NATIONAL INDIAN GAMING COMMISSION

PRAIRIE WIND CASINO HOTEL

PINE RIDGE, SOUTH DAKOTA

JANUARY 23, 2018

Transcribed by:
>> CHAIRMAN CHAUDHURI: Thank you, Mr. Brewer. My name is Jonodev Chaudhuri. I'm honored to serve as Chairman of NIGC and Muscogee Creek and from Bengali, India. It is an absolute honor and privilege to be in the Oglala homelands today. I'd like to thank President Weston as well as the counsel as well as the people of Oglala for allowing us into your homelands today. It is truly an honor and a privilege to be here. I'm going to turn it over to my fellow Commissioners in a moment. We're here in force from NIGC. We have the full Commission as well as full range of our senior leadership and subject matter experts to engage in positive consultation today. But let me say a few things. Rural outreach is one of our core initiatives. Rural outreach is fundamental to our ability to do our job as regulators at NIGC. When we talk about rural outreach, that's just a fancy way of saying we're committed to doing our job. What is our job? Our job is to work with the primary regulators of Indian gaming, namely tribes, to ensure a strong and healthy Indian...
gaming environment that supports the federal policies that the Indian Gaming Regulatory Act was put in place to support. Namely, strong tribal governments, tribal self-sufficiency, and tribal economic development. So when we talk about rural outreach, we have to recognize that success of one is tied to success of all. And in order to do our job, we have to support communities all throughout Indian country. So that's why today represents an important outgrowth of our commitment to doing our job, to commitment to rural outreach. We're very thankful for the long standing relationship that NIGC has with Oglala as well as all the nations of the great plains. We're committed to doing what we can to be receptive and open to any comments or thoughts, suggestions, or ideas from communities in this region, and I very much look forward to a positive consultation today.

I'll have some more to say a little bit later on. But with that I'm going to turn it over to our Vice Chair, Kathryn Isom-Clause.

>>KATHRYN ISOM-CLAUSE: Thank you, Chairman. I'm Kathryn Isom-Clause. I'm Vice Chair of the Commission. And I'm Taos Pueblo. I really want to express how honored we are to be
here today. Thank you President, tribal counsel, and everyone who traveled here today for being here with us. We really appreciate y'all coming here, especially on a little bit of short notice.

I think we've been trying to get as much done in the short time that we have. So we do appreciate your willingness to work with us on that.

As Chairman mentioned, this is a very important place for all Indian country, being out here in Pine Ridge. It has a lot of historical significance and continuing significance today. And we want to recognize that with kicking off our consultations here.

Also, as Chairman mentioned -- you took all my good talking points! We're here to solicit primarily -- you all are the primary regulators of gaming. We support you. We have our own role. But we really are here to listen and have a good dialogue. We have three different topics that we'll present ideas on, but we also hope to have a little bit more of an open-ended discussion at the end, especially dealing with the rural outreach and some of the things that Chairman mentioned.
From our perspective, we are here to strengthen our partnerships, provide clarity for regulations and policies, and make our day work more efficient. That's the goal of everything that we're going to talk about today. I'd also just like to touch on the fact that due to the three-year terms we serve, we do have somewhat limited time as this current Commission -- we're really lucky to be this current Commission. I'm honored to serve with my fellow Commissioners. But given that limited time, we're trying to accomplish things that we can do in sort of a bite size piece I guess is how I've been thinking about it. That's kind of the focus of our topics today, but that's not to say we don't continue to work on these issues even after the current Commission make up changes. We want to continue to have stability and continue the same policies that we have been working on.

And part of that will be reflected in our strategic plan that's going to be posted next month. That's actually for fiscal years 2018 through 2022. So you'll see the same initiatives that we're going to talk about today and you can see them in more detail when we're able to post
that in February. So we're really looking forward
to hearing your ideas, and thank you for being
here with us today. With that I'll turn it over

to Commissioner Simermeyer.

>>SEQUOYAH SIMERMEYER: Thank you.

I want to join my colleagues in saying thank you
President Weston, and the leadership here, Mr.
Brewer, and the Oglala community for having us
here today and for helping us kick off this
consultation series here in this community. It's
an important thing. I'm Sequoyah Simermeyer. I'm
third member of the Commission. I'm Coharie from
North Carolina. I just also want to join my
colleagues in saying I appreciate everyone's time
and commitment engaging in this discussion here
and the continuing discussion that we're going to
be having on these topics. From my perspective
since being on the Commission, I tried to approach
the work that we have an opportunity to do,
looking at both the direction that's given to us
under the over arching marching orders in the
Indian gaming regulatory act, to look at the
expertise of our colleagues in the field, both our
regulators in Indian country and our institutional
knowledge that we have with the Commission
ourselves with our tremendous staff. And also to
be diplomatic in how we look at decisions that
tribes make. And so the opportunity to consult in

does a lot to help in the work that
we're able to do and the way that I'm going to
kind of accomplish my hopes on being on the
Commission. Part of that is the opportunity that
the Constitution provides not just as a matter of
good governance, not just as a matter of helping
to make better decisions at the federal level, and
not just as an opportunity to help expand other
federal partners who may not be engaging in Indian
country, but more importantly it helps to define
the government to government relationship, and
define meaning to that. So all the work and
effort that we're hoping to engage in here
wouldn't be possible without that opportunity and
your and everyone's support. Thank you for that
and I look forward to the topics that we're going
to discuss today.

>> CHAIRMAN CHAUDHURI: Thank you.

Let me just say a couple of things. Our chief of
staff, Christinia Thomas will go into more
housekeeping matters in a moment. But I do want
to let everybody know before we move forward with
formal introductions that we do have a recorder.
The plan is to have this consultation recorded,
then transcribed. The benefit of that is that
other communities, other gaming bodies, other
tribal nations that aren't able to be here today
can at least benefit from being able to read out
the discussions that we have. And so I do want
guys to know that there is a recording.
Similarly, this is a nation to nation
consultation. All deference will be given to
tribal representatives. We understand that there
are -- that there may be potential legal counsel,
or other representatives and tribal nations here.
If time allows we'll hear from others. But this
is a nation to nation consultation, and we want to
make sure that we have enough time to hear as many
comments as possible from tribal leadership,
tribal regulators, and official representatives of
tribal nations.
So as Vice Chair mentioned, I think
it's very important to communicate what the
purpose of today's topics are -- selecting today's
topics are. We made good -- I feel confident in
saying this, we made good on our commitment that
we've had as an Agency for many years to work with
Indian country before ever putting pen to paper.
That flows from our consultation policy, and our
commitment to meaningful consultation. Not just
after the fact consultation. But hearing from
folks before we even put pen to paper. We've
provided draft documents to help with today's
discussion. Those draft documents flow out of
past conversations that we've had, especially the
management agreement materials. We have some
specific language that we're considering. But if
anybody is wondering why we're working under the
timeframe that we're working on, I just want to
kind of reiterate some of the points made by my
colleagues. Stability is very important to us at
the Agency. We have no doubt that stability will
continue after our respective terms are over. But
part of doing our jobs is to make sure that we do
everything that we can do within our respective
terms. So right now we have a full Commission.
There have been times historically that the Agency
hasn't had a full Commission. My term ends later
this spring. And I haven't made plans about what
happens when my term ends. But running through
the tape is important to us all. That's not to say that active work won't continue, active stable work won't continue should any one of us not be a member of the Commission anymore. But we're simply trying to do all that we can given our statutory terms. And so we're not trying to push anything through that's not consistent with what we work out through consultation. However, we want to be as helpful to the Indian gaming community and to Indian country and the general public as possible given our terms.

So before we actually talk about the details, it's always important to know who we're talking among. Introductions are very, very important to us. We're going to hear, if we could go around the room, we're going to hear from all of the representatives of NIGC, and what our roles are. But we also hope that tribal representatives, tribal Commission representatives, and any other representatives feel free to kind of share who they are, what Tribe they represent, what their role is with that Tribe. Since we're having a transcriptionist, the more detail the better. It's always easier during
transcriptions to put in detail that's clearly
provided up front. But before we go into
introductions, it's part of our tradition to
always recognize NIGC alumni. We have former Vice
Chair, if you want to -- well, we'll get to
introductions. Liz Homer. But we also have Mr.

Ken Many-Wounds. I saw him earlier. Ken
Many-Wounds is an alumnus of NIGC. If I'm missing
anybody, please forgive me. But at this time, if
we could go around the room. If we can start with
NIGC folks -- it's important to us to let everyone
here know that coming out here is a highest
priority for us. So we're going to hear from the
NIGC folks. Ken, I'm sorry. And President,
before we go into introductions, again, many
thanks for allowing us into the Oglala territory.
If you can share -- if you would like to share
some words to help open us up as well, it would be
greatly appreciated.

>> Thank you, Chair. Vice
Chairman, Chairwoman, to be politically correct,
welcome. The Commission, welcome. To everyone
else, to my relatives, welcome. We've had a long
history with our casino, and I'm very, very proud
of our casino. We've had good people. We have
good people. But we've visited early about what's
happening here. We'd say we're a third world
country. We didn't set out to be Las Vegas. We
didn't set out to be Shakopee. We didn't set out
to create jobs. And that's what we've done.
That's what we've sustained and that's what we've
maintained. The big thing that we really want to
work on is improving our casino for better
livelihood because we worry about the state -- you
know, we had this discussion again about the
health of the cities and the states, coming into
the state gambling. And it's going to hurt our
Indian casinos. I believe it's our jobs to make
sure that we work together, that we push the
issues, that all tribes come together to make sure
that we fight the good fight, and that we make
sure that our casinos are stable and sustainable.
Because if we don't, we're going to have a big
building there. And all the tribes are going to
have a big empty building out in the middle of
nowhere. We don't have the luxuries of having to
be built in urban areas so that we don't have a
big draw. So we've got to be creative in trying
to bring something else. And then we're doing
that. We're working on those things. But the
idea is that in order to make things change, laws
have to be changed. And that's where you come in.
That's where you bring the thought that we're not
here all alone by ourselves. And that's what we
at the great plains tribal Chairman's association
are planning. Planning more meetings. Bringing

in the Rocky Mountain area, the northwest, to see
who has a different idea, a different approach, a
better -- or if we get together, to make sure that
we can all have something to say, to see where we
can go with this. Because it's about Indian
country. We've all got to remember who we fight
against. You know? Trump ain't my President.
I'll tell you that right now. If you voted for
him, I got something to say. We might have to go
out back. I'm just kidding you, but that's the
thing. That's what we have to fight against.
That's exactly what we have to do. And that's all
of our responsibility.
So we need to have more of these.
We need to -- even within our own tribes, within
the regions. I'm glad you talked about it. I
don't know if you want to make that announcement
about the other office. You'll do that. I won't
but our travel got a little mixed up. A couple of our flights were cancelled, and it's kind of tradition to us to show our appreciation with just very modest tobacco pouch. We have something for Oglala but we will have to follow up and figure out maybe another reason to come back out in person. But it is -- it's on its way.

Many thanks for that welcome and accommodation. It is always important to us to recognize that we are in a nation's homeland whenever we come to consultation. And thank you for that, President.

So the structure of today's meeting, we're going to hear about some specific topics. But separate from the topics we want to hear about any topics of concern for anyone in this room. We're going to have kind of an
open-ended section at the end if anybody wishes to speak for two hours, they're welcome to. At the same time we're scheduled to go to five. If leadership has made the points that leadership would like to make, there's no -- as I always say there's no crime in finishing early. We may finish well before five if everybody has had an opportunity to share what's on their mind.

should mention one thing that you brought up, President. As I mentioned, rural outreach is extremely important to us. We have heard -- we asked for input the last time we were here in the plains when we were here in Rapid City. When we were at Rapid City last year we had a listening session to hear and receive input on what we can do as part of our rural outreach commitment to support communities in the Great Plains region. One of the ideas that was discussed was the potential for opening a formal Rapid City regional office. We had a formal briefing as a Commission last week, and we're in the final process of sifting through comments. But there is much to be said for the benefits of having that office. Right now we have a wonderful team that staffs a satellite office. But elevating the Rapid City
office to full regional status will do a number of

One, it will be headed up by a

formal regional Director with decision-making

authority for that region. But two, since it will

flow out of our commitment to rural outreach,

there are potentially aspects of the Agency

functions -- Agency operations that can be housed

in that region. So for instance, through our

trainings we're able to provide a number of best

practices that incorporate lessons learned from

our work with various tribes, including tribes

with new operations. We potentially could house

that in the Rapid City office.

In addition to that, we have set

location for all of the staff who are assigned for

the region. Right now our regional office is

based out of St. Paul, Minnesota. And as we know,

St. Paul is many, many, many miles from Oglala,

many, many, many miles from plains tribes in

Montana. So that is something that we haven't had

a formal vote yet but we're moving forward on a

likely decision point very soon. So please keep

your eyes peeled on that. But thank you so much
for bringing that up, President.

