leaves the existing text in the code of federal regulations, but adds a note that they are not enforceable and refers the reader to the guidance document. We believe that this solution accomplishes the goals of keeping the language accessible for those who need it. Thank you.

CHAIRMAN CHAUDHURI: And thank you, Ms. Thomas. So we can, of course, give ample additional background, but I want to open it up to comments and
questions on, as I said before, to this voluntary,

non-binding draft guidance.

MR. HUMMINGBIRD: Jamie Hummingbird with

Cherokee Nation again. Just to refresh my memory if you could, I realize we covered this subject at a consultation in Shawnee last year and I think you might recall then I asked the question, and I'm hoping to get a refresher, because I'm wondering how this move is
24 going to impact tribes here in Oklahoma and elsewhere

25 where their compacts are tied to compliance with the
TICS -- or excuse me, the MICS that are contained within Section 542.

What is the expectation or what does NIGC anticipate any potential ripple effect being when it comes to those situations?

CHAIRMAN CHAUDHURI: I think that's an
excellent question and we recognize that the compacts for tribal nations vary greatly from state to state.

And, you know, we have some thoughts, but we also are always interested in hearing from Oklahoma tribes' perspectives about the potential impacts, but again, I stress that these are non-binding and voluntary, but if I could turn it over to our general counsel, we've had a lot of internal discussions on this as well.

COMMISSIONER HOENIG: Hi. So the -- the kind
of solution we came up for that was to try and figure
out a way to point out that the regs that are existing
on the books of Part 542, we can't enforce those because
of the Colorado River Indian Tribe's decision back in 2008, but those regs have stayed on the books and we understand that they need to be on the books for the reason that you discussed.
So by suspending, which is what we're proposing to
24 do, by suspending the regulations, they stay there.  542

25 will still be there and it will still get printed. It
1 just -- it means that the NIGC can't enforce those

2 regulations and it makes that clear. Everything will

3 still be there. You'll still be able to look them up.

4 They'll still be referenced. We just won't -- I mean,

5 it really won't have any -- any practical effect in the

6 sense that we haven't been able to enforce them since
the CRIT decision. We still won't be able to enforce

them.

This will make that clear in the regs and then it

will point folks that want to use them to the guidance.

That way, for the compacts that reference 542, that will

all still be there. We wouldn't be able to update those

regs regardless because of the CRIT decision. We just

don't really have the authority to mandate anything in

Class III internal controls.
So they'll just kinda stay the way -- they're kinda frozen in time, essentially. They're suspended. You can still reference them if you need to, and in the meantime, we'll be putting out this -- this guidance is just kind of a point of reference for tribes that need it for their Class III MICS. I hope that answers your question.

MR. HUMMINGBIRD: Mostly.
COMMISSIONER HOENIG: Mostly. Is there anything I can --
MR. HUMMINGBIRD: Well, I just think -- and I understand where you're coming from and I think I understand how this will kinda flow and it's -- I think it's going to be something more of a question now that we will have to work on internally as well as possibly with the -- anything with the state, simply because with
7  -- with respect to the outdatedness, if you will, of the
8  current 542 -- the technologies, the processes,
9  everything that was in place eight, nine years ago, not
10  in place today, and if we had the ability to amend
11  those, I'm sure they would have been amended, you know,
12  three years ago when the rest of them were -- or four to
13  five years ago when the rest of them were.
14  But with -- with the rest of the -- my questions, I
15  think they're not necessarily for you. It's going to be
something I have to ask my tribe and we might have to confer with my counterparts on the tribal side here in Oklahoma and maybe even with our state compliance agency.

COMMISSIONER HOENIG: Yeah, and we know that there are compacts elsewhere, too, that reference back to the NIGC's MICS. And so there's kind of a mix how that's done throughout the industry and we're trying to
come up with a way to have to -- to be able to update

something, but have the least amount of impact on those
1. compacts that reference our MICS, or you know, sometimes

2. they're dropped right into the compact even, but for

3. those that just reference back to Part 542, we're trying

4. to figure out a way to be clear that, you know, we can't

5. really do anything with these, but here they are in case

6. you still need them, if you're still referencing them in
MR. HUMMINGBIRD: And is the move to make --

the 542 non-binding guidance, is that a move that NIGC is going to keep forward with all regulations in the future? It was a joke.

COMMISSIONER HOENIG: I thought you meant keeping it updated.

COMMISSIONER SIMERMeyer: I'm okay with the regulations.
CHAIRMAN CHAUDHURI: You know, I can't --

can't predict the future, but the Class III MICS have a

unique history, as we know, and the diversity in Indian

country about how various compacts review them and I

think it results in very -- some very unique approaches

and solutions, but can't really speak to that. But the

guidance will be referenced and there will be kind of a

signal saying, you know, these rules are suspended,
24  however, NIGC maintains its guidance at X, and you know,

25  whatever the website is and we -- the benefit of that is
as technology changes, we don't have to -- we're not

issuing new regulations since this is non-binding

guidance. That guidance can be updated with input from

Indian country as -- as needed. And so it's not a

formal regulation from there on out. It's non-binding

guidance.
MS. HOMER: Just one question. You know, I understand that, you know, the NIGC, when you say it's non-binding guidance, at least I think I understand, that that means you-all can't bring an enforcement action for non-compliance. However, I would presume that you're still going to be writing your audit checklist and using the new guidance documents as what will form the basis for your audits going forward. And so to that extent, you know, if you're not
complying with Part 542 guidance, then you would be getting an audit ding for not doing that, which how does that work?

CHAIRMAN CHAUDHURI: And I'll turn it over to Ms. Thomas who can speak in more detail, but I'm not sure if that's quite -- well, go ahead.

MS. THOMAS. So we may adjust our training programs and the stuff that we offer, like the IC is
based on the guidance, if that's what tribes would like

to see, but we don't require tribes to have audits
completed or AEPs completed on Class III stuff. That's not something that we can ask for.

I do know that tribes still do Class III audits or AEPs and based on whatever controls that the tribe has in place, and if you get a finding based on your own controls, well, that's the tribe's controls and you just
have an independent auditor auditing against your own

controls.

MS. HOMER: Okay. Just for purposes of

clarification, then, when we have a MICS Class II and

Class III facility, which is very common here in

Oklahoma, wouldn't the classification --

classification -- the MICS for the Class II be applied

for the whole facility as opposed to just a part of the

facility? How does that -- how does that -- how do you
perceive that working?

MS. THOMAS: So if it's a MICS facility, we've always said from the onset of the implementation of the 542 for the Class II MICS that if an area touches any -- if any of the Class II areas touches, so your cage, your surveillance, all of those particular controls, are already part of 543. So we would be measuring against those controls. We wouldn't be measuring against the
guidance, but I can tell you that the duplicative areas,

like the cage and all those, carry over into this
1 guidance document, so it's going to be verbatim what's

2 in 543 for all of those areas that touch every portion

3 of the Class II area. So there's no differences between

4 what we have for the cage language in 543. It's exactly

5 the same as we have for cage language now in this

6 guidance document.
CHAIRMAN CHAUDHURI: Thank you for --

MR. HUMMINGBIRD: I don’t think I need a microphone, just -- Jamie Hummingbird again. How soon do you plan to make the switch?

MS. THOMAS: Well, our comments -- our comment period isn’t done until the end of June, and I anticipate that we’re going to get a bunch of written comments on this particular issue. And it’s going to take us some time to review all the comments and make
changes where we feel appropriate, so we're still a few months out.

