2018 NATIONAL INDIAN GAMING COMMISSION MEETING

TRIBAL CONSULTATION SESSION

WEDNESDAY, FEBRUARY 21, 2018

1:00 p.m.

POTAWATOMI BINGO & CASINO

HARMONY ROOM

1611 WEST CANAL STREET

MILWAUKEE, WISCONSIN 53233
APPEARANCES

CHAIRMAN JONODEV CHAUDHURI
VICE CHAIR KATHRYN ISOM-CLAUSE
COMMISSIONER E. SEQUOYAH SIMERMeyer

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TRANSCRIPT OF PROCEEDINGS

CHAIRMAN CHAUDHURI: Okay. Good afternoon. Before we begin our formal consultation, we always open with a blessing. And we're very honored to have a blessing for us today from Forest County Gaming Commission Chairman, Mr. Ken George, Jr. Mr. George, if you'd like to lead us.

(Blessing.)

CHAIRMAN CHAUDHURI: Before we introduce ourselves, are there any -- it's just truly an honor to be here at Forest County. And always give thanks to being allowed into the homelands. Any tribal nation. We're also happy to be among so many tribes from the area, whether it be Menominee, Ho-Chunk