With that, if we could move forward with introductions of the NIGC team because we're here as servants to Indian country. I want to make it clear why everybody who is here is here and what role they play so that even after today we continue to be a resource for all the tribes in the region. We're going to move forward with introductions, and then hopefully introductions of everyone in the room. I'll just start off with our finance Director. Ms. Yvonne Lee.

>> YVONNE LEE: Good afternoon. My name is Yvonne Lee. I'm the Director of finance for the NIGC.

>> CHRISTINIA THOMAS: Good afternoon. My name is Christinia Thomas. I'm the acting chief of staff with the National Indian Gaming Commission. I'm also a member of the (inaudible) out of Minnesota.

>> STEVEN IVERSON: Good afternoon. I'm Steven Iverson. I'm a staff attorney with the Office of General Counsel with the NIGC.

>> Good afternoon. I'm Tom Bovin (phonetic), I'm an auditor with the NIGC. I'm based -- I'm in the St. Paul region at the Rapid
City regional -- I mean satellite office.

>> JIM MCKEE: Good afternoon. I'm Jim McKee. I'm a compliance officer in the Rapid City satellite office. I work with Tom here.

>> LINDA DURBIN: Hi. I'm Linda Durbin, Region Director for St. Paul.

>> MARVIN YOUPEE: Hi. I'm Marvin Youpee. A lot of you know me. Some of you don't. But I work with Jim out of the compliance office out of the satellite office.

>> DELANEY STEPP: Hello. I'm Delaney Stepp. I'm the executive secretary for the Crow Creek Gaming Commission.

>> WINNIE STEPP: Hello. I'm Winnie Stepp. I'm the Chairwoman of the Crow Creek Gaming Commission.


>> WANDA GOURNEAU: Good afternoon. I'm Wanda Gourneau from the Crow Creek Sioux Tribe, and I'm on the Gaming Commission.

>> CLEVELAND IRON HEART: Good afternoon. My name is Cleveland Iron Heart. I'm
an internal auditor for Crow Creek Sioux Tribe Gaming Commission.

>> MARION WOLF: Good afternoon. I'm Marion Wolf with the Three Affiliated Tribes Gaming Commission and Executive Director.

>> ELIZABETH HOMER: Good afternoon. My name is Elizabeth Homer and I am counsel to the Oglala Sioux Gaming Commission.

>> ELANE PROVOST: I'm Elane Provost. I'm the office manager, licensing agent for the Gaming Commission.

>> NAOMI FELICIA: Good afternoon. My name is Naomi Felicia. I am the Vice President for the Gaming Commission here. I just want to say welcome here to the country, land of crazy horse. You are very welcome here. And good to see and meet all of you.

>> DELILAH WATKINS: I'm Delilah Watkins. I'm the file clerk with Gaming Commission.

>> BILL POURIER: Good afternoon. I'm Bill Pourier, general manager casino here. Welcome, everybody. I hope you enjoy your stay. And hopefully you get a lot done this afternoon.

>> BARRY THOMPSON: Hello,
everybody. My name is Barry Thompson. I'm from Crow Creek Tribe. I'm the general manager at the Lode Star casino and hotel. I want to welcome everybody.

>> KEN MANY-WOUNDS: Good afternoon. My name is Ken Many-Wounds. I come from the Hunkpapa Lakota nation from Standing Rock. Prisoner of war of the Oglala at this point in time.

>> JANET MORAN: Good afternoon.

I'm Janet Moran. I'm the Director of marketing for the Prairie Wind Casino.

>> DENISE DRAKE: Hi. I'm Denise Drake. I'm assistant controller for Prairie Wind Casino.

>> MONA BRAVE: Hi. I'm Mona Brave. Prairie Wind Casino controller. Welcome.

I hope to learn a lot this afternoon.

>> TRAVIS BARDEN: My name is Travis Barden. I'm the Prairie Wind Casino administrative assistant.

>> DARIN JANIS: Welcome. My name is Darin Janis. I'm the OST public relations coordinator for President Weston's office.
>> JONATHAN RED OWL: I'm Jonathan Red Owl. I'm the Director of Gaming here at Prairie Wind Casino. Welcome, everybody.

>> CHAIRMAN CHAUDHURI: I think we got everyone. Okay. Again, thank you so much.

It's no short -- I mean, short order to pack up and come to a meeting in the middle of January in this neck of the woods. I'm very thankful for everybody who took the time to be here. I went to the front desk and I asked is it going to be warm or cold today? The lady said it's going to be pretty warm. It's going to be like this all day.

Is it 15 degrees outside? I was like okay, that's pretty warm. Again, thank you so much for yourselves taking the time to be here.

I'm going to turn it over to our chief of staff, Christinia Thomas, who is going to kind of walk through some housekeeping matters for us.

CHRISTINIA THOMAS: You actually did most of the housekeeping stuff earlier. Just to reiterate, we are recording this meeting so that we can transcribe it later. So if you have comments, please state your name and your tribal affiliation before adding your comment. We are
scheduled to go from 1 to 3 but apparently the Chair wants to go to five so we can do that as well.

For the questions and comments portion for each topic, we'll actually be stopping after each presentation of the topics to get questions or comments for them. Before we actually proceed to each of the topics, we do always stop and ask if there's anybody that wants to put something on the record first in case they're unable to stay for the entire duration of the consultation. That's the point we're at now.

>> CHAIRMAN CHAUDHURI: Recognizing sometimes folks have other travel that they need to take care of, other meetings, if anybody needs to get a statement on the record before we get into all the details, two-hour statements are appropriate for this time. I guess --

>> I got -- I got a comment here from this guy named (inaudible) signed by the Chairman for comments to go hand deliver.

>> CHAIRMAN CHAUDHURI: These written comments will be part of the record from
today's consultation. However, if anybody -- if
you'd like anybody to read them into the record,
please just let us know. With that, any
additional statements or comments before we kind
of start getting into the topics?

>> CHRISTINIA THOMAS: The first
topic is under the management contract
regulations. We have a couple of handouts for
drafts. Yvonne Lee is the one that will be
handling that topic. I will hand it over to her.

>> CHAIRMAN CHAUDHURI: Before
Yvonne gets started, I do want to mention, the way
we've got it structured, we'll have a subject
matter expert kind of layout the background for
what we're thinking of doing, or what we want to
hear input on. Then I think the Commission will
weigh in and give a little bit more background.

But it really is open-ended. Whatever comments
that folks want to share, whatever criticisms,
whatever concerns, I want everybody to feel -- I
don't want anybody to be bound up by the process.
I want to be a conversation more than anything
else. With that, Yvonne.

>> YVONNE LEE: Good afternoon
again. My name is Yvonne Lee. I'm the Director
of finance for NIGC. Under IGRA and current NIGC regulations, tribes are to engage a third party to manage their operations are required to enter into a management agreement with the third party that must be approved by the Chairman of the National Indian Gaming Commission. Following the NIGC's 2017 consultation sessions, the Commission carefully reviewed its regulations and the Agency's internal procedures for reviewing and approving management contracts. As a result of that review, and based on comments received during the consultations, the Commission believes that changes to our management regulations will improve the efficiency of the contract review process and ensure consistency with IGRA's requirements regarding term limits. I will provide some background on this topic, including current regulations, Agency concerns, and the Commission's proposed amendments to the regulations. After this, we will open the floor for questions and discussion.

The Chair of the NIGC may only approve a management contract if it does not exceed a term of five years, or in rare
circumstances, seven years. NIGC regulations
not approved unless they comply with all
requirements of IGRA, including term limits.

After management contracts have
been approved, tribes and their management
contractors may amend their contracts by following
the streamlined procedures for review, and
approval of contract amendments found in NIGC
regulation 25CFR535. Part 535 provides an
expedited process within which background
investigations are only required if a third party
individuals and/or entities responsible for the
manage contract have changed. And no business
plan or updated financial information is required.
The expedited process is designed to allow the
parties to sustain their relationship in a dynamic
business environment while maintaining integrity
of the Chair's initial management contract review
and approval.

The safeguards found in NIGC's
management contract review process serve to assure
IGRA's primary policy goals are met, including
protecting Indian gaming, and ensuring the Tribe
is the primary beneficiary of its gaming
A thorough review of past practice revealed that parties using part 535's expedited process have submitted amendments to the initially approved contracts that have extended the term of the approved contract by an additional one to five years resulting in a contract that extends beyond the explicit term limits of IGRA. Thus, the Commission believes it is important to update regulations to maintain IGRA's mandate.

The proposed amendments clarify the regulations by explicitly noting that amendments that extend the approved management agreement beyond the term limits permitted by IGRA which is five or seven years will be reviewed under the full requirements of a new management contract under part 531.

For example, if an approved contract with a five-year term is nearing the end of its term, and the parties are happy with the relationship and simply wish to extend it for an additional five years, they may do so, but it may not be reviewed as an amendment. Because IGRA limits contract terms to five or seven years, the
Chairman will review the agreement under part 531 and the entire information that 531 requires must be submitted.

For another example though, if a management contract had a one-year term and the parties wanted to amend the agreement to extend it for an additional year, for a total term of two years, the Chair would review the amendment under part 535 because the term limit would still be within the statutory limit of five or seven years.

The Commission understands this change may affect the timing and expense of updating background investigations for making suitability determination of management contractors. And independent of the changes discussed above, the Commission received comments during the last round of consultation that the background investigation process was time-consuming and expensive. As a result, the Commission has done a thorough review of its background investigation process, and is proposing changes to our internal procedures to make the process more efficient, thereby reducing the cost of investigations.

Under the new process, NIGC staff
will review the background investigation applications and divide them into different investigative groups based on the level of risk. The process will allow the Agency staff to focus their investigative resources on the most vital individuals and entities. This replaces the one size fits all model that scrutinizes all applicants the same.

For example, under the current process, the top direct financial interest goes through the same background investigation as the smallest indirect financial interest. Under the new process, entities and individuals with a direct financial interest holding the highest level of risk to the Tribe will have a more in depth background investigation completed, versus those entities or individuals who have indirect financial interest.

In addition, the Commission has proposed changing the individuals and entities that are required to submit background applications under the regulations to those that have ten percent or greater financial interest.

This proposed change should
significantly reduce the cost to the management contractors in submitting full applications on smaller investors.

This proposed change will also better align the Agency's requirement with other regulatory agencies. This change should not increase risk to tribal gaming as the Commission will retain discretionary authority to conduct background investigations on the owners with even the smallest interest who may pose a threat to the industry.

Further, the Commission is proposing a regulatory change to clarify the reduced scope of investigation provision to reduce the burden of background investigations for those who qualify.

To further reduce the time and cost of background investigations, the Agency will no longer use the office of personnel management or OPM to conduct part of the background investigations. Instead we will process fingerprint checks through FBI and perform credit checks through other more efficient alternatives.

Lastly, to reduce the up front financial burden and timing concerns, the proposed
amendments to the regulation removes the requirement of a deposit before the background investigations begin. Instead the Agency will bill the management contractors regularly as the investigation proceeds.

I would now like to turn it back over to the Commission to lead the discussion.

>> CHAIRMAN CHAUDHURI: For some additional framing, I think my colleagues and I will just provide additional background.

>> SEQUOYAH SIMERMeyer: This is Commissioner Simermeyer. I just want to say thanks for that concise restatement of a number of different concepts that are being proposed in this. I'm hoping that in our discussion here we can kind of focus on what some of the pragmatic impacts are of these proposed ideas on the ground, how they work. I think one of the goals and what this does for me, it tries to achieve better efficiency, tries to understand the on the ground landscape of what the impacts are, and understand that the over arching policy of IGRA, which include following the Indian law, whatever it says the requirements are for some of these five or
seven-year standards, and also for understanding that the -- we don't need to put up burdens in achieving those goals for tribes that aren't necessary to achieving the goals for what IGRA sets out to establish a standard for compliance. I'm especially interested in hearing on the ground impacts, whether it's today or other discussion during this Consultation series. I really appreciate that from my perspective. >> CHRISTINIA THOMAS: I know for this topic it might not be as directly relevant to folks in this region. Some other regions are coming up later in the schedule will have more experiences more directly. But it is important for everyone to weigh in on all of our policy changes. I think all of Indian country has a vested interest in everything the Agency does. So we do appreciate your feedback on this, whether or not you have gone through management agreement. With this change we're really hoping to make our Agency more efficient, save your money really because our money is your money, it's tribal money. We want to make ourselves as efficient as possible while still staying true to the requirements of IGRA and making sure those are
upheld, these agreements are following the rule of law.