And that will result in kind of a more final proposed draft and we'll submit that for final -- final comments as well.

Matthew Morgan, Chickasaw Nation --

I'm sorry, to answer,
24 we’re trying to get as much done this year as possible,

25 if that helps. Sorry, Mr. Morgan.
MR. MORGAN: No, no, you have the floor anytime, sir. It's not a problem. A lot smarter minds than mine in the room, but a concern that keeps tripping me up is that CRIT decision on not only the authority to enforce, but the authority to issue what's termed in the record Class III MICS. I don't -- I know the
enforcement part goes to the regulatory format of how

that is, but you know, how you get over that hurdle of

issuing expending fees on Class III minimum internal

control standards, that worries me on how the NIGC is

going to address that and get over that hurdle.

CHAIRMAN CHAUDHURI: Thank you, Mr. Morgan.

And we've talked about this internally. And, Mike, do

you want to field this?

COMMISSIONER HOENIG: Sure. No, I appreciate
that concern and we've -- we have heard that from the

beginning. I think here again, by putting it out as

non-binding guidance, I guess we would have to look to

see maybe even what fees we are really expending. I

know we're working on this and it is something that

we're -- you know, we're taking time to do, but I also

think, too, that we can look at this as it is providing

a service to some tribes that have asked for it and say
we do need this.

We also have in some places the class three tied
through ordinances, so we have to kinda look at how we deal with that as well, which is another issue. So I would say that I take your point and I can see that that is a concern. I think that the CRIT decision itself, though, is really more focused on the regulatory aspect and on being able to enforce these and really having any
kind of regulatory authority to go in and enforce Class

III minimum internal controls.

But I think that what the Commission is trying to
do here, is it almost falls more in the technical

assistance and guidance aspect of the Commission's role.

I mean, we do have -- you know, regardless of what the

Court and CRIT said about our authority, I think we do

have a lot of in-house internal expertise on these

issues that I think we can bring a lot of assistance to
the industry for some of the tribes that are asking for it, some of the operations that are asking for it and could use it. And at the same time, it's, I think, a very low kind of -- it's not an -- it's not something that we're going to be out, you know, every day in there saying, are you keeping up with Class III MICS and expending resources that way, if that makes any sense, so ...
CHAIRMAN CHAUDHURI: Again, apologize for my

1 Okay. Thank you.

2 So it's 10:07 right now. Rather than start --

3 COMMISSIONER HOENIG: Do you want to try and

4 do management contracts?

5 CHAIRMAN CHAUDHURI: Oh, yeah. Before --

6 okay. That's a good -- if we could press through and
try and get through the management contracts discussion

before our break and that might -- that might be good

since we have everybody in the room that needs to

discuss that as well. Any objections pressing through?

Okay. So with that, we'll turn -- turn our

attention to the management -- management contract

regulations and procedures topic of today's

consultation, and for that, we have our finance

director, Ms. Yvonne Lee.
COMMISSIONER LEE. Good morning. My name is Yvonne Lee. I'm the director of finance for the National Indian Gaming Commission. One of our primary initiatives at NIGC is to protect against anything that amounts to gamesmanship on the backs of tribes. Gamesmanship is a broad term for any third-party threats to tribal assets or operations. It includes third-party interference with a tribe's sole proprietary interest in
its gaming operations.

Many gamesmanship violations may occur when the
third-party vendor or services provider is managing some aspect of the gaming operation without an approved management contract or where a management contractor is operating outside of an approved management contract, thus, approval of management contracts by the NIGC chair is required by IGRA as a means of protecting the tribe.
against gamesmanship.

The chair has a fiduciary responsibility to tribes to ensure that they remain the primary beneficiary of their gaming operations. The management contract and backgrounding process should protect against gamesmanship, but the process should also not stymie the entrepreneurial spirit of the tribes. With this in mind, the Commission is seeking feedback and recommendations on whether changes are
needed to the management contract and background investigation regulations. Specifically, we want input that may improve our efficiency in the management contract review process, but also continue to protect tribe's sole proprietary interest in their gaming activities.

To provide some context to this consultation, I'll briefly summarize the current approval process, then
24  we'll open the floor to questions and suggestions.

25  A management contract is any contract, subcontract
or collateral agreement between an Indian tribe and a contractor or between a contractor and a subcontractor that provides for the management of all or a part of the gaming operation. Detailed requirements for management contract can be found on our website.

The following are a few of the most significant
requirements: The contract term may not exceed five years, unless a special authorization for up to seven years is granted if the chair is satisfied with justifications for the additional time.

The management fee provided for in the contract may not exceed 30 percent of net revenue, unless a special authorization for up to 40 percent is granted if the chair is satisfied with justifications for the additional fee, and the contract must provide for a
minimum guaranteed monthly payment to the tribe that has preference over the retirement of development and construction costs.

To commence the review and approval process, submitters must submit a management contract and all relevant documents in accordance with 25 CFR Parts 531 and 533 to NIGC. Once a contract is submitted to the NIGC, they are processed and reviewed based on the order
received. The length of NIGC review is dependent on several factors, which can include the number of prior
applications received and already in the review queue,

the completeness of each submission, the responsiveness

of the parties in compliance with existing laws and

regulations and the complexity of the submission and

those subject to background investigation.

There are often various and simultaneous management
contracts in one or more review stages at any given point. Once all the documents are received and the NIGC and the tribe have determined that the submission is complete, chair approval or denial can be expected within 180 days of this full and complete submission. However, please remember that a complete submission requires multiple steps. Often after an initial review is complete, the NIGC contacts the tribe and/or the manager to obtain additional information or request
clarifications. Therefore, the review process usually takes more than 180 days from the initial submission date.

The chairman must also make a determination that the manager is suitable to manage the gaming operation. The background investigation process is an important component of the submission. Background information must be submitted for all persons and entities that have
24 a financial interest in or management responsibility for

25 the management contract as identified in 25 CFR Part
If a tribe wants to amend a term of an existing approved contract or simply extend the original approved contract pursuant to 25 CFR 535, it must submit an amendment and relevant documents, include a letter from the tribal chairperson and associated resolutions, as
As well as background investigation applications.

For new individuals or entities, background investigations are required. Individuals or entities previously found suitable may also need to have their background investigation updated, depending on the length of time since their last background investigation.

After the NIGC staff completes a management contract review and the background investigations, they
will submit the materials to the chair for approval or disapproval. If the NIGC chair learns of any actions or conditions that violate the standards of Parts 531, 533, 535 or 537 or the manager deliberately or substantially fails to follow the terms of the management contract or tribal gaming ordinance, the chair may disapprove a submitted contract or void the contract or require verifications of an approved contract. If submitters
24 find the chair's determination unsatisfactory, they may

25 appeal the decision.
We would now like to take this time to hear from you. Do you have any questions about the process or regulations or any suggestions as to how the NIGC can improve its efficiency in processing these applications and providing technical assistance? Thank you.

CHAIRMAN CHAUDHURI: Thank you, Ms. Lee. So
we'll turn it over to comments or questions, but you know, management agreements are an important part of our functions at the agency. We talk about gamesmanship -- doing anything we can to protect against gamesmanship on the backs of tribes. You know, the approval of management agreements and ongoing responsibility to ensure compliance with terms of a management agreement are, you know, fundamental to ensuring that tribes are the primary beneficiaries of their operations, that
tribes are, you know, maintaining a sole proprietary interest in their operations, and so we welcome any comments or perspectives you may have in terms of, you know, regulations or administrative tweaks that may be appropriate.