I'll turn it back over to the Chairman.

>> CHAIRMAN CHAUDHURI: Just to echo the comments of my colleagues, while there may not be a lot of management agreements in this region, I think it's important to kind of frame these topics in terms of what we're trying to do across the board at NIGC. So we already talked about rural outreach. Right now we're operating under tent pole initiatives. Those are primary guide posts for the day to day work we do at the Agency. Rural outreach is one of them. Another one is strengthening the Indian gaming work force both at NIGC and among our partners. We're doing that through training and technical assistance. Third one is staying ahead of the technology curve. So we created a technology division that helps keep us abreast of all changes on the horizon in Indian gaming so that everything we do from policy down to purchasing is done with an eye towards staying on top of technological changes. But the fourth one really relates to management
agreements. And that's addressing anything that amounts to gamesmanship on the backs of tribes. So IGRA preserves the tribes' roles as the primary regulators of the operations. But furthermore, IGRA -- the purpose of IGRA is to ensure that tribes remain the primary beneficiaries of their operations. So the tribes, and not third parties. Tribes, and not vendors. Tribes, and not lawyers. Tribes, and not lobbyists are the true beneficiaries of their operations. Management agreements and the approval of management agreements is one of the ways that NIGC ensures that that primary beneficiary status of tribes is maintained. So we have a responsibility at the Agency to -- we have a fiduciary duty to our tribal partners to make sure that we do everything we can to maintain the primary beneficiary status as we review management agreements.

So the changes that we put into place to kind of adhere to IGRA's intent in terms of the duration of management agreements, the changes that we put into place in terms of efficient background, that all relates to our fourth initiative, which is preventing gamesmanship on the backs of tribes. It may not
directly relate to a lot of the issues that we see
day to day in this region. But we want to give
that background and that perspective.
That said, we're going to turn it
over to comments and concerns now. Anything is
fair game. Even though it may not directly relate
to a particular community, there are many gaming
experts here -- there are many folks who are
familiar with leadership issues. If there's
anything that we should be thinking about as we do
our work, we're all ears. So with that, we'll
turn it over and open up the floor for comments,
concerns. I do want to restate the written
comments that Standing Rock submitted, they will
be part of our formal consultation record.
However, if anybody wants to read any statements
into the record, they're welcome to do that as

well.

With that, the floor is all of
ours.

>> KEN MANY-WOUNDS: Thank you. My
name is Ken Many-Wounds. Just some -- being a
former employee, I know the internal workings
fairly well. But just some background questions
to begin with. How many management agreements have been approved by the NIGC in the last five years?

>> CHAIRMAN CHAUDHURI: That's a good question. I don't want to throw Yvonne under the bus. But the way we have it structured, our management agreements are first routed through the office of finance, the division of finance. And I don't know if we're able to -- we can always come back with the specific numbers. But do you have a rough number? About five in the last five years.

Do you want to weigh in --

>> YVONNE LEE: Not the amendments.

Just contracts.

>> CHAIRMAN CHAUDHURI: Do you want to weigh in on amendments?

>> YVONNE LEE: I don't have that number. We can get back to you certainly.

>> KEN MANY-WOUNDS: That would be interesting to know for the group. Again, as you stated, Chairman, it doesn't happen a lot in this region, but it affects all of us in some way, shape or form. On the advice the Chairwoman said, it's our money.

How many are in the pipeline right
As we speak, how many management agreements are in the pipeline?

>>YVONNE LEE: There are 11 management contracts and amendments in the pipeline.

>> KEN MANY-WOUNDS: Amendments, not just contracts. Both. A combination of both.

How long have they been in the pipeline?

>>YVONNE LEE: We have received a lot of -- the volume of management contracts amendments has increased a lot during the past two years. So those contracts, I think we received most in the year 2017.

>> KEN MANY-WOUNDS: This is the million dollar question. How long is it taking NIGC to get these management contracts from the date they're submitted out of the pipeline and approved of? We had five in the last five years that were approved of. That's one a year?

>>YVONNE LEE: It depends. So when we get the submission of management agreements, we first send our submission letter, and then we send our issues letter regarding provisions that we need clarification or modification of the
management contract. Parallelly, we conduct
background investigation. So a lot of it depends
on how many -- what's the volume that we currently
have, how many contracts are in the queue to be
reviewed, and also how quickly the parties respond
to NIGC's questions. A lot of times we send our
issues letter, and the parties have to work it out
and they might have some changes since their
original submission and they need to work it out.
That process sometimes takes quite a bit of time
to resolve. It's not really just in the past five
years we approved five. But it's really the time
it takes, and also every contract in nature is
different. So it all depends how quickly you
respond to our questions, and also the background
investigation, if it's a complicated one and
involves a lot of entities, those take more time
than others which probably just have one or two
stakeholders with the management contract.

>> KEN MANY-WOUNDS: Thank you for
that explanation. Solely, the key word I hear
streamlining this, does NIGC have the man and
woman power to streamline these and get them done
in a more effective and efficient way?

>> CHAIRMAN CHAUDHURI: I'll take
Yvonne off the hot seat. These are excellent questions. It's always tricky when you try and forecast the future. And so part of when you try to assess staffing needs, you've got to assess what the needs will be one year or two years down the road. These things kind of come in cycles. So a few years ago we did a pretty large regulatory overhaul. And we updated a lot of our regulations. So a lot of the regulations that are -- a lot of the management agreements that are in our pipeline right now may -- we may not have that many agreements two or three years from now. That's one point.

But the second point I really want to make, when we talk about five in five years, and that's why I'm so glad Ms. Lee touched on amendments -- that's not taking into account all of the amendments that the Agency processes. IGRA had -- keeping with the idea of tribes being the primary regulators, primary beneficiaries. IGRA had a timeframe in mind for management agreements after which the thinking was that many facility it is would eventually be operated and fully run by the tribes themselves. That's why you never say
never. But these amendments that kind of come
through the door from time to time, each of which
involves a lot of backgrounding, we're trying to
take a look at IGRA's intent, figure out what we
can do to help process things quickly, but also
kind of stay as true as we can to IGRA's five to
seven-year window.

So in terms of staffing, it's hard
to predict the future, but we're constantly
looking at our staffing levels, and we're
constantly doing so with an eye towards being good
stewards of tribal funds. I would say just for my
part we do have the people power to process these
in an effective way. We could always do things
better. But as Ms. Lee mentioned, a lot of the
processing times involve a back and forth that's
part of our technical assistance that has nothing
to do with a review lag on our end. It's a
technical assistance conversation that we often
have with attorneys on the other side of the
aisle, or the managers themselves. And so we
can't hire folks for the management companies. We
can only do our part.

>>> KEN MANY-WOUNDS: I might
suggest when somebody submits a management
contract that NIGC sits down at a table with them
in the room and have a template, which you have.
All of these things must be met. So there should
be no reason that you should have to resubmit at a
later date. There might be some questions. But
this is a checklist. When you want to submit the
management contract make sure everything is in
full and correct to the best of your knowledge.
Tell them up front. If there's a problem with the
back and forth, kind of like the ordinances, you
guys say resubmit it then. There's a cutoff point
at some time. You can't just let them string
along and string along. So I agree with the
amendments. If it's accurate to stay within the
five to seven years. If they want to resubmit an
amendment to extend that, full background check.
I'm all on board with that because things do
change over that timeframe, five to seven years.
The average cost, my question --
let me go book to this -- as stated in your stuff

that says the management companies have claimed
that the regulations, background investigations,
and suitability requirements are not applicable.
What were their comments to that? They're not
applicable based upon what? Because they just
don't want to do what the NIGC asked them to do?
So what are some of their reasons that they're
saying they're not applicable?

>> CHAIRMAN CHAUDHURI: To your
point about working with folks to get submissions
up to par, I don't want to characterize all of the
discussions that we've had, but some folks -- some
management companies, or some folks who are
supportive of amendments would -- often times they
try to shoehorn new agreements into existing
amendments. And they'll try to suggest that, wait
a second, why can't we just do this by amending
what we already have without recognizing that
backgrounding gets stale. A backgrounding that
we've done for a management agreement ten years
ago isn't necessarily good information to rely on
today. And so without guidance in the form of
regulatory language to explain when things -- when
backgrounding has to occur, a lot of the times
you're left with our fiduciary responsibility to

make sure that backgrounding is up-to-date versus
the other side who wants to just have us rely on
ten-year-old information. So that's where some of
the disagreements lie. I don't want to
characterize all of the comments, but --

>> KEN MANY-WOUNDS: I kind of figured that's what it was. They want to get by without having to do it over again. Times do change. I'm all for that.

Then it goes on to state that you want to streamline the background investigations and bill management contractors for the investigative costs rather than requiring them to put a deposit. What are going to be the billable hours? What are you going to charge if you're not making them pay up front, or piecemeal it in?

What's the billable rate?

>> CHAIRMAN CHAUDHURI: People are volunteering to answer. Folks want to be on the hot seat, they're welcome to it.

>> I figure Yvonne is on the hot seat enough. Actually we analyzed all of the information on what it cost us. So anything that's a direct cost. So there's a direct cost for the FBI to run the FBI background. That's charged back to the management contractor.

There's a direct cost for using a company to run credit, and that type of information. That's
billed directly back. Internally for the background investigators we actually analyze their time. The last analysis we did we charged $90 an hour. That's reimbursable for the time that those individuals are spending conducting the backgrounds and completing the recommendations to move forward.

>> KEN MANY-WOUNDS: Thank you.

That was a pretty good answer. I'm not trying to put anybody on the hot seat. Don't use that term.

It's just a question and answer here.

>> CHAIRMAN CHAUDHURI: This is actually welcome.

>> KEN MANY-WOUNDS: What in the past when the management contract puts in $25,000 deposit and $10,000 for each member of the management team who owns ten percent or more in the company -- what has the NIGC collected in the past on some of these -- to the highest amount possible? Anybody?

>> CHAIRMAN CHAUDHURI: So we do have a billing process.

>> YVONNE LEE: The $25,000 per entity and $10,000 per individual is a deposit that we require up front before we conduct the
As the investigation proceeds we will bill the management contractors for the actual work that we perform, which is $90 per hour, plus if OPM -- any direct charge from OPM or the credit check. Then at the end of the investigation, and the management contract let's say is approved by the Chair, then we will use the deposit and apply it on the last bill that we're going to send to the management contractor. And then we will refund the remainder of the deposit to the management contractor.

The reason we require deposit is just to make sure that they were willing to pay. Because it's a financial burden to our Agency. So we want to make sure that the management contractor is putting -- it's kind of a security deposit to make sure that there's no interruptions as we perform the work. We were concerned that once the work started and if you are delayed in paying the bill, then we're putting in a position that those costs will not be recovered. That's why we require the deposit. But coming up with
the deposit we understand imposes a financial burden to some management contractors. That's why we'll be removing it. Right now we will bill the management contractors as the work is completed. I'm giving an example. We completed 20 hours of work and then we will send a bill to you and you will send the money in to cover that 20 hours of work.

>> CHAIRMAN CHAUDHURI: I just want to add one last piece on that. The idea is our duty is to the Tribe. Our duty is to the Tribe. These managements companies, in order to have an agreement approved, they got to show suitability of their key officials. And so we watch very closely to make sure that those fees that management company is supposed to pay doesn't get passed through to the Tribe. So we don't charge the tribal nations for this backgrounding. Our duty is to make sure that our responsibility is upheld to the Tribe. However, since folks are asking for the management companies -- the management companies are asking us to make suitability determination for their employees, that bill goes directly to them. So we look at agreements very closely to make sure that they're
not trying to pass those costs back to the Tribe, you know, through creative ways. That's one of the other reasons why technical assistance is so key with these approvals because every finance agreement is so different. Every management agreement is so different. Especially with all the various new finance methods available today, management contracts out there. It's really fact specific, or contract specific, our review that we have to go through.

>> KEN MANY-WOUNDS: I agree one hundred percent. I would opine in to make the $25,000 deposit so you could put something in escrow. Because what's going to happen is once you bill them, they decide they're not going to pay.

>> YVONNE LEE: We'll give I think 30 days for you to pay the bill. If you don't pay then we'll stop the investigation.

>> KEN MANY-WOUNDS: How do you recoup the money for your man hours? Turn them over to the collection Agency? So NIGC becomes a bill collecting Agency. It is in some ways. I would suggest that would be a recommendation that
I would bring to the Commission, drop the $25,000
to a minimal cost. You got to pay to play. If
you want to get in Indian gaming, pay up front.
Most of these management companies, there are some
unscrupulous ones out there, they got money. Then
deep creative, like you said, Chairman, in
their financing stuff. But if they want to get
into the game, make them put some money down. So
if they don't want to pay when something goes hay
wire, at least you got your money. Then send them
the balance.