MR. YORK: Buddy York with Muscogee Creek Nation Gaming Commission. My question is, when you're talking about management contracts and you mentioned in
24 that definition gaming, okay, a lot of the resorts of

25 the larger casinos and everything have a lot of entities
-- other entities that don't -- that aren't directly

gaming. Does the definition tell us just exactly which

of these entities would be covered under a gaming

management contract or something like that if it doesn't

deal directly with gaming, but it is using gaming money

to pay for those contracts?
CHAIRMAN CHAUDHURI: Going to turn it over to our general counsel to talk about IGRA as well as how we apply or how we approach management agreements.

COMMISSIONER HOENIG: So I guess the short answer is the management contract approval process, you know, the contracts have to be submitted and go through this process are only for contracts that call for management of the gaming operation itself, so the gaming floor. If you have a contract, for example, with
someone that's going to do your food service and that's it, they don't touch the actual management of the gaming, I don't think that's something that we would need to see.

You know, if you ever have a question, though, about whether you think something touches on management of the gaming operation, the office of general counsel will review agreements before they're executed to make a
24 determination on whether we think that they're

25 management or not. We call it the declination letter
process. We have a bunch of them.

Lately, they all seem to focus on financing where

the money, you know, if the tribe’s gaming revenues are

going to be used as collateral, they want to get an

opinion on that, but we also look at developmental

agreements and other management contracts if the
7 operations of the tribes ask us to.

8 As far as the revenue being used to pay for those

9 management agreements, again, I don't think that's

10 something that we would then say triggers the need to

11 review that contract unless that contract actually

12 manages the gaming operation. Then it's just a question

13 of whether the gaming revenue -- well, that would be

14 probably an operating expense maybe or a question

15 whether it's net gaming revenue if it's going to one of
the five purposes that are permitted under IGRA.

So it would be kind of a different review if we ever had a question about that. It wouldn't really be -- go to management as much as it would to use of the net gaming revenue. Does that answer your question?

MR. YORK: Yes.

CHAIRMAN CHAUDHURI: Let me add to that just really briefly, although it's -- so management contract
approval works hand in hand with other functions at the agency and the agency, as a whole, has a responsibility
1 to improve primary beneficiary status of the tribes.

2 And so what I mean by that is, as we approve management

3 agreement, we approve it per the guidance or the

4 mandates of the Indian Gaming Regulatory Act. However,

5 there are other compliance functions that we perform and

6 I think general counsel alluded to them to -- that help
us ensure primary beneficiary status of the tribes.

One unique thing about the management agreement approval process is management agreements have to be devoid of undue influence by third parties, undue influence of tribal operations, and they also, you know, have to ensure primary beneficiary and sole proprietary interest of the tribes. And so it really is a positive opportunity to make sure that the tribe's interests are protected.
In addition to the opportunity, it's also the responsibility on NIGC's part to make sure that that fiduciary responsibility is upheld. And so we do that when we're approving these -- these agreements. We do that both in terms of the terms of the agreements, but also some of the backgrounding that -- that goes along with these agreements, but certainly ensuring the primary beneficiary status of tribes is a function that
we perform beyond management agreements, and hence,

we're engaged in a lot of gamesmanship activities where
we encourage folks to alert us to any issues involving potential third-party threats to assets or operations in Indian country.

But in our actual approval of management agreements, we're guided directly by IGRA. We follow the mandates of IGRA and our review is limited to the --
to the management agreement process set forth in IGRA.

However, if there are administrative tweaks that can be made or regulatory tweaks, we're welcome to hear, but management agreements are just part of the larger compliance efforts that we undertake as an agency and we take those very seriously.

MS. HOMER: Chairman, I think that it would be useful for us in developing comments to really understand the NIGC's internal process for the review.
and approval of management contracts. Because I know that, you know, technical staff will review the management contracts, but so does legal staff. And how that gets done, you know, whether it's kind of a lineal process or simultaneous review process, it would help us to know what that is.

CHAIRMAN CHAUDHURI: Okay. Good question. And those who have worked with us through one of these
management agreement processes is probably pretty familiar, but I think that's a very, very good question
that our finance director, Yvonne Lee, will speak to.

COMMISSIONER LEE. I mean, first I would say,

every contract is different, but the general process

that we go through is once we receive the management

contract submissions, our office of general counsel

would also receive a copy of it. So the review started
simultaneously. The finance staff who review the contents of the management contract would focus on financial terms, the management fee calculation and all those kind of financial analysis while office of general counsel will focus on the legal side of it. And then, you know, we -- there is back-and-forth discussion in between until we -- we determine, like, it's a stage to send out issues letter or we need to contact the parties for further clarification or more additional
16 information.

17 But, first, I mean, once we receive the submission,

18 usually we'll go through a quick review to make sure

19 that we have all of the required documents submitted to

20 us to start the review process. So if we are missing

21 any documents, first we'll send out what we call a

22 submission letter to inform the parties that there are

23 additional documents required, while we continue to
24 review the -- the review process doesn't stop while we

25 send out the submission letter and waiting for the party
to respond.

We'll continue to review the contents and then we'll send out the issues letter and then the process could go from there. It depends on the responsiveness, the completeness of the documents and whatever, you know, that the review process goes on. And once we
reach a point we have all the complete documents

submitted and then all the terms and provisions

clarified, then we will recommend the staff -- both from

finance and the office of general counsel would

recommend approval or disapproval to the chair, and

ultimately, it's up to the chair to decide whether he's

going to approve or disapprove the contract.

MS. HOMER: At what point in this process do

you start initiating the background investigations?
COMMISSIONER LEE: Well, we get the submission, we send all information to background investigation team. Then they will see if we already have the list of the individuals or entities who are involved in this management contract. If we don't, we will contact the parties to submit the list, and then based on the list, we'll require the deposits and also the applications so we can start the process. Again,
24 it's simultaneous.

25 MS. HOMER: So you don't hold up on the
background process pending the first review, the initial

review of the submission?

COMMISSIONER LEE: No, it's kind of separate.

We do it all, you know, simultaneously, because it's really not depending on one another, the management contract review on the contents, that's the content
review. Background investigations is on the management contractor, either persons or entities who have financial interest in or management responsibility for the management contract.

MS. HOMER: What if one of the proposed management contractors is a tribal entity? How do we handle the background investigation with respect to tribal entities?

COMMISSIONER HOENIG: It's pretty much the
16  same. If the contractor is a tribal entity, then we

17  treat them as we would any other management company.

18  They're -- at that point, they're acting as a commercial

19  vendor, I guess maybe that's not the best word, but

20  they're coming in to provide a service to another tribe.

21  We're looking at the company that's providing that, as

22  we would any other management company, so they go

23  through the same process.
MS. HOMER: Okay. I think more specifically, if you have a tribal -- a tribally owned entity, how do
you handle the background investigation? Are you doing

the entity itself or do you background the entire tribal
counsel or how -- how does all of that work?