>> CHAIRMAN CHAUDHURI: That's a
good comment. I'll be part of, you know -- the
information we kind of think through. Yes, on one
hand we do have -- there can be debt collection
action brought. And that company would be
responsible to the US Treasury. But your comment
is very well taken about not becoming a debt
collection Agency.

>> KEN MANY-WOUNDS: You got better
things to do. That's my comments on the
management. I may have some more once I hear
somebody else. Thank you very much.

>> YVONNE LEE: Just while you were
talking I remembered what we approved last year.
I don't remember five years back. I don't know how many people in the room will remember what happened in the last five years. But I do remember last year in 2017 we approved two management contracts and six amendments.

>> KEN MANY-WOUNDS: So two in 2017 and six amendments?

>> YVONNE LEE: Yes. Also to your point, to make the checklist available, we do that have on the website. There's a submission checklist, and there's also a kind of issues checklist. But again, every management contract represents a different business deal. So the checklist is provided to give you an overall guidance. It depends on how complicated, complex the management contract actually is. Different time is required during the review process.

>> KEN MANY-WOUNDS: Thank you.

>> CHAIRMAN CHAUDHURI: Thank you so much for those comments.

>> Mr. Chairman, I got a question.

I know you look at the background checks in terms of these contracts, the management contracts. But what about the qualifications or capabilities
contractors to do the job? Who looks at that? Is that our decision? Is that yours?

>> CHAIRMAN CHAUDHURI: I don't know if you want to address this. But our focus with this piece is on the backgrounding for management agreements. But it's a related issue.

Christinia?

CHRISTINIA THOMAS: Sir, are you referring to background investigations as far as individuals for casino? Or the ones that we're actually doing --

>> For the casinos. But also you look at the contractor, what are you made of? Can you actually do that job or is that up to the nation?

CHRISTINIA THOMAS: Nope. That is actually something that we do review. That is a portion of what our background investigators actually look at, and it is a portion of what they make the recommendation for for both the entity and for the individuals.

>> Thank you. I just want to make sure because there are characters out there who say they can do this and do that but to actually know that. I just want to make sure that's
reviewed carefully. Thank you.

>> CHAIRMAN CHAUDHURI: Thank you for clarifying that. Because let's see, I guess I didn't quite hear the question. Thank you.

When you get to be my age, you start losing your hearing.

>> What?

>> CHAIRMAN CHAUDHURI: Yes, sir.

>> Chairman, on behalf of the Oglala Sioux Tribe I'd like to welcome you to Pine Ridge. We have some comments. We got them down on paper here, on the subjects. And right now the management contracts, I would like for Elizabeth to read our comments for the record, and then we will submit these to you when we're done here.

>> CHAIRMAN CHAUDHURI: Please.

>> That's not what I asked. No,

I'm just kidding.

>> ELIZABETH HOMER: Chairman, you have to listen to me, I guess. And thank you for allowing me to do that. Thank you, NIGC, members of the Commission, for conducting this consultation session on these topics. I think that these are very interesting discussions to have. I might throw out some maybe some other
ideas, or maybe different ways that we might get
to the place that I think that you're trying to
get to.

So let me just say that we appreciate the Commission's efforts to bring
greater efficiency to the management contract process. Particularly as this has been an area of
long standing concern, and lots of head banging and screaming going all the way back to those
years a long time ago when I was on the NIGC.

However, we do have some concerns with the new proposal to treat any extension of a management contract term beyond the permitted five or seven years as a brand new submission. And we would be very interested in kind of what was driving, you know, your concerns in this regard. Because I think that the question of suitability determinations, you know, I completely agree to go ahead and background the management contractors and their entity every five years is probably a good idea. However, we have to also consider that the tribal gaming regulatory agencies are, you know, backgrounding the management teams every year to two years as well. So it's not like this long period of time is going by that nobody is
looking at the backgrounds of, you know, the
management contractors and/or their employees on
site at the casino.

Nonetheless, if it's your goal to maintain updated suitability determinations, we think that maybe the more efficient process is to work with tribal gaming regulatory agencies and kind of piggyback onto those tribal processes that are ongoing during that five or seven years period.

Also, instead of requiring term extensions to undergo the same review and approval process as a new management contract submission, one alternative would be to instead impose a renewal process. Akin to what you're doing right now already under your current regulations. And I also had a question about that. The current regulations have been in place for a long time. And they've been -- at least I haven't heard that they weren't working in terms of the renewals or the, quote unquote, amendments.

If that's not the case, those of us who kind of follow these issues would be really interested in what those problems and issues are so we can provide you maybe perhaps better comments than
today.

We want to -- so we would instead impose a renewal process focusing on the background investigation information as set out in part 557. Unless there are significant revisions to a previously approved management contract it isn't clear why a lengthy review of the entirety of the management contract is necessary. So we think that maybe if you're committed to going forward with this kind of process, maybe you could build in some, you know -- if there aren't significant amendments, the review wouldn't have to be as extensive. Those kinds of ideas.

We also suggest that the Commission consider an expedited process for the renewal of management contracts. We understand the Commission's interest in updating the background investigations and suitability determinations. We are not clear as to the benefit of treating a renewal of a previously approved management contract as an original submission. Then subjecting it to the very intensive and time consuming management contract review and approval process. I think that what I'm saying is we're open to, you know, some kind of process to address
what we perceive to be your core concerns. But to
treat it as a brand new submission just seems that
might -- that might not achieve the goal of
efficiency, of expediting the reviews.

As for the proposed changes to
background investigation fees in section 537.3, we
have a few reservations about supporting this
proposal on transparency grounds. We just -- we
find it interesting, and we think it's worthy of
consideration. But as we understand the current
process, it is a deposit-based system with up
front payments required and the possibility of the
imposition of additional fees if the deposit
doesn't fully cover the background investigation.
Under the proposed changes the Commission would be
introducing a billing system based on the time and
expense with the background investigation. Our
concern is with the proposed revision -- our
concern with the proposed revision is that the
fees are open-ended, making it difficult for
applicants to determine in advance the cost of the
investigation.

We would be in a much better
position to provide meaningful input on this topic
if we had data concerning the average cost of the
background investigation, which I think that you
guys do have some of that. We suggest that the
Commission consider performing a cost benefit
analysis in relation to the proposal, and if the
analysis supports the revision we would urge that
there be a periodic publication of a fee schedule.
So we would have something, or the proposed
management contractors would have something that
they could project what the cost of the
application process is going to be.

So that's our comments on this
subject matter.

>> CHAIRMAN CHAUDHURI: Thank you
so much for those comments. Just a couple of
thoughts, a couple of reactions. Again, all these
comments are going to be part of the consultation
record comments that we consider as we weigh the
Commission's decision-making. But let me just
kind of share thoughts from just my perspective.
I can't speak for the other Commissioners. But
since part of my responsibility as Chair is to
approve management agreements, approve amendments,
you know, a lot of them come across my desk.

One thing I do want to say is
made by folks who want almost automatic approval of existing contracts is that hey, this is the same contract that we've been operating under for seven years. What's the big deal? The question was posed what's the intent behind all this? The intent is simply IGRA. And IGRA has a five- to seven-year window for agreements. And the five- to seven-year window, you know, reflects the idea that if a Tribe isn't going to be continuing to manage its own activities, another management agreement approval process is appropriate. That's kind of the underlying rationale behind it. So there isn't a lot in IGRA about automatic renewals. There's a five- to seven-year timeframe.

That doesn't mean that we as an Agency haven't tried to work with folks in every way that we can think of to not create artificial roadblocks to management. That's why we have worked with folks in terms of amendments and extensions. But it isn't to say that that approach hasn't worked. It's just regulatory guidance so that it's not just up to the sole discretion of the Chair. You know, as well
meaning as I think I may be, I know that I'm certainly not perfect. I don't know if any Chair has ever been perfect. Guidance is helpful. And in the absence of guidance, what do we have? We have IGRA. And IGRA has the five- to seven-year timeframe. So the flip side of the question could very well be asked, if we're talking about nominal changes, or really no changes to the terms, and everybody is on the same page with the new suitability determination, what would be the additional -- what would be the difference between an extension and a review of the new contract? And one potential benefit could be adherence to the law. So that's the thought process behind that one.

In terms of the billing, the concern about creating a billing process, we already have that in place. Yes, there's 25 grand deposit. But any expenses incurred after the 25 grand still has to be billed. So we wouldn't be creating a new process. But those comments are absolutely well taken. And we're certainly happy to talk about where we're coming from as we consider any of these approaches. But where we
are coming from in terms of the management

agreement thoughts is IGRA's five- to seven-year

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>> ELIZABETH HOMER: I don't want to poke you too hard. But it just seems to me that the focus on the term, the five or seven-year term, what's been happening is that these have been treated as amendments. My suggestion is rather than think of it as an amendment, think of it as a renewal and have a special regulatory provision for renewals. And that way you could work out different level of intensity. I mean, if you have a management contract that you approve, there's no changes to it, basically you could do a compare documents to verify that. Then going through a lengthy 90, 180, 360-day process, you know, doesn't seem like it's achieving your desire for efficiency.

>> CHAIRMAN CHAUDHURI: Thank you for that. That actually raises a great opportunity to talk about some of the things that we're doing, or we're considering just on the administrative side of things to streamline processes internally. This doesn't rise to the level of regulation. But this relates to working
day in and day out to see how we can do things
better. Let me explain what I'm talking about

1 with that.
2 So in terms of renewal process, as
3 I mentioned before, a lot of the processing time
4 that occurs with management agreements either
5 relates to backgrounding, which, you know, is hard
6 to -- I mean, we can't shortcut that. We can't
7 shortcut the backgrounding. But it's also the
8 technical assistance side of things. But you're
9 right, if the language is somewhat the same, or if
10 it's an identical agreement, there's no reason why
11 that shouldn't result in shorter timeframes. But
12 I don't think that necessarily requires a renewal
13 process. We do that anyway. You know, there's
14 not an automatic timeframe where we decide to wait
15 a certain amount of time when we're reviewing an
16 agreement. We're looking for issues that
17 potentially involve our fiduciary responsibility
18 to ensure that it's a solid agreement. And we
19 streamline where we can.
20 Separate and apart from this
21 proposal, we're looking at backgrounding and I
22 don't -- Christinia, do you want to talk about how
we're looking at the various types of
backgrounding situations that come before us to
try and figure out how best to process these

things? This is something that we're thinking of
doing -- that we aren't thinking of; we're trying
to do better administratively. That's not really
-- I mean, doesn't require regulatory change.
>> CHRISTINIA THOMAS: What you're
talking about is the actual background process and
what we follow internally with the staff.
Everybody picked up a handout packet. There was
the draft regulatory changes, and then there's a
table I guess for lack of a better term for it,
that has three different levels of backgrounding
broken up. Thanks for the visual. This table,
just to explain what this is, if you look at the
level one on this table, for both the entity
background and for the individual background,
currently regardless of the level of an entity, or
regardless of the level of the individual, we're
backgrounding everybody at the level one part,
which is pretty extensive for those that have very
indirect financial costs associated with the
management agreement, or for those entities that
have very indirect ties to a management agreement.
In addition to creating these separate levels for the backgrounds, we are removing the OPM process completely out of it.

OPM, that charge alone is about $3,000 per individual, and we're at the mercy of another Agency to actually do that particular background. And they can take anywhere from a year to two years to actually finalize that particular thing, where we can actually do it much quicker. We can run the FBI fingerprints right through the Agency. There are other resources out there to be able to give information that OPM was giving at a much significantly reduced cost.

These costs are actually to the management contractors. It's not a cost to the Tribe. So putting these in place speeds up not only background portion, but it actually makes it more efficient and not as costly as what it's been to date. So kind of going back to your point, Liz, about trying to come up with an average, right now we can't give you an average because we're changing the process. We can tell you that we're saving about $3,000 per individual background. But it wouldn't be very accurate to
do an average because this is just now breaking
down the different levels where every entity and
individual before was all run at the same level.

>> CHAIRMAN CHAUDHURI: Just to

follow up on that, say we have an identical
agreement. And by the way, a lot of folks will
say hey, it's the same agreement. Then you look
at the terms and it's not quite the same
agreement.

>> ELIZABETH HOMER: That's why I
suggested to compare documents.

>> CHAIRMAN CHAUDHURI: I can't
tell you how many times we've heard from
management companies saying just approve this.
We've been doing this for ten years. Well, you
just also changed the amount of compensation that
you receive. So people will say it's the same
agreement all the time when it's not necessarily
the same agreement. But let's just say it's an
identical agreement.