COMMISSIONER HOENIG: I think it depends on

how that tribal company is structured. Typically,

though, we would just look at the company. I don't
think we would have to reach in to the tribe, but again,

it's hard to say hypothetically. You need to see how

the company was structured and all of that, but in

most -- Yvonne, I don't know if you have another answer

to that, but I would say, you know, typically we're

going to be as -- we're not going to want to over reach

ever and I guess it really depends on how involved the

actual tribal counsel is in the -- in the company that's

being set up as to whether we would ever want to
background investigate them.

COMMISSIONER LEE: And I just want to add

something, two important terms, whoever has financial

interest in or management responsibility for this

management contract. So it will have to submit a list

of persons or entities, and then if they are, you know,

tribal members or whatever, I mean, we don't kind of

distinguish between if it's a tribal entity or an
outside management contractor who are proposing this

management agreement. So whoever has financial interest
and management responsibility, those people or entities

we would have go through a background investigation

process.

MS. HOMER: Okay. I'm hearing two different

things.

COMMISSIONER HOENIG: No, I think it
depends -- again, it depends on how the company is structured, so if there is a financial interest, a direct or indirect financial interest in the company or in the contract, then those -- that entity or those people would have to be -- would be subject to background under IGRA Regulations.

MS. HOMER: Yeah, well, there is a provision in the regulations that says -- for tribal entities that this process will be -- I don't know --
COMMISSIONER HOENIG: Is a reduced scope?

MS. HOMER: A reduced scope, and so I -- I

guess that's really what I was getting to is what's the

nature of that reduced scope?

COMMISSIONER HOENIG: Do you want to talk

about how -- I don't know what goes into a reduced scope

background investigation. I know that we've had a

couple of requests for those from -- another is, like,
24 institutional lenders can get a reduced scope, and

25 typically we -- we need someone to ask for that so we
can do the reduced scope, and then I think, again, it
depends on the -- how reduced it is kinda depends on
who's on -- whether it's an entity, a person, all that
kind of thing, so ... 

MS. HOMER: Thank you.

COMMISSIONER LEE: Every case is a little bit
different, so you will have to initiate a request to us

and then we will review to determine if the reduced

scope is appropriate.

MS. HOMER: Okay. Thank you. Just to kind of

wrap up, I just want to say thank you. I don't mean to

hog the time here, but developing comments for this

particular issue is really more about you-all's internal

functions and how you manage that, and that's why I was

asking all of these questions, because I -- you know, I
don't know if that process has changed over the years.

It's encouraging to hear that you're doing things simultaneously, so you're not waiting, you know, for one thing to happen before triggering another step. I mean, that's positive, but I think the only other thing is the resources that are devoted to doing this within the agency. I mean, there's two things -- I always said when I was on the NIGC that there's really only two
things we know for sure IGRA authorizes the NIGC to do

and one is to approve gaming ordinances and the other is
1 to approve management contracts. These are the two

2 critical functions, and I have to wonder about the

3 resources that are devoted, because I do know for a fact

4 that it can sometimes take a very, very long time to get

5 through the management contract approval process, and

6 it's really frustrating, and it's why I think sometimes,
Chairman, that there is gamesmanship, because people just don't want to go through this. That's, you know, one to three years of not being able to operate, and you know, the way that the parties, you know, anticipate and so it is -- you know, but it really is up to you guys, you know, to figure out the internal stuff.

CHAIRMAN CHAUDHURI: And thank you, Ms. Homer.

Just a few things to say on all of this and -- absolutely there is a reduced scope. You know, there is
reduced scope language, but this speaks to your question about the internal administrative functions of the agency. If there is regulatory clarification that, in practice, any of you have noticed would be helpful in terms of clarifying what reduced scope means or the relationship between tribal applicants and tribal operators or the tribal gaming entity, we welcome those. We welcome comments regarding a specific regulatory
24 language as well.

25 As to internally, you know, I might say that IGRA
doesn't -- I mean, it says a little bit more than two

specified areas --

MS. HOMER: For sure. Two for sure.

CHAIRMAN CHAUDHURI: -- you know, of

activities. You know, there is some -- you know, quite

a bit of language in there regarding our
responsibilities to support the overall integrity of Indian gaming. But that said, you know, we encourage nation-to-nation economic development. We encourage -- we think that is consistent with IGRAs purposes of supporting strong tribal governments.

At the same time, you know, given our current regulatory language, no matter how we process things administratively, nothing takes away from our fiduciary responsibility to the tribe at hand whose gaming
operations are being -- being managed pursuant to a
management agreement. So that is our first and foremost
fiduciary responsibility.
We need to make sure that whenever we're approving a management agreement, that that responsibility is maintained and that -- that we do whatever we can to ensure that there is no undue influence or there is --
you know, there are no fiduciary problems with the
management agreement that's submitted. That's our first responsibility when it comes to management agreements.
and that is because the operations in question are the

question -- are the operations of the tribe that is

submitting the management agreement.

So everything else kind of is, in my view,

secondary to that. Our first responsibility is to

maintain adherence to our responsibilities to the tribe
whose -- whose operations are going to be managed, and

we appreciate and we encourage nation on nation --

nation-to-nation economic development, but when it comes

to management agreements, our responsibility rests with

supporting the tribal operations in question.

COMMISSIONER HOENIG: Can I say one other

thing? One thing I think we forgot to mention, and it's

I think a pretty big deal, as far as the time

consideration of how long it takes us to do
management -- to get through the approval process on

management agreements, one of the things in the past we

saw that was kind of maybe not the only reason, but it's

certainly a big reason that we had that time lag was the

NEPA process.

Management contracts are considered a federal

action, so they have -- they are subject to the NEPA

requirements, which requires a whole nother level of
review. We recently, the Commission published in the

Federal Register, a categorical exclusion for certain
management agreements. It doesn't cover all of them right now. We're working to build a record so we can get to that point, but any management contract that doesn't call for construction of a new facility or major, you know, renovations that would have a direct possible impact on the environment, we've issued a
categorical exclusion, which I believe is still in the process of being finalized, but it's out there. It's in the Federal Register if you want to take a look at that and we hope that that will help with reducing some of the time that it takes us to get a recommendation up to the chair for approval on a management agreement.

CHAIRMAN CHAUDHURI: And thank you for that, Mike. We're very, very proud of that, and actually, we probably should have highlighted that more, but you
know, this is consistent with our efforts to reduce artificial roadblocks to the appropriate economic development activities that grow out of the entrepreneurial spirit of tribes, and so we're very proud of that and thank you for mentioning that.

You know, our team doesn't get enough credit for doing what they can to reduce those roadblocks, but we should probably, you know, highlight that a little bit.
more. Thanks, Mike.

Yes, sir.
MR. BURRIGHT: Jered Burright with Muscogee Creek Nation. I kinda want to take a step back for a second as far as to kinda tie on to what Buddy had said earlier. And I know that you had said that the management contracts that you guys look at are directly affected by -- directly tied to gaming. One gray area
that I feel like we’ve noticed, and I’ve wondered if you
guys have noticed, and I kinda hoped Travis was going to
be in here for this, but with the ever-growing inclusion
of centralized accounting systems in back houses for
casinos and how they expanded technological wise, it
seems that every amenity that gets brought into a
resort, they want to tie them into those systems.
Is that something that you guys have looked at and
noticed and feel like that those then make those added
amenities kind of where they should be included as part of a gaming environment?

CHAIRMAN CHAUDHURI: And, again, when we approve these management agreements -- that's a great question. I'll probably turn it over to Christinia in a second to talk a little bit more about the practice of tying those systems together, but I want to separate the management approval process from the compliance efforts.
that we undertake when we look at managing without an approved contract. They are related, but they are not
And so when we look at an agreement, we look at the parties with financial interest. We do backgrounding as appropriate. We look at the contractual relationship between the manager and the tribe and we determine whether or not the agreement at hand is consistent with
IGRA, and that's our analysis. And so rarely would

those -- would those kind of system tie-ins come up in

an agreement itself. I don't know, maybe Yvonne has

seen other agreements that actually contemplate the --

those tie-ins, but rarely that comes up.

Where those issues come up a little bit more is in

our -- I'm not talking about those specific issues, but

when -- when other kind of secondary issues as they

relate to management come up a little bit more is in our
compliance efforts. And we have an ongoing responsibility to address management without an approved contact, and that's a compliance issue, separate and apart from the management agreement approval process.

And so, you know, I think it's an excellent question. It definitely relates to management agreements, but I just want to clarify the distinction, at least from NIGC's part, between approving a contract
and looking at a compliance issue involving management without a contract. They're related, but they are not
1 the same.

2 I don’t know if anybody wants to address the

3 technical aspects of the tie-ins between systems.

4 That’s why I’m turning to the technology folks who are

5 smarter than I am on that, but we would certainly -- if

6 it comes up in the context of a compliance issue, that
would certainly be discussed with our compliance team

with advice and input from our technology division and

our office of general counsel, but it would be a very

fact specific inquiry.

Christinia or Travis, do you want to --

MS. THOMAS: Well, I'm not sure I can add more

to that. The chairman is correct. So if we're looking

at a contractor or a vendor that's coming into the

systems area, unless there's a direct tie-in to how
they -- to the management of the gaming itself, it's not something we would generally look at.

CHAIRMAN CHAUDHURI: But I mean, we wouldn't necessarily look at that in terms of management, but there are other compliance functions that we play in terms of use of gaming revenue, sole proprietary interest violations, thing of that nature. That's why it's a very case-by-case analysis, but the bottom line,
24 we'll look at -- whenever there is -- and there are a

25 number of means of -- for information to be brought to
us, a number of ways that information can be brought to

us. Usually it's from the tribe itself saying, can you
take a look at this. Sometimes it's by other -- other
parties, but whenever there's a question of whether or
not something involves one of our compliance functions,

we'll look at that on a case-by-case basis to see if any
elements of IGRA are -- are, you know, at issue.

And so if there's a use of gaming revenue issue in

play or if there is, you know, a management issue,

whether it's, you know, effective management by a vendor

or a third party or effective -- or concerning influence

by an outside party, that's very case by case and that's

based on the facts at hand. And so if there is kind of,

you know, lack of clarity as to how gaming revenue is

being distributed, we'll work with tribal communities
16 just to -- just to talk about, you know, whether or not

17 there are compliance issues that need to be addressed

18 and we'll look at those -- those tie-ins closely, but we

19 never take a one-size-fits-all approach to compliance.

20 It's very much based on the systems at hand and the

21 tie-ins in question. I think I've exhausted my

22 technical knowledge of the systems, but --

23 COMMISSIONER THOMAS: Chairman, I have
asked -- so Tom is actually the individual that we have

kind of given the hat to give the gamesmanship trainings
this year. So I had asked him to provide an example of

what you're talking about.

CHAIRMAN CHAUDHURI: Please. Thank you.

MR. CUNNINGHAM: You know, kinda to go back to

your question, you have these entities that are -- that

are touching your back of the house system. So what we
7 would look at is, are they touching and using the

8 information, that's really not an issue.

9 Now, if they went beyond that and were controlling

10 the information or were managing the information or

11 reaching beyond the back of the house system to control

12 or manage other parts of the gaming area, then that

13 would become a management -- could become a management

14 issue.

15 Another thing we look at is, you know, contracts
that aren't necessarily management contracts, but you

find an element in there where they are controlling or

managing a part of your gaming operation or the revenues

that's paying for that contract, they've tied it to a

percentage of gross gaming revenue or a percentage of

net gaming revenue. So we would look at those very

closely to see if it throws them into the management

contract arena.
Does that make sense? So we look for control, management, and then kind of the compensation, how is
the compensation determined in that contract.

CHAIRMAN CHAUDHURI: Excellent question.

Thank you. Thank you, Tom.

MR. MORGAN: Matthew Morgan, Chickasaw Nation.

This is I think going to echo a lot of Ms. Homer's comments at a broader level. I definitely think this
area may be one that not necessarily needs more

regulation, a tribute to Mr. Hummingbird's statement,

another topic, but more clarification to demystify what

that internal process is.

A lot of tribes when they have made that decision

that they need to bring in a management contractor have

made a determination that they lack that expertise to do

that. There's a lot of sequencing that goes on, as you

know, during these events. They don't understand what
is expected from them, what is the turn around, what is

the process, what is the time lines. It makes it very

hard to meet those business needs that tribes are

looking, you know, in the first place, in order to have

this economic development activity.

So I think a lot of the -- a lot of this area could

go towards -- I don't know if it's information on your

website or something, because I understand -- you know,
I'm an attorney. I love to use those caveats up front,

case by case, everything is differently, but some
1. general parameters around that would be very helpful in

2. understanding more of what the expectations are when we

3. start out on this to make sure that we give you guys

4. enough time to complete your process and that, you know,

5. there's enough time during the business transaction in

6. order so everything is sequenced correctly.
CHAIRMAN CHAUDHURI: Thank you, Mr. Morgan.

That's an excellent point. You know, just as a matter of governance, I try to -- I mean, I try to -- from my part, and can't speak for my fellow commissioners, and try to avoid a regulation for regulation's sake. I don't think anybody likes that, but we do try to provide as much guidance as possible. And I think we -- in the past, we have provided quite a bit of guidance materials regarding the management agreement process.
16 We -- I don't know if Yvonne wants to mention that,

17 but part of our technical assistance that -- that we

18 provide, we always have an open door, open phone line

19 policy, and whenever we're giving trainings or

20 discussions -- or discussing management agreements, we

21 encourage folks to contact us early. I know that's not

22 what we're talking about, but you know, we are open, you

23 know, every day of the week to walk through any
potential applicant -- walk any potential applicant

through the management agreement process to be as
transparent as possible about how we approach things.

Now, how we've structured things administratively,

it's consistent with IGRA and with our regulations, but

there is always a flexibility built in to reflect the

needs of the industry, the needs of the agency, the

resources and so that's why we welcome comments
regarding any tweaks that folks may see as relevant, but

we do try to provide guidance.

I'll have Yvonne mention -- I mean, talk about that a little bit more, but to your point, Mr. Morgan, a flow chart -- I don't know if a flow chart is available right now, but I'm just thinking a flow chart of the process, getting that up on our website quickly certainly couldn't hurt. And you know, that's short of a formal regulation, but at least that helps applicants
understand the process and work with us as efficiently as possible.

But anything else you want to add to that, Yvonne, regarding guidance?

COMMISSIONER LEE: Yeah, just to add some important resources that we have from our website which will help you with the management contract and also understand our review process, we have submission
checklist and also a management contract checklist,

which are exactly all those basic things we're looking
for. So those will be great reference for you if you

were starting a management contract. And we also have a

redacted approved management contract on our website,

which you can take a look at other’s contents and kind

of for your reference when you make your deal.