I can pretty safely say that will
affect the time lines involved because, you know,
we're not looking for slowing down the process at
all. We're looking for adherence to IGRA's
intent, and making sure that we're doing our due
diligence on the suitability. And that's where this is coming from. But these are excellent, excellent questions. But one of the reasons I love these consultations, because it's a chance to talk about this face-to-face.

>> ELIZABETH HOMER: Bravo on the OPM.

>> I just wanted to add I really appreciate that everyone is showing today these are suggestions and ideas. Nothing is meant to be set in stone. Just because we wrote it down, that was just to give us a starting point for discussion. So we do really appreciate all these questions. That helps us to think through and helps us all to think through as a group too. So thank you.

>> Want to take five? Get coffee?

>> CHAIRMAN CHAUDHURI: That's a perfect transition. I never want to short change conversations but sometimes we take a break for rest room, what have you. We're about an hour and a half into it, or almost an hour and a half. I don't want to short change any comments. But we can always come back to this topic. But maybe
this is a good time for a short -- yes, sir.

Okay. Once we're finished with this topic we'll take a short break, and thank you for announcing the refreshments in the back. That's great.

>> Mr. Chair, going back to what

Ken talked about with the fee, I guess when you are talking about trying to weigh these deposits and stuff, you know, I look at it that are you guys trying to change your guidelines to benefit these contractors? I don't know why you're trying to change that. Because to me the business standpoint of it, why submit yourself to trying to become a collection Agency or anything where you can always lower these deposit amounts where you still have that amount. (Inaudible) right offhand you're saying $20 and $90. That's $1800 you can submit to. Why don't you lower it to at least 5,000 rather than having to submit yourselves to having to look at that. But to me, again, like Ken said, if you want to try to do this and have to pay to play.

>> CHAIRMAN CHAUDHURI: Thank you, sir. Mr. Many-Wounds, do you want to add onto that?

>> KEN MANY-WOUNDS: No, not to his
comment. And I didn't tell him to say that

either.

>> CHAIRMAN CHAUDHURI: I think that's an excellent point. Back to Vice Chair's comment. Nothing is set in stone. That's one of

the potential tweaks that was suggested by part of our team, saying hey, we've got to bill folks anyway. We've got to go through this process. A lot of times people will -- it becomes an issue at the front end of the negotiations when people are submitting these what they want to claim is an amendment, what we come back and say, well, this is really an agreement. A new contract. So we're just -- I think the thinking when that was suggested as a possible revision was hey, we've got to bill anyway. This is an additional process that adds one more layer of complication. But I'll just be up front. Part of me doesn't have any problem with folks putting some money up front into a deposit. But that's something that we want to hear from folks on. We haven't discussed and decided on as a Commission. But in a previous life I was an attorney. And, you know, there are what are called retainers that sometimes you pay
when you retain an attorney. And you're billed
against that, or you're billed with that being
held as a deposit. So I'm familiar with that idea
of holding money aside. But whether or not it's
helpful to tribes to streamline that process,
that's what we want to hear from folks on. And if

there are comments or concerns that it's not,
we'll take that into account. We'll definitely
take it into account. I can assure you on that
piece absolutely no decision has been discussed or
made that I'm aware of at the Commission level.

>> I totally agree with that and
appreciate that. I just want to hear more about
when you're saying it shows a level of engagement
from the potential partner. Is now the time to
share more about that, the necessity for that,
kind of where that comes from? Is there any, you
know, decision a role the Tribe wants to play, the
Tribe can play a role in terms of engaging someone
too.

>> KEN MANY-WOUNDS: I have one more
quick comment, Chairman. Ken Many-Wounds again.
Christinia, on the colorful chart here, do you
have any idea, because as Elizabeth mentioned in
the past management contracts, that's why
management contractors are so pissed at NIGC.

Because it took years. Not months, years. And it
cost the tribes a lot of money. So streamlining
this is good. In these various levels here, do
you have any kind of a consensus of how long it
would take to do any of these three levels in any

of these six boxes so that somebody might buy into
this streamlining better? That would be my
question. Lining.

>> I like that. Lining.

>> KEN MANY-WOUNDS: Tongue tieing.

But anyway, that's my question. It looks good.
But if there could be somewhat of a timeframe so
these people know what they get going into this --

>> CHAIRMAN CHAUDHURI: That hand
out, again, I want to make it clear that's not a
regulatory tweak. We're just trying to explain
how we're thinking of internal operational changes
to make sure that specifically the division of
finance has clearer guidance about how they
process and track these operation -- these
applications. But I think if we made up some
timeframes, we wouldn't be truthful. I think we'd
have to do our best and start tracking it under
the new approach.

>> KEN MANY-WOUNDS: Anything would be better than the way it works now.

>> YVONNE LEE: It is difficult to provide a time line because it depends on how big the entity is. If you're talking about a huge corporation, it takes a long time. And if you're talking about a shop that's owned by one owner, then that's fairly easy. So it's hard for us to put in the time there when every case is different.

>> KEN MANY-WOUNDS: Understood.

>> CHAIRMAN CHAUDHURI: Any other comments on this topic? Okay. How about it's 2:30 right now? An hour and a half. It's almost perfect. Maybe we could take a -- since we're talking about IGRA's five to seven period, maybe a five to seven minute break, something like that, and reconvene in five to seven minutes.

>> CHAIRMAN CHAUDHURI: Just to keep things moving, again with the spirit of this being we want folks to feel comfortable, you know, sharing their perspective, I don't want to move too fast. But I do want to get moving along.
Before we move on to the next topic, any final comments on the management agreement piece? Okay.

With that, we'll move on to the next topic. For that we have subject matter expert Christinia Thomas here to talk about audit submissions. Christinia, take it away.

CHRISTINIA THOMAS: Thank you, Chairman. Under IGRA and current NIGC regulations, gaming operations regardless of income are required to submit an annual audited financial statement completed by a certified public accountant to the Commission within 120 days of their fiscal year end. These audits may be encompassed within an existing independent tribal audit system. Submission of the annual audit report is critical to the NIGC's mission to protect the integrity of Indian gaming and provide a certain level of assurance as to the safekeeping of tribal gaming revenues. The audit report prepared and submitted on a timely basis is evidence of among other things the integrity of the gaming operations and more specifically of the adequacy of the books and records, the functioning of the internal financial controls and the
disclosure of the information having a bearing on the financial statements.

The Commission, however, recognizes that small or charitable gaming operations often struggle with the cost of these requirements. With this in mind, the Commission is seeking feedback and recommendations on whether changes are needed to the audit submission regulations, specifically we want input on what level or levels of audit should be required for smaller gaming operations or charitable gaming operations.

To benefit this consultation, I will briefly provide some background information before turning it back over to the committee.

The gaming operation earning less than 2 million in gross gaming revenue annually can request from the Commission to submit a CPA reviewed financial statement if it has submitted an audited financial statement for three consecutive years. A reviewed financial statement must be completed by an independent CPA and conform to the statement on standards for accounting and review services of the gaming operation. In fiscal year 2016 only 80 operations earned less than two million in gross gaming
revenue. Of those 80 only six submitted the lesser financial statement of review. Small or charitable gaming operations often produce less than 100,000 in gross gaming revenue annually. Some less than 10,000. Contracting a CPA firm to perform an annual audit can prove cost prohibitive and as a result may deter tribes from pursuing these gaming opportunities.

NIGC reviewed statutes and regulations from a number of jurisdictions and agencies concerned with financial entities, including the State of Nevada, the federal deposit insurance corporation and the department of the Interior. We found no consistency in the audit requirements. For example, Nevada gaming regulations require audits of financial statements for operations grossing more than five million. But maintain the right to require audits compiled statements or reviews of financial statements of those operations whose gross revenue is less than five million. Interior exempts nonfederal entities from their audit requirements if the entity spends less than 750,000 per year. As NIGC considers altering its own regulations, it
recognizes that there are currently 95 tribal

gaming operations that produce less than three

million in gross gaming revenue.

Further, the Commission is aware

that tribal operations comply with most

regulations from their own governments as well as

state and federal entities. Our hope through this

consultation session is to discuss opportunities

or receive feedback and recommendations on how to

amend this regulation while still ensuring we are

supporting the financial stability and maintain a

high level of protection of tribal gaming

operations. With that I will turn it back over to

the Commission.

>> Thanks for the overview of it.

I'll be very brief and hope to open it up for

discussion. But I think this particular issue is

of interest to me in how to really engage with

operations and so tribes can make that decision

about getting to that lesser financial review

statement. I think that the hope is that is more

understanding of what's taking place on the ground

in Indian country, in operations, and we'll work

more closely with what tribal leadership is

looking for their to improve their capacity, like
in auditing. I agree with that. Thank you.

>> I'll also be brief. I wanted to

highlight this one in particular focuses on how

we're trying to meet the needs of smaller and

rural operations. We're trying to think outside

the box. There's only a certain universe of

things that we can do to make this process easier

and more efficient. We're really open to ideas on

this one. Any questions?

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>> CHAIRMAN CHAUDHURI: Just to add

to my colleagues' statements. On one hand we

recognize that being supporters of the integrity

of Indian gaming is an important service to Indian

country, simply because as I mentioned before, the

challenge of one facility represents a challenge

of all facilities. So wherever there's a

challenge -- or there are difficulties with

compliance that represents a challenge to all.

Integrity is absolutely important. But at the

same time, we recognize that there's much that can

be done to support smaller operations.

So any changes on the auditing

side, the submission side, we're looking at

coupling with making sure that we continue to do
whatever we can through the technical assistance side to make sure that the integrity of the industry is maintained.

What I mean by that is at no point do we suggest reducing auditing requirements should take away from our collective interest in maintaining and ensuring the integrity of Indian gaming. It's important to everybody, but also we recognize that if the bottom line as an operation is miniscule, the submission requirements are very costly. We're looking at doing what we can to work with folks while still preserving integrity.

With that, I don't know if -- we've got some questions on this.

>> I think they're pretty open-ended. Maybe I'll just highlight this last one that speaks to the Chairman's point. Your operation is adequately prepared for the annual audit this year. Do you think you would benefit from training on how to prepare for a financial audit so that it can be performed more efficiently saving the Tribe money? Training is a really great way that we can help the regulated community. I'm excited about that. I really want to hear about something that would be helpful to
fols.

>> CHAIRMAN CHAUDHURI: We'll open it up to the floor.

>> MARION WOLF: Hi. Marion with Three Affiliated Tribes Gaming Commission. This is a big issue with my -- actually, it's not our facility. We have only one charitable organization, nontribal, that she -- called American Legion post 290. She has like three different sites that she conducts. It's like bar bingo (inaudible). Maybe Blackjack was at two of the facilities, grandfathered in. They go and then pull tabs. Just recently in the last couple -- 2015 I got the conference call and we're going to start regulating. We regulate. I guess the training that you're offering as far as financial, would that eliminate us going through the CPA for the review? Because I gave the numbers to Tom.

We pay a pretty -- that little organization doesn't make as much as what we pay out as -- whenever they give that 60 percent. It goes right back into our fee for a CPA. (Inaudible) with me that's my biggest thing. I know this organization. I've been on the Gaming Commission
for 22 years coming up. This little organization
has been there before me. And we have a class II
auditor that actually audits all our class II --
that facility, plus our little pow wow of bingos
and raffles. So they do the paperwork. We
adopted the state's forms and reporting. They
fill all that out. We bring it into our office, I
have my class II auditor audits that. And we do
the financial part. The money that we owe back to
them or what they owe back to us. And then we
turn around and we hire the CPA to review. And

it's costing us, you know, must have paid maybe
25,000 for one year for this little organization.
So I guess I'm asking this financial assistance,
yeah, that would help. If it would eliminate the
CPA review because with us, just that one little
organization -- it's not even a tribal
organization. That's the thing. So it doesn't
hurt, you know, the Tribe. But we do license
them. And Tom was just -- it's just going to
change -- I feel like it's going to change all the
time. Because he was just telling me that this
one person -- she has this organization, or this
organization, she takes care of all her little
sites. Well, now I'm told that I might have to do
a review for each site. You know? I guess I just
-- I don't know if anybody else -- I was asking
around back in North Dakota the different ones,
are they up against what I am? Or is this -- or
any tribes around here, do they do the same thing
or report? It is new. And I was told that. We
should have been doing this for all these years.
But it's just a bunch of money that we have to pay
that. It just doesn't make sense to me.

>> CHAIRMAN CHAUDHURI: Excellent
question. Excellent points. That's what we're

struggling with. We really are asking for
suggestions about. So on one hand, we're all in
it together. So we have to make sure that the
integrity is preserved. On the other hand, there
are a lot of not just charitable operations.
There are a lot of gaming operations in Indian
country that barely make payroll. And
effectively, the jobs program. What can we do to
support IGRA's mission to support tribal
self-sufficiency, and jobs and payroll is a huge
part of that? While at the same time protecting
integrity of Indian gaming. So one of the
thoughts was looking at these threshold revenue
amounts, and, you know, taking a slightly different approach, more on the technical assistance side of things to work with folks rather than just relying on audit submissions. But there are downsides with every approach. Those audits are an important way that we do our regulatory work. I don't know -- Christinia, if you want to weigh in on -- I'm not trying to -- if you're good. But Christinia is looking at me like no, we're good. But that's what we're -- so you asked about whether or not we see this in other regions.

The charitable gaming aspect is I think more predominant in this region than other regions that we work with. So this is a good question to ask at this consultation, because especially since we have so many regulators here in the room. I think we all appreciate the importance of making sure that the Tribe is really receiving the revenue in the operations, and that charitable operations are truly charitable. We all recognize that. At the same time, the costs are in many cases prohibitive. So I guess I'm answering with another question. In terms of your experience with this organization, the confidence
level that you have had about whether or not things are being run consistent with tribal rules, I'd be curious to see -- because the audit is to help us to do our job to maintain integrity. But we always try to defer to the tribal regulators as the primary regulators where possible. So I guess I'll answer with a question.

>> MARION WOLF: Yes. We do. We have full confidence. She reports once a month. We have -- the tenth of each month she reports and sends everything in. Bingo, all the reports that she's supposed to be sending. Plus her fees.

She's pretty much clock work every month. And I think all the numbers and everything -- that we submit to the CPA, it's been -- you know, they had no problems with figuring anything out that she had submitted as far as to us. Yeah. I guess it's just -- I don't know, maybe the fee -- as far as what they make in a month or year, we can go by that as far as going through the CPA. I guess I just -- that part of it I'm hoping that we can get that eliminated. I don't know. But I'm pretty confident in our little charitable organization with sending the reports and the fees, and getting
licensed and all her little employees, bingo

callers and such. We license pretty much all her
staff.

>> CHAIRMAN CHAUDHURI: I don't

know if there's anybody from a regional team. I

think in the introductions, we have the regional

attorney Steve Iverson here with us, and we also

have the regional Director, all of the auditing

and compliance functions represented from the

region. Since this is -- we do see this more in

this region than else where, if anybody has

anything else they'd want to weigh in on that, I'd

be curious. Linda is avoiding eye contact now. I

just noticed that.

At some point the compliance comes
down to relationships too. So making sure that we

are open to the -- I mean, we're open to concerns

of our regulatory partners. I mean, that's part

of the important work that we do, regardless of

what thresholds we set for audits. But if folks

think that integrity can still be maintained while

creating a specific route for charitable gaming,

we're open to that discussion. Certainly haven't

come to any conclusions on this end.

>> MARION WOLF: Does anybody have
charitable gaming that you have to report? Or willing to?

>> CHAIRMAN CHAUDHURI: I won't name any tribes in particular but we are aware of other charitable gaming operations in the region. Or interests or pursue -- interests in pursuing charitable gaming I should say. Tom.

>> A couple of points. Marion, thank you for sharing your experience. Let's remember that there's a term in accounting and auditing called inherent risk. And there is much greater inherent risk when you're talking about millions of dollars than you are talking about thousands of dollars. The other issue is, and it's something that I guess the point is we don't really -- to tell you the truth, if I was involved in licensing some of these smaller gaming operations, I wouldn't want the NIGC to know about it because they're aware of the costs of submitting these annual financial statements. They're prohibitive for these smaller operations. So we don't really know how many are out there. They very well may be avoiding reporting to us. Specifically for that reason.
I was going to go along with it. I think my understanding -- I think that the question was provide technical assistance to come out and help with the financials? Is that -- if you train somebody to come out to do the financials, would that be sufficient for NIGC or would we still have to hire a CPA to certify those documents? Because my understanding is that the money she's making is going to pay for CPAs. So it's really not beneficial for them. And anybody. So I think the question was if you came out and trained somebody for the paperwork to be turned in to NIGC, would that suffice for the Commission so that we don't have to spend what little money we have on a CPA?

>> CHAIRMAN CHAUDHURI: Good question. That's exactly the point that we're trying to work through. Back to Tom's point on, you know, there almost being an incentive not to tell the NIGC if charitable gaming is going on. We recognize that the best regulation of Indian gaming comes when we work together, we share information where possible, we're fellow regulators. So we want to move away from disincentives to share information to more
incentives to share information. And frankly
that's the only way we can do our job at NIGC. We
have to -- we have to have good relationships with
our fellow regulators. And so we do have an eye
towards creating strong incentives to share
information. But the idea of the costs involved,
this all goes back to the idea of if tribes are
the primary regulators, what can we do to support
-- I mean, audits are great in terms of most of
the compliance work that we do relies on our audit
function. That's the best snapshot we have for
the regulatory health of an operation. And a lot
of our work, you know -- that's one of the best
tools we have as an Agency.

But at the same time, we also
understand that if there's a small bingo night to
benefit a youth group, I mean, that's not
necessarily the type of compliance concern that
IGRA was developed or was necessarily drafted to
address. So how do we empower our tribal
partners, our regulatory partners while at the
same time doing what we can to play a supporting
role for integrity? That's the trick. Whether
it's a specific training course that complements a
change in the thresholds, or what can we do to
make sure integrity is maintained but still
empowering tribes? This is a great discussion.
I think there are about three hands
back there. And also Ms. Homer.
>> Just a comment. I was looking
at your proposal in terms of three million
dollars. (Inaudible) financial statements up to
three million. My question is do you have CPAs on
staff in your financial office where you review
these documents? How does that work?
>> Maybe I'll give a little
additional background --
>> Excuse me, the reason I ask that
is because a lot of times it's up to -- we have

qualified staff within the property here, for
example. Why can't we self-audit? If we have
qualified expertise, we can self-audit our
financial statements and send them to you for
another review if you have qualified people as
well. If you have CPA people on board, it might
make the process even more effective. That's just
a comment.
>> CHAIRMAN CHAUDHURI: You want to
address that?
CHRISTINIA THOMAS: I can address that. I do want to give a little additional background. IGRA has a requirement that independent audits are conducted. That's a requirement in IGRA. It's not even a change of the word. It says independent audit. It can be part of a bigger tribal audit program. So the Agency historically has defined what that audit requirement is within the regulations under 571-12. 571-12 when you break that out is actually where it requires the CPA to do an independent audit of the financials. It also has the review component within 571-12 where if you actually do three years of the full CPA audited financials and then submit those, then you can do the lesser review to be submitted as well. So we're still going to require some type of audit. How that audit is defined is within 571. So what we're asking for, what we're trying to get clarification on is how the agencies defining the audit submission requirements best help tribes if we were to make changes to that particular language.

CHAIRMAN CHAUDHURI: To follow
up on Christinia's point, if the Tribe is the primary regulator, Tribe has gaming already, and is submitting an audit already, will adjusting these thresh holds help -- for instance, say there's charitable gaming function that's going on that the Tribe is licensing. Is there a definition tweak that can be made to wrap oversight of that function by the Tribe into whatever is being submitted already? Are there other thresholds that we should be considering? Keep in mind, I don't want to go off topic too much, but part of our role at the Agency, in addition to day to day compliance work, as the only Agency that regulates gaming of any kind and certainly the only Agency specifically charge d with implementing IGRA, we do have a responsibility to communicate to other parts of the federal government as well as the Hill, Congress, the health of the gaming industry. So our ability to speak truly to say yes, as the Agency that's mandated to ensure the integrity of Indian gaming, we're doing our job. Nobody -- I mean the industry is working. We take that responsibility seriously. And we say that all the time. We talked about Indian game going the most
-- the best regulated and most regulated gaming industry in the world. And we believe it when we say that. So we feel that our ability to say that is a service to tribal nations because that protects against other changes to the law that may not be as protribal as folks may want. So we take seriously our role as regulators to say we're protecting integrity. But at the same time we also recognize that if an operation is barely making payroll, we've got to figure out ways to really support economic development without creating unnecessary roadblocks. So that's kind of what we're getting at with all of this.

It seems to me that last piece I just shared was about as clear as mud. But I think folks know what we're trying to say.

>> I just wanted to hit on the second point about asking if we actually have CPAs within the Agency. Yes, we do. We have individuals that are CPAs underneath the compliance division. But I'm going to go back to the independent language that's in IGRA. IGRA requires an independent audit to be conducted. NIGC is actually a party of that particular audit.
So for us to do the review it's no longer independent. So we would have our own individual licensed CPAs within our audit team do those reviews. They could actually lose their CPA license. We've thought about this. We've talked about this internally on whether or not it would work, and how it would work. While I'm explaining it, you could blame the attorneys for the reasons I'm giving you. Because they're the ones that kind of came back and said because we're a party of that particular audit we would no longer be looked at as independent.

>> CHAIRMAN CHAUDHURI: I forget which order, but Liz.

>> ELIZABETH HOMER: I think these are really good ideas. I think you guys are really on the right track here. The only comment that we would make is that why not leave it to tribal gaming regulatory agencies to make those calls and establish those kinds of -- that particular kind of standard? Or to, you know, shape it some way that makes sense there. Because if it's not something of a great federal interest here, it really is of a tribal interest. And it seems to me it would make sense to leave it to the
Tribe. That way if a Tribe wanted to be stricter,
it could. If it wanted to take advantage of your proposal, they could do that as well. So I think there's a way to make this work for everybody.

>> CHAIRMAN CHAUDHURI: Thank you.

Mr. Many-Wounds?

>> KEN MANY-WOUNDS: I guess I'm in the stuff that was sent out. The sentence reads that the smallest gaming operations would be exempt from the annual financial statement submission requirement, allowing other small operations to submit audited or CPA compiled rather than reviewed. So if the tribes audited their stuff internally, the way I read this, they could just send it to you guys. Am I reading that wrong the way it's worded?

>> CHAIRMAN CHAUDHURI: We're looking for comments.

>> KEN MANY-WOUNDS: My comment would be somewhat along -- you let the local TGRAs, they have internal auditor. That's a requirement. They do the audits. They compile the financial statements and they can be submitted according to this wording, unaudited. They could
submit them right directly from the TGRA to the NIGC. Your CPAs thus review them and if there are any false or short coming, then you come back and tell the Tribe. That's a technical assistance route then.

>> CHAIRMAN CHAUDHURI: Steve, I don't know if you want to be put on the spot. But in terms of the workability of that, and consideration of IGRA's independent auditing requirement, if you want to defer to others, feel free. I'm just thinking we need to get this guy speaking a little bit.

>> STEVEN IVERSON: Nobody is going to know my voice. This is Steve Iverson. I agree with Christinia's comment. I don't know that that would comply with IGRA's requirement of an independent audit. Again, I'm not a subject matter expert on this one, but it's my reading of IGRA, it might create a problem.

>> CHAIRMAN CHAUDHURI: That part, in terms of -- Steve -- without getting into too many details that probably compliance -- our compliance division is a lot more in the weeds on, where you can see this really benefiting, some tribes have multiple small facilities. Some
tribes are four or five small facilities. And right now, you know, we require submissions from basically all the facilities, even when one of the facilities might just be making payroll. Whether or not things can be wrapped into some of the joint submissions, that would be a -- talking about multiple facilities within one Tribe, that could be on one surface a minor change in the way we've been doing business. But I imagine that could benefit quite a few tribes.

>> That have multiple -- but this is charitable though. It would be separate.

>> CHAIRMAN CHAUDHURI: We're talking about looking at the thresholds for both small operations and --

>> I guess we're separate though.

So I don't mind your quoting we need to audit according to IGRA. But it's just the amount I guess that they -- if the -- the amount to go to review to audit or CPA, is it two million? And we know they don't make two million. They do probably 100,000 for the year. I guess it would just be -- that's what I'm trying to get at, if the amount could somehow be changed as far as
getting a CPA review. But we'd always have our audits on hand that we do internally. I guess that was maybe something that she had mentioned. I guess I don't know -- I just want to be -- I know you talked about the and/or separate for these facilities. What we do is we're totally separate from the Tribe, totally separate from the casino. They issue our Class III and we do our little Class II. So we wouldn't be able to, and I wouldn't want to combine them with our casino because they're not part of our casino at all as far as gaming.