CHAIRMAN CHAUDHURI: But the point is well
taken. And thank you, Yvonne, on -- the point is well 

taken and certainly if there are ways to tweak our 

regulations consistent with other priorities, such as 

rural outreach, or you know, reflect our technology, you 

know, commitment, please let us know, but we will 

continue to work to try to make the processes as timely 

as possible. 

The NEPA aspect is an important part of that, but 

whatever we can do, we'll try and -- we'll try and do
better on. These things are very -- they do take awhile, but I can -- I can speak for the agency, I think that everybody processes these agreements as quickly as possible. We have some wonderful subject matter experts who work on these from the date of submission on to a final decision, but if there are -- from experience, anybody who's worked with one of these agreements, if there are things that they wish we could realign, please
let us know. Thank you.

MS. KAISER COLLIER: Barbara Kaiser Collier.
Having been down this road in the past, long past, long
time ago, you said a lot of things that were positive
questions that I had that I was going to bring up while
you were speaking about the betterment of the tribe and
the tribe's the most important thing in an agreement.
One of the things that I would hope to see -- and I
I know it's a long process. It took years, physically years, but then at the end of the trail, when the management agreement is not approved, you know, I think in our case, it -- much more contact with the tribe. So I would recommend that you, along the way, have more contact and more correspondence and conversation with the tribes if they're -- you know, if they don't meet your standard if they are not -- if the contractor or the agreement that they've sent you doesn't specifically
say and do what you feel it should, to correspond on

that and not just say, you know, you need to send us

this.

Really talk through it and explain your vision as

to what it should be or shouldn't be, because in our

case anyway, it wasn't so specific. You know, we were

just kind of floundering out there wondering, okay, if

we -- what should we do. So I think, you know, you're
all working towards that, have a good hand on it and I was glad to hear you explain some of the things you did,
but that was one of the things that was missing was

personal information, personal correspondence back and forth when the process was actually occurring.

Because it's one thing when you're sitting out there waiting, you know, to hear back, and then six

months later, well, we need this, you know, and it's --
maybe you've changed that and I hope you have for the betterment of the tribes. So just a little note of, you know, I think it -- more correspondence.

CHAIRMAN CHAUDHURI: And thank you, Ms. Collier. I see Yvonne has a couple of things she wants to say, but before I say that -- I mean, before I turn it over to Yvonne, really appreciate your comment.

In terms of our correspondence with management agreements, in terms of any letter -- approval letters
with management agreements, let me bring up a larger

administrative effort we've been making at NIGC to look

at every -- and I think this is fair to say. Every

action that we take is an opportunity to hopefully

provide assistance and provide guidance. And so as a

result of that, there are a lot of very small but

important things that we've been doing over the last few

years. And I certainly am honored to be part of a team
that's committed to looking at every everything that we

can do to support the health of Indian gaming, but
certainly the teams prior to our current team also felt that way.

So I'm honored to be part of a long chain of folks who have tried to make improvements each step of the way, but some of the small administrative things that we've done to try and provide helpful guidance at each
step, you know, for all of our ordinance approvals, we have a regular check-in before any approval goes out to ensure that there aren't other secondary issues that we may be able to provide assistance with a given tribe on that may not relate to the four corners of the ordinance, but if there are other opportunities to provide assistance, the ordinance approval process is an opportunity to talk about that given nation. Same thing with management agreements. We -- we
always can do better and we want to do better, but in

the management agreement process, there are

opportunities to share our perspectives regarding

experiences that we've seen with other nations. Now, we

always stay in our lane when we approve agreements and

we don't go outside of IGRAs mandates, but there are

opportunities to provide technical assistance to tribes

at that -- at that point.
24 Compliance issue -- what I'm trying to get at is,

25 you mentioned correspondence, we try to put in language,
when appropriate, where appropriate, to provide signals

or helpful guidance to a given nation. And if there are

opportunities missed in your experience for us to do

that, you know, let's continue to talk, even talk off

line if you'd like, but we want -- we want -- it's not

just a personal touch. We want every interaction to be
about what can we do to provide technical assistance to our partners, and we can always do better no matter how well we're doing.

Yvonne?

COMMISSIONER LEE: Yeah, I just want to add to that that in addition to written communications, that is, you know, the submission letter or issues letter we send out, we usually keep very close contact -- contact with the parties, you know. We hold meetings. We have
phone calls to discuss issues.

A lot of times when the parties receive our issues letter, they will call us and ask us to go through each issue and explain to them, make sure they understand before they respond and we do that. So feel free to reach out to us, you know, once you submit your management contract to either inquire where it stands, the status, or if you have -- need any help in any
areas.

MS. KAISER COLLIER: Well, thank you. Our
situation was 12 years ago or more and I don't know that

we'll be going down that path again. So you probably

weren't born then, so it was just a bad situation all

around. We were actually summoned to Washington D.C.,

and you know, told, do this, get rid of this guy, so we

did.
CHAIRMAN CHAUDHURI: Thank you. Thank you,

Ms. Collier. Any other comments --

MS. KAISER COLLiER: Probably don't want to put that on the record.

CHAIRMAN CHAUDHURI: Any other comments on this topic before we break? Okay. Well, with that,

it's 10:55 right now. We've got a couple shorter topics left, technical standards for mobile gaming devices and fees. You never know the future, but I don't foresee
those taking quite a long time. Why don't we take a

five-minute break. I know a lot of us have been sitting

for quite some time. Five-minute break and reconvene in

five minutes, but I think our general counsel will be

leaving, but Austin Badger will be here as a

representative of our general counsel's office to add

some additional questions. Thank you and we'll

reconvene in about five minutes. Thanks.
(A recess was taken from 10:55 a.m. to 11:10 a.m.)
CHAIRMAN CHAUDHURI: I know some of you are double booked, but we want to make sure everybody has every opportunity to share comments, ask questions, engage as much as possible, so we'll be -- as you know, we'll hear all comments before concluding, but again, no shame in finishing early as well.
So with that, thank you everyone for your comments and questions to this point. We’re going to move forward with our next subject for consultation, our second to last subject, and that is technical standards for mobile gaming devices.

MS. THOMAS: Travis isn't here, so do you want me to take it?

CHAIRMAN CHAUDHURI: In that case, are you prepared, Yvonne? We'll move on to fees with Yvonne
Lee. Thank you.

COMMISSIONER LEE: The Commission is considering amending the language to 25 CFR Part 514.

Under the current regulation, the Commission announces a preliminary fee rate of March 1st and the final fee rate three months later on June 1st.

The proposed regulation will require the NIGC to set the fee rate only one time per year to be announced.
on November 1st. The proposed changes on the fee rate

publication date will also apply to the fingerprint
processing fee rate. These are the proposed 514.2

changes on fee rate and these are the proposed 514.16

changes on fingerprint rate.

When the Commission originally adopted fee regulations in 1991, the amount the agency could collect in fees was $1.5 million. At that time, the agency
could make quarterly adjustment to raise or lower fee rates to meet that number. The multiple fee rate announcements were needed to avoid going over or too far under that cap. For example, if the preliminary fee rate resulted in the agency potentially earning $2 million in fees, it could later be adjusted down to prevent that overage.