>> CHAIRMAN CHAUDHURI: Excellent point. That's why we're trying to solicit feedback. I think there were other hands back there. Any other comments or concerns? We had some other questions just to spur kind of -- move the conversation along. But I think we covered a lot of this. One of them was do you think the two million dollar threshold still adequately captures the universe of small gaming operations? Do you have any questions about the process or regulations, or any suggestions as to how the NIGC can improve its regulation regarding annual audits for small or charitable gaming operations? I
think we covered most of that ground. But again,
I want to make sure that everybody has an
opportunity to share comments or concerns. Okay.
With that, again, we'll have a
catch all at the end. But we'll move on to the
third topic. Steve's answer was so short to the
last question, we're just going to have him be the
subject matter expert on this next one. That's
discussion about management and sole proprietor
interest definitions. Steve, take it away.
>>STEVEN IVERSON: Hello, everyone.
Good afternoon. I'm Steve Iverson, staff training
at NIGC. I'm originally from Rapid City. So I'm
happy to be here. I live in Baltimore but I'm
happy to come out for this consultation. Thanks
for having us.
As Ms. Lee previously discussed,
IGRA provides that a tribal gaming operation owned
by the Tribe may either be managed by the Tribe or
by a management contractor subject to a management
contract approved by the NIGC Chair. NIGC
approval applies to any arrangement in which
contractor manages all or part of Indian gaming
operation to provide better clarity. The
Commission is considering developing regulations clearly setting out its standard for what constitutes management as well as criteria for evaluating when a sole proprietary interest violation has occurred.

With this in mind I'll provide some background for these terms and pass it to the Commission to open it to the floor for questions and discussion. To assist tribes in determining whether an activity constitutes management, NIGC bulletin number 9405 explains that the term encompasses activity such as planning, organizing, directing, coordinating, or controlling all or part of a gaming operation. In addition, the NIGC Office of General Counsel issued an opinion letter expanding on these terms by providing examples of management activities. However, to date the Commission has not issued a regulation formally defining management. The Commission believes that in consultation with tribes, developing the regulatory definition consistent with past interpretations would help provide greater clarity, greater certainty to the tribal gaming industry regarding what constitutes management. The Commission also recognizing that the 7th
circuit court of appeals that is also recommended

that the Commission provide more certain guidance.

We'll talk about sole proprietary interest. A stated purpose of IGRA is to ensure

that the Indian Tribe is the primary beneficiary

of the gaming operation. Seeking to serve this

purpose, IGRA requires that tribal gaming

ordinances provide that tribes have the sole

proprietary interest and responsibility for the

conduct of any gaming activity unless the gaming

activity is individually owned. To determine

whether a third party has received a proprietary

interest in a tribal gaming operation in violation

of the so proprietary interest mandate, the NIGC

considers the term of the relationship, the amount

of the revenue paid to the third party, and the

right of control or gaming activity provided to

the third party. The Commission has previously

consulted on developing guidance or regulations

concerning sole proprietary interests in 2008 and

also in 2010. Courts have had the opportunity to

consider and discuss this issue, noting and

upholding NIGC’s formulation of the criteria to

evaluate such violations. The Commission believes
that a regulation consistent with past NIGC enforcement actions and litigation would provide better certainty to the tribal gaming industry regarding what constitutes a violation of the sole proprietary interest mandate. The draft regulations that we've provided to you today as a handout incorporate these interpretations for your consideration. As an addition to the Commission's compliance regulations. I'll pass it over to the Commission and open it up for comments and discussions.

>> SEQUOYAH SIMERMeyer: Thank you for the run down of this topic. Before we turn it back over, I wanted to briefly state that my thinking -- the reasons why this is a helpful conversation to have is because of both the clarity that's come about through case law on this topic, and kind of recent emphasis in this area. We -- I think it beneficial as a full Commission because particularly for management that might want to appeal to the Commission, having the sort of clarity that helps provide more transparency, as a matter of good governance it's an important role for us to play as a federal partner. I think also that this helps us to have a discussion about
whether or not regulations are the appropriate vehicle to kind of communicate that. As was kind of described, guidance exists as well, but will regulations help provide the certainty that might help to reduce costs associated with some management agreements that come about, or the reviews of management in those agreements. It's helpful for that conversation as well. But again, just kind of looking for feedback, and that part of the conversation, I appreciate that this is part of the dialogue.

>> I agree with Commissioner Simermeyer's points on that. We're really looking for how to be more transparent and clear in this. This isn't a departure from our previous positions on it. We're looking at codifying be helpful for tribes, the industry, and how exactly should that look if so? Look forward to hearing from you.

>> CHAIRMAN CHAUDHURI: Thank you. Just to agree with my colleagues, as I mentioned before, protecting against gamesmanship on the backs of tribes is a key initiative of ours that flows from IGRA's mandate that tribes be the primary beneficiaries of their operations; that
tribes retain a sole proprietary interest in their operations. Getting it on paper, you know, there are so many sources of law out there, whether it's court decisions, internal opinions, getting it in one place that is easily referenced, it's not changing where we've come down as an Agency. But we're sending a message that, you know, here are some examples, issues that run afoul of that primary beneficiary responsibility, or that sole proprietary interest responsibility. I think it just brings more clarity to the industry. So that's why we're trying to codify and put down in one simple place what examples have qualified both in terms of our work and court work. That's where we're coming from with this one.

With that, comments, questions, concerns about these proposals? Ms. Homer.

>> ELIZABETH HOMER: I was looking at the client to make sure that I can still talk.

Well, I like the idea, or we all like the idea of bringing some clarity, because this is one of the -- what is management and what is sole proprietary interest? Those have been kind of flummoxing the NIGC and tribes for three decades. Think about it. This is 30 years of
IGRA. And we still haven't quite got this one figured out. However, I think of all the things that are being proposed right now, this deserves the most caution. We have to be really cautious about making these changes; and not defining management in an overly broad manner. And focusing the management question on the management of the gaming activity, and the gaming operation. I noticed that in the definition, there are a number of activities that arguably at least are not strictly management activities. For example, planning or coordinating accounting systems or marketing functions, these things standing alone do not necessarily implicate management at gaming activities of the gaming operation. And I think that we want to be careful not to discourage tribes from hiring professional expertise in areas where they may need it, in really complex areas like accounting, and like marketing and surveillance, for example, those kinds of things. And I guess what the concern is, if you have this really broad definition of management, then every contract that a Tribe enters into for professional services becomes a management contract, and then
do we have to have that submitted to the NIGC for approval because it's a management contract? I really -- I'm not saying that this is where, you know, you're going. But when I read this, this is where I was afraid you were going with this, and that it would encompass a lot more contracts. If we were submitting all of our professional contracts to the NIGC for approval, you all would be overwhelmed. Just one Tribe. Much less all of Indian country. So I have a concern that the word management needs to, you know -- needs to focus in on what actually is management. I don't think training is management. I think that if we want to hire -- what's that guy's name, George Joseph to come in and do the cheats and scams, and we do a contract with him, then we should be able to do that without fear that that's going for become a management contract. And I know some of you don't like George Joseph. But that's neither here nor there.

The other thing about this is, I make the point that any regulatory definition of management should focus on actual narrowly tailored management functions, and -- this is an important and -- and be tied to the nature of
compensation in the contract. That is whether compensation is on a time limited fee for services basis, versus a percentage of the revenue basis. I think once you get an interest, a percentage interest, then you are on either sole proprietary interest or management contract grounds. But if the regulation eliminates contract review for time limited legitimate fee for service contracts, then I think we’d all feel a lot better. We don't have to make that worry. So I would put an and there. With respect to the proposed sole proprietary interest regulations, we support the NIGC’s effort to bring clarity on this question. But as with proposed definition of management, we do have some concerns with the broad scope and impact of the proposed regulatory language. We believe that the regulation should be narrowly tailored to focus on the specific harm that the Commission is seeking to prevent. That is the possibility of a third party receiving an interest in the gaming operation akin to that of an owner of the gaming operation. So we think that the regulation should be clear in distinguishing between issues
concerning unlawful management and those regarding
the Tribe's ownership or equity interest in its
gaming operation. We think that is the pathway
for coming up with a reasonable rule and set of
definitions that will work for everybody. And not
risk, you know, creating these kind of
unanticipated consequences of having every single
contract that the tribal gaming does have to be
federally reviewed. That's the concern.

>> CHAIRMAN CHAUDHURI: Excellent
comments. I have a couple of reactions but I
definitely want to open it up to the team since
their subject matter expertise definitely exceeds
mine on much of this. I'm coming from things -- I
can only speak for myself on this. I'm coming
from things in terms of some very basic
principles. One, you don't want to create
unnecessary roadblocks to economic development.
So you don't want to create processes where you
don't need to. At the same time, you want to
uphold IGRA's spirit of ensuring that tribes are
the ones benefiting from their operations. Tribes
are the ones that own and control operations. And
never want the entire landscape to suffer because

of a few bad apples, but certainly in the work
that we do at NIGC, whether it's through management agreement approval process, or the compliance functions that we perform, we have seen all sorts of folks -- most of the actors in Indian country are good actors. But we've seen the bad apples. And we've seen folks who would leverage the relationship with the Tribe to enrich themselves at the Tribe's detriment. That's almost the definition of an IGRA violation.

So how do you create guidance that avoids roadblocks while at the same time making sure that you have as much teeth as possible to go after the bad apples? That's kind of where we're coming from with trying to work on language that's helpful. Let me talk a little bit about the points that were raised.

First, in terms of being overwhelmed by the legal work required, and we have our legal eagle here, I'll defer to Office of General Counsel on the nuances of the law. But we do a lot of this day to day anyway. Ever since the lake of the torches case, when it comes to management agreements, the financial industry has pushed tribes to give assurances that certain
contracts aren't management agreements before they'll engage in financing. And the way that tribes have responded to that is they work with NIGC, and they send contracts to us that are critical to financing agreements so that we can opine that our Office of General Counsel can issue an opinion on whether or not these contracts are management agreements. So we get a lot of financing documents sent to us on a -- I don't want to say daily basis, but almost a daily basis. And if an agreement isn't a management agreement after our office conducts its review, we issue what's called a declination letter. We'll issue a letter saying that this agreement is not a management agreement based on our review. That frankly is an important service that we provide that's not really governed by IGRA. That's a service that we provide that supports the integrity of the industry, and also it recognizes the importance of these finance agreements to economic development in Indian country. It's not governed by IGRA though, and it does take a lot of our time, and a lot of the Office of General Counsel's time. I'm not saying that these recommendations would get rid of that
responsibility, but if there are clear benchmarks that a lender can be on notice of that are in the rules, that are in regulations, that don't require a case by case legal analysis of every contract, the thought is some of these agreements, these nonmanagement agreements, will be vetted between the tribes and the lenders before they even come to us. So providing guidance to the lending industry, providing guidance to the gaming industry, the hope is that that guidance will actually help free up financing in Indian country, and will help cut down the uncertainty and the timeframes involved, at least on these kind of nonmanagement agreements -- not collateral, these nonmanagement contract agreements. So that's one point about us being overwhelmed. I mean, absolutely that -- I mean, it's the case that when it comes to reviewing contracts, it is a time intensive process. But the more clarity there is for all players, the easier it is to review a document because a lot of that gets vetted before documents even come to us. On the toll proprietary interest side, it absolutely makes sense. Looking at what the harm is, and kind of figuring out what the
violation is, it absolutely makes sense. But we
never had a really workable regulatory definition
of sole proprietary interests. And the practical
result of that has been it's kind of in the eye of
the beholder in many ways. Whoever happens to be
in the Chair position has a lot of authority to
look the other way, or to abuse the Agency's
authority. I would never cast -- I mean, cast
aspersions on anyone who sits in the Chair's seat.
And I would never suggest that, you know, my
judgment is better than anybody before me or after
me. But it does make it difficult on appeal to --
when the full Commission reviews an appeal, to
determine whether or not it was appropriate
exercise of Chair authority to bring an
enforcement action when you don't really have a
workable definition. So very much I'm sensitive
to the idea of not over regulating, and not
creating incentives not to -- I mean, creating
challenges to enter into contracts with other
parties.

But the reverse of that, the
reverse argument would be, well, if there aren't
attributes of management, there really won't be an
issue. And if folks are worried about -- if folks
are worried about -- I understand that --

>> It's a broad definition.

>> CHAIRMAN CHAUDHURI: Think of how broad it is without a definition. Without a definition it's up to the Chair. And that's not to say that any Chairs made a bad decision in that regard. I think every Chair that has sat in this seat has done their best to make a reasonable decision. But without a definition, basically if it looks like a duck it's a duck. And I tried to exercise my judgment the best that I can. And I certainly don't want to inhibit the Agency's ability to make reasonable decisions. But if everybody is aware of the rules, everybody can work together to play within the rules. But if it's really up to one person's decision-making, that --

>> There is a definition of

management contract.

>> CHAIRMAN CHAUDHURI: I was talking about SPI, sole proprietary.

>> I agree with that. I do think that has to be clarified. As you say, you guys are in jeopardy. All I'm saying is in clarifying it, focus in on the equity/ownership, the term
proprietary. Because I think that's where the key
to the answer to this issue is. I can't give you
the answer. I'm not saying I know the answer.
But I think focusing in on preventing someone from
getting an ownership, or something akin to an
ownership through some kind of contractual
mechanism, you know, lies. Like evergreen
provisions. So the contract never ends. AT&T is
terrible about evergreen provisions. But those
are the kinds of things that as you look at this
regulation, think about what makes these stinky
arrangements? That's because somebody gets in,
they insinuate themselves, and then you can never
get rid of them because their contract just goes
over and over. Those are the kinds of things I'm
suggesting. I'm not saying no, don't do this,
we're scared. I'm saying be careful about
defining management too broadly because it could
discourage us from getting legitimate help from
experts if we have to wait for review of the
contract before we can get a training going. And
I don't think that that's what you guys mean. But
when you just read this, you know, I could make as
a lawyer wanting to be the bad guy, I could make
those arguments. So could a future Chairman who
is not you could apply that in a much narrower, more paternalistic way. So don't get me wrong, our comments are not designed to say no, don't do this, or this is a bad idea. It's rather kind of let's think about what the boundary should be, and the right balance between overly broad and nothing.

>> CHAIRMAN CHAUDHURI: The comments are very much appreciated because I think that's the purpose of our discussion, to figure out what the boundaries should be. I think we can all agree that guidance is a helpful thing. Even in the business environment, just so you know what the rules are, what that guidance is. That's the trick.

>> ELIZABETH HOMER: The devil was in the details.

>> CHAIRMAN CHAUDHURI: Additional comments? Additional comments, concerns? Well, if we may, and let me turn to my colleagues, before we move to kind of the catch all section, do you have any final thoughts on the topics themselves?

>> I certainly agree that actual details in the regulation are going to be the most
important part of this. So we really welcome written comments. We already have some which is amazing. Our first day at consultation we already have these amazing written comments. We do really appreciate that. But we do have the comment period open until February 28th. So if anybody has anything to add after thinking through things today, please do let us know if you think there are specific ways that we could write this or other things from your attorneys or your auditors or wherever we can get suggestions from, we're really happy to keep considering that throughout this process. I am looking forward to our discussion too if folks aren't too tired or pressed for time.

>> I'll echo that and say thank you for the feedback that came today. These are sort of discrete topics. But if you look at some of them, just this past (inaudible) right here, whether it's this or whether it's the auditing, some of this looks to what the relationships are that tribes create through operators with third party groups, like CPA firms, or with financial institutions, and trying to look at what the
relationships are very important partners in terms of growing Indian gaming. But we don't want our regulations I think to stand in the way of making those partnerships more burdensome. It's taking away from the benefit that IGRA intended, which was to help the tribes. Thank you.

>> CHAIRMAN CHAUDHURI: Thank you.

I'm so glad we mentioned the comment period. Again, I want to emphasize the point that the comment point goes through the end of February. But at no point do I want anybody to think that we have, you know, made any decisions about where we want to go with these outside of wanting to do as much as we can in the next few months, and wanting to hear from Indian country as much as possible as we try to close -- I mean, run through the tape as best as possible.

Some of these things, whether it's the definition of sole proprietary interest, or some of the other things that we discussed, as has been pointed out, there are things that other folks have considered taking on for the last 30 years but have chosen not to, and can't make any promises after the next few months after hearing
from Indian country. We may choose not to take
certain things on. But we want to do what we can
to not shy away from making our decisions while we
have the opportunity to do good. And that's what
we're trying to do. And so that's the spirit of
where we're coming from.
February 28th, it's not because
we're trying to ram anything through, but there
are certain time lines in place when you're
considering a new rule, whether it's public notice
and comment, or the -- what's the other one -- on
the Federal Register notice period and the
publication period. When you think about
everything that's required to get a rule
finalized, we work backwards from that date, it's
not a lot of time to work with. So we're not
trying to be predecisional, or say this is where
we are going. But if we are going to get things
done, that's why we had to set a pretty aggressive
timeframe to do it.
So with that, since we're all in
this room together, and I know we've had specific
topics, this is really an opportunity also to hear
from the folks in this area. Separate from the
topics that we've discussed, if there is any thoughts or questions that anybody may have, we are always open to hearing perspectives about how we can do our job better. And so we'll just open it up for free discussion if there are any thoughts or concerns, or if you want to address any of the topics previously discussed, that's fine too. But we'll just open it up at this point. Mr. Many-Wounds.

>> KEN MANY-WOUNDS: Many new here.

I don't know about your statement about February 28th. How are we looking at your fast tracking it? My question is based upon -- I've been -- we're the first region out of the blocks. You're going to do these week after week after week, I think for six weeks here, one right after the other. How long is it going to take to get the other regions and this one transcribed so that we can look at this if you have stuff on the website so that we can see the comments coming from there so we can possibly comment on those comments or add additional comments by the February 28th deadline? Because that is fast tracked. And I understand all the rules and regulations that you explained. But transcribing can't wait a month to
see what happened here today. We can't wait a
month after the fact for what happens in Portland

next week. We need to be able to see that stuff.

So can you give us any indication of how fast that
stuff is going to be transcribed, put on the NIGC
website so we can see other regions' comments?

That's key to this.

>> CHAIRMAN CHAUDHURI: That's a
good question. Generally as fast as humanly
possible. But in terms of the actual logistics,
Christinia?

>> CHRISTINIA THOMAS: This region
is actually the most difficult when it comes to
transcribing because we can't get a
transcriptionist here. Rita will send a tape out.
We can usually get a transcript back within a week
to get it posted. The other places that we're
doing consultations we actually have a
transcriptionist in the room which means we'll
probably get a transcript within two or three days
after that consultation actually takes place.

>> KEN MANY-WOUNDS: The next
question is posting it.

>> CHRISTINIA THOMAS: That should
be relatively quick too.

>> KEN MANY-WOUNDS: So within a week's time then.

>> CHRISTINIA THOMAS: Hopefully it will be less. At the Commission we've been talking about how we can send out updates more quickly. And we've talked about email blasts to people, whenever there is an update in realtime you'll know right away. This is what we have updated. So if that's useful to you folks, we'll do that for sure. And I think for last round of consultations we were able to get the transcripts up pretty fast. I'm not too concerned about that but we'll certainly keep a very close eye on it to make sure as you say that if you do get a chance to respond and potentially put in more comments. We do appreciate that kind of back and forth with it.

Just another point on the deadline.

We don't want to cut this too short. If we find this is too big a topic, in any way we will not move forward with it if it feels rushed to people. We're not committing that this is the end of the conversation. We're just committing that we'd like to produce results, not just have it drag on...
and on. That's kind of what we're thinking about with the time line.

>> KEN MANY-WOUNDS: With the NIGC's

highly developed IT department now that you spent lots and lots of money on, why can't we do something blast instead of an email blast, we're in the 21st century, why can't we have an open from your IT department, where we can all hook up or we can see you guys face-to-face and you can tell us the updates and stuff? IT department cost these tribes a lot of money.

>> It's not a bad idea.

>> That's a great idea. With all these things, processes shouldn't stand in the way of getting to the substance and meat of the discussion, which I appreciate and I know your comments are coming from. We don't want to lose the thoughts that have come out here.

>> KEN MANY-WOUNDS: Absolutely not.

>> I can't speak for the exact operation if it will work but it's an excellent point. As the Vice Chair said, we actually in leading up to this have had a few conversations about let's be as efficient as possible to make
sure information gets out. So thank you for making those points about making sure that we can stay on track with process.

I will say you made earlier comments about fast tracking this. I do want to make the point about in my line, I think I share this with my colleagues, the motivation behind having something like this is that it differs from the consultations that this full Commission has been involved in in the past. These aren't quite as open-ended dialogues about what do you think about management contracts, what do you think about mixed guidance for Class III operations? These are looking at kind of more concrete and specific things. So they're a little bit different in that way.

Also, I think it's important in general that you finish what you start. We're going to start something, and it's for proposing regulations, keep that in mind in terms of how we move forward with something. But as the Vice Chair just said, and I totally agree with that, we're not going to go faster than what's going to be helpful. Because at the end of the day the intent of this is to kind of improve NIGC's
relationship with Indian country and how we do our
work more efficiently and in line with IGRA. But
thank you for your ideas about process because we
can always do that. There's many prongs in my

mind in terms of our objective with technology.

One is improving how we do business. We've got a
good IT department with NIGC. So ideas for how to
do it better, we can definitely follow up. So
thanks.

>> KEN MANY-WOUNDS: I'm not going
to condemn the IT department but show us how good
you are now. We're out here in rural America. A
lot of money spent. Let's get connected with
Indian country through the Internet and have this
stuff going on. That's my challenge to NIGC now.

>> CHAIRMAN CHAUDHURI: Thank you,
Mr. Many-Wounds. Just for purpose of the
transcript, as you were mentioning this idea about
kind of an update, a virtual update, I think all	hree of us were looking at each other and shaking
our heads and nodding. That's a great idea. We
do have one telephonic option plan for the DC
consultation. We're going to have a call in --
that's correct, right? We're going to have a call
But what you're talking about is an update after. I don't see any reason why we can't do that. If the full Commission is shaking their heads, we can work with our team to follow up on that. I think that's a great suggestion.

>> SEQUOYAH SIMERMeyer: I don't want to get (inaudible) and I apologize. But I just want to say a broader thought as thinking about this. I think we've all put a lot of thought into how consultation works and the pros and cons and benefits of it. And I definitely agree with supporting some sort of virtual update on this. I do want to say one thing that I know that this Agency and other agencies try to take into account is one of the benefits of having a consultation series like this is that there is a bit of diplomacy that takes place. I think in the back of all of our minds is we want to be respectful in terms of how we're having our dialogue. We want to be sure we're inclusive. We want to be sure we're formal where it's appropriate. There's a great balance, like in this discussion here, with technical expertise and tribal leadership. It's all a great conversation. I think everyone has to be at the table. But by
Example, providing a dear tribal leader letter is an important formality, even though it might be slow to get a snail mail letter. But ways that we can make things more efficient I think we should definitely absolutely use technology to do that.

>> CHAIRMAN CHAUDHURI: Thank you.

And virtual discussions, that's kind of like where our rural outreach and technology initiatives kind of meet. It's what we kind of envisioned all along. Yeah. But to echo Commissioner Simermeyer's point, I think there is something very important about us sitting down in person and having this conversation in person. For our part, it's an incredible honor to be here in a community that's been so important to the history of Indian country, in the hemisphere as well as the future of Indian country in this hemisphere. Thank you for this comment. Any additional comments?

At this time I'd like to ask President Weston if he'd like to share any closing thoughts or comments before we close-out? Again it's been a profound honor to be invited to Oglala's homeland. But before we conclude I wanted to turn it over to you, sir.
20                   >> PRESIDENT TROY WESTON: Two
21 hours? I just want to say thank you. Thank you
22 for the opportunity for people to be heard. I
23 believe this is opening a door, like we talked
24 about earlier, in trying to make sure that our
25 casinos, or tribal membership are being heard.

Because everything that we do affects how we
2 portray the rest of our lives for our children and
3 our grandchildren. Especially with the states
4 fighting us on everything that we have to fight
5 for. This is an eye opener. It really is.
6 Because even if we feel -- some of us feel like
7 being streamlined, you made it clear that it is --
8 it can, it will be stopped if it's not being
9 heard; if it's not helpful. But my message is to
10 make sure that you find and see all of Indian
11 country. And not just go to whomever, you know,
12 and make it up. I think Ken said it best. Maybe
13 have one of them -- have those big monitor
14 meetings. I know all of the tribes -- I know my
15 Tribe has it. We can do the Internet meetings,
16 save you -- save us money. Because right now we
17 know money is tight in Indian country. And we
18 have to look for different opportunities to be
19 able to try to survive. That's one of them.
That's an opportunity.

But what I really want to say is, you know, we need to look at opportunities to try to be able to assist one another. I want to thank Liz for being here on behalf of our Tribe. I've got Bill over there, our manager, our Commission.

I thank you, every one of you, for all of you for doing what you do. I don't know if your tribes give you that acknowledgement very often. But I want to say thank you to each and every one of you because it does mean a lot. And it goes a long way when you pat somebody on the back and just say thank you. So I want to say thank you to you. Thank you very much.

(Applause).

>> CHAIRMAN CHAUDHURI: Nothing to say after that except thank you. Thank you to the entire Oglala nation. Thank you.
CERTIFICATE

I, LAUREN SCHECHTER, do hereby certify that the foregoing is a true and accurate transcript of a tape recording in this matter.

I do further certify that I am neither of counsel nor attorney for any party in this action and that I am not interested in the event nor outcome of this litigation.

_____________________________________________
Certified Shorthand Reporter for the State of New Jersey