In the time since those regulations were adopted, changes in the law have alleviated a need for the
quarterly or even bi-annual announcements permitted in the current regulation. By setting and announcing the fee rate once a year, the Commission will be able to,

one, improve the efficiency of the fee rate analysis and publication process; two, coincide the fee rate announcement with the annual release of the gross gaming revenues and the completion of the Commission's budget for the upcoming year; three, reduce the margin of error.
24 for fee calculations as the rate would only be set once

25 within the fiscal year; four, mitigate any confusion
that may arise from changing a fee rate twice a year.

In addition, a majority of tribes have fiscal years ending either on September 30th or December 31st.

Tribe's submission of audited financial statements are required 120 days after the end of their fiscal years.

Thus, when we first used these financial statements to
set the preliminary fee rates, our analysis is limited to a fractional portion of the financial audit submissions and must be reanalyzed again after additional submissions are received at the end of April. The proposed changes will allow the analysis to take place once a year after the Commission has received all annual audited financial statements. In addition, the fee rate calculation will more accurately reflect the Commission's required operation funding, which will
become available by September 30th each year.

The NIGC seeks comments on the proposed changes to the time period these fee rates are published.

CHAIRMAN CHAUDHURI: And thank you, Yvonne. I don't know if fellow commissioners want to weigh in on this, but I'm excited about this. This sounds like a small change, but in terms of good governance, it's an important change. This will allow us to schedule our
24 budget setting in conjunction with -- I mean, well, in

25 conjunction with, you know, a realistic understanding of
the fees coming in and the needs of the agency moving forward.

So timing wise, I'm very excited about this change.

I don't know if anybody else wants to add to that,

but --

COMMISSIONER ISOM-CLAUSE: No, I just agree.
I think this is really good common sense efficiency sort of streamlining regulations that we don't often get to do and so it's really nice to just make something easier for both you and for us, and unless anyone has any concerns that we haven't identified, you know, we're very excited about this.

CHAIRMAN CHAUDHURI: Any comments? I mean, it's perfectly fine not to have any comments. Thank you. Okay. That's excellent.
And so now we'll move to our last topic of consultation today. That's technical standards for mobile gaming devices, and we'll have -- have our division of technology director, Travis Waldo, lead us off. Travis?

COMMISSIONER WALDO: Good morning, everyone.

The National Indian Gaming Commission is considering draft language to amend 25 CFR 547.18, which would
clarify and add new technical standards for wireless gaming systems and communication between mobile
communication devices and mobile gaming systems.

These new draft regulatory standards provide clear and specific definitions that have not been included in the regulations previously. The new standards also support security and system integrity for mobile gaming operations.
Portable hand-held gaming devices have been around for many years and are authorized in many state jurisdictions. Hand-held gaming devices or electronic devices allow casino patrons to play anywhere within the casino or within tribal lands as defined by Indian Gaming Regulatory Act, such as restaurants, hotels or other amenities.

The draft technical standards for mobile gaming devices will not authorize Internet games. That's not
what these are for. These draft technical standards only address hand-held mobile devices within tribal lands. These draft technical standards which can be found on our website are proposed standards for tribal review, comment and consultation.

Any questions? How did I know that?

MR. HUMMINGBIRD: Thank you, Mr. Chair. Jamie

Hummingbird, Cherokee Nation. This is where that low
level of proficiency comes in that I spoke of earlier.

When I was looking at the proposed sections with -- this
will be a new Section 547.18, I was wondering how this
proposed section enterplays with the 547.15, which does
speak with -- about daily communications and wireless
connectivity between Class II components and systems.

COMMISSIONER WALDO: Yes, so there is nothing
that clearly defines mobile gaming, so a lot of the
7 questions that we got when we were out in the field and

8 were doing ICAs, were doing the vulnerability

9 assessments was about mobile gaming devices. How do I,

10 you know, connect card minders and things like that? So

11 we kinda started thinking along those lines. I wanted

12 to get past that card minder technology that's out

13 there, because there's a lot of other ways that people

14 can do this. There's a lot of other technologies out

15 there, and so we felt like that maybe if we had a clear
standard and we clearly said that you can -- you know,

you can do this and this is how you can do it, it might

spur some growth in that.

They are very well -- they are very closely

intertwined, but this just gives a little bit more

guidance on hand-held devices themselves and how to

secure them.

MR. HUMMINGBIRD: A quick follow up. Is
24 the -- is the concern surrounding the mobile devices to

25 the level where it would require the regulation or would
it be something that could be accomplished through a bulletin or some other guidance document?

COMMISSIONER WALDO: This is something that we've actually discussed, Austin and Michael Hoenig and myself. That's an option. I'm certainly not, you know, opposed to something like that and we've talked about
that quite a bit actually, and that's why we're looking for input back from you guys. If you feel like, you know, the standards are there, and you know, they're pretty robust, I mean, this is something we've actually considered making a bulletin.

And just an -- again, quick follow-up comment on that, the reason I put it that way is simply because as regulators, you know how difficult it is to change regulation. And if the basis of -- if
the foundation was already laid within 547.15 and a guidance document was put out there much in the way of the guidance bulletin was put out there for digital surveillance years ago, surveillance was out -- surveillance standards are in the MICS and in the TICS, and additional surveillance is contemplated within that. However, there were aspects of that technology that did need fleshing out, did need clarification, and
24 rather than going through and inserting that language

25 and that verbiage within the standard itself, within the
1 statute, a guidance document of a bulletin was issued.

2 Not only does that accomplish the goal, but it also

3 allows the additional flexibility to update that

4 terminology, the technology, all the different aspects

5 that would impact achieving the goal that is to be --

6 you know, is desired.
COMMISSIONER WALDO: That was -- that's something that we have definitely discussed and are considering based on comments and input that we get back when this is finalized.

CHAIRMAN CHAUDHURI: And that's an excellent comment and we'll take a look at that, because certainly in terms of options, in terms of our thinking, and again, I want to thank Travis for his leadership at the division of technology. This was proposed by technology.
as an opportunity to stay ahead of the technology curve,

recognizing there's a need for additional clarity in

this emerging -- you know, this emerging area.

And so I think when we talked about sending this

out for consultation, we definitely -- we continue to be

very excited about how we can provide any clarity that

might be helpful to the field. The form that clarity

takes, that's why we're consulting and so ...
MR. MORGAN: Matthew Morgan, Chickasaw Nation.

Kinda to echo Mr. Hummingbird's comments, concern I
think around this is, kinda using some of your own words

there, it is emerging technology. It is something

that's new and when we go down that regulatory path, we

increase the risk of stymieing some of that innovation

that we look to for new technologies on how to grow the

industry, and that concerns me, you know, a
You know, I like to tell folks, you know, in our own tribal government a lot of times, a lot of the work we do hand in hand is rely upon people staying in their lanes and making sure that, you know, just because somebody may ask you a question doesn't necessarily mean -- means that you need to respond. It may be appropriate that some other group needs to respond. Maybe that's OTGRA, maybe that's NTGCR, maybe
that's NIGA, maybe that's some of the independent labs that can put some more finite perimeters around what they think is going on in this, and I question the need to answer a lot of these questions with regulation. I think a lot of clarification, again, in this area can be achieved through some type of guidance documents, through working with your stakeholders, and I agree. I like that you're asking these questions and having these
dialogues. I just don't know if regulation is the correct road to go down.
CHAIRMAN CHAUDHURI: Thank you, Mr. Morgan.

MR. YORK: Buddy York, Muscogee Creek Nation.

The question I have is, if you have a hand-held device -- and since we have not ever used them before or anything, I -- we don't know much about it. If they take a hand-held device, say, to the pool or something,
does that make that area a gaming area that would be regulated by OPG?

CHAIRMAN CHAUDHURI: I don't know if you want to weigh in. I'm happy to weigh in on it.

MR. YORK: I have a second part to the question.

CHAIRMAN CHAUDHURI: Okay, yes.

MR. YORK: Also, that's kinda close to the first, but okay, if it's on tribal land, does it have to
16 be inside the facility? What if they want to -- and I'm

17 being the devil's advocate here -- tribal land 50 miles

18 away where there is no casino, could they get on a

19 device there and game in that casino?

20 CHAIRMAN CHAUDHURI: Well, that raises all

21 sorts of questions about geo fencing and what have you,

22 but I don't know if you want to weigh in on the

23 technical side of all that.
COMMISSIONER WALDO: Yeah, the technical side,

we can very easily isolate that to where they can't.
You know, again, the regulatory bodies determine, you know, and then based on all the regulations, you know, what's casino property, what isn't, we can fence that very easily. That technology is in existence. It's relatively old now, but as far as, you know, what is a gaming area, that's probably more of a question for the
TGRAs, and you know, general counsel than me.

CHAIRMAN CHAUDHURI: And so, you know, my first response would be, you know, we would have to talk about it in terms of any draft language. We welcome comments, but unless there was something that required it to be determined -- I mean, deemed a gaming area under IGRA, we're talking about access on -- I mean, through a secured mobile -- mobile connection. I don't know if that would automatically create a gaming area
situation, but we would have to of course talk about it

and review it with office of general counsel. And it's

just an initial thought of it, but certainly before we

put pen to paper in any final form, we welcome input.

Additional questions and comments before we go to a

catch all?

Okay. With that, you know, we'll kind of open it

up to any final comments or -- I know we covered a lot
of ground today. We covered some very important topics.

As I said before, I never want anyone to feel that they
only had one bite at the apple to share comments or ask questions.

We'll open it up to a catch all, but at the conclusion of that, if folks think about questions or comments on the drive home, I encourage everybody to submit to -- any questions they want to submit in
writing, but also to attend and encourage others to attend our upcoming consultation sessions. We want this to be an ongoing dialogue.

At the end of June for this session, as I mentioned, we'll be compiling all comments submitted up to that point and then we'll begin reviewing all of them before any deliverable action and so these comments are part of our deliberative process.
So with that, any final comments, questions, statements that anybody would like to share?

MS. KAISER COLLIER: I know you're thinking, oh, I might. Barbara Collier. In the past, way past, when audits, year-end audits and management responses were -- external audits and management responses were submitted to NIGC, in return, we would get the letter of acknowledgment or whatever. I don't know what you call
24 it yourself, but in your -- in our past leadership for

25 NIGC, they changed that submission of that from sending
1 it to the regulator to sending it directly to the chief

2 or chairman of the tribe. And I'm not wanting you not

3 to send it to him, but I want -- I feel like that the

4 regulators should also get the same information at the

5 same time, because then when the chairman or chief

6 contacts us, in my situation, the chairman, and if I'm
not notified of the information that's on there, then I can't respond.

So since it's our daily task to perform those duties, I would request that -- I don't know. Maybe you have switched it back, but that we, in turn, get our information so that we can intelligently respond when we're contacted.

CHAIRMAN CHAUDHURI: And thank you, Ms. Collier. And this is an important question and I
want us to be always available to be responsive to

questions, even if they are not part of the formal consultation list, but let me -- let me speak to that

very briefly. This raises some important protocol

questions, and we strive to be respectful of all of our partners.

We've heard similar concerns raised by tribal leadership that, you know, sometimes when we're talking
to our fellow regulators, that leadership doesn't always know what the story is. So, you know, it's -- we have
some protocols in place, depending on the nature of the correspondence. And you mentioned audits, but there are other types of regulatory correspondence that we undertake. And typically in respect to -- in respect of the nation-to-nation relationship, if there is a new communication, our first order of business is to reach
out to tribal leadership and say, you know, we wish to respect and honor the nation-to-nation relationship, but if there -- you know, there are going to be some very detailed nuts and bolts questions, we're always happy to work with our regulatory partners as well, but please feel free to designate who you'd like us to work with. So sometimes the tribal leadership will designate an office, their office of general counsel or attorney general, if it's -- if it's largely a legal matter.
It's kind of case by case, but we're aware of the need to loop in. You know, as regulators, you're our day-to-day partners. We try to loop our partners in as much as possible, but there are protocol issues involved with -- we don't want to leave leadership out of the loop either.

And so it's kind of case by case and we've -- we've lately been copying both and if leadership gets tired of
24 hearing from us, we'll say please feel -- if you're

25 comfortable with us moving forward, just stay in contact
with the TGRA. We're happy to do that, but we always want to be respectful of tribal leadership as well.

MS. KAISER-COLLIER: Yeah, and I'm not asking you don't send it. I'm just asking that if you send it to them, send it to me, too, so I can know what's -- you know, when I get called up what --
CHAIRMAN CHAUDHURI: I don’t know, Christinia,

if you want to add anything to that, but we try to loop

in everybody --

COMMISSIONER THOMAS: Yeah, it should be going
to both.

CHAIRMAN CHAUDHURI: It should be going to

both. It's kind of a protocol tweak we've made recently

to try to be as respectful to everybody as possible.

MS. KAISER COLLIER: Okay. Thank you.
CHAIRMAN CHAUDHURI: I mean, support tribes as the primary regulators of Indian gaming, and it's the TGRAs who are the embodiment of that and so we are always honored to be part of TGCRs functions when we're able to kinda piggyback our schedule, you know, kinda to coincide with your conference, because we -- we respect the work that regulators do day in and day out and we're very proud of the relationship that we have with our
24 fellow regulators, but we're also respectful of the

25 nation-to-nation relationship with, you know, tribal
leadership as well. Thank you for that. Try to loop in both.

That's good. That's great. I appreciate it.

CHAIRMAN CHAUDHURI: Uh-huh.

MS. KAISER COLLIER: Keeps me out of trouble.
CHAIRMAN CHAUDHURI: Thank you, Ms. Collier.

So any other final comments, questions?

Okay. Well, as I said before, there's no crime in finishing early. I -- I want to make sure that everybody feels that they have a full opportunity to weigh in, so I'll say going once, going twice.

With that, I want to -- there's Chairman Hummingbird. With that, I want to thank everybody for taking the time, especially getting up early and
starting at 8:30 this morning, taking the time to be

here today. Consultation is vital to the work that we

all do together and thank you and blessings to you and

safe travels on your -- on your way home and we look

forward to continuing meaningful, ongoing dialogue with

all of you. Mvto. Thank you.

(End of consultation.)
C E R T I F I C A T E

I, Shannon S. Harwood, CSR do hereby certify that on March 23, 2014, at 3:41 p.m. at the River Spirit Casino, 8330 Riverside Parkway, Tulsa, Oklahoma, there came before me tribal consultation; and that the
foregoing pages constitute a full, true, and correct

transcript of the tribal consultation on the date as

indicated.

I do further certify that I am not counsel,

attorney, or relative of either party, or otherwise

interested in the event of this suit.

IN WITNESS WHEREOF, I have hereunto set my hand and

affixed my seal this 3rd day of April, 2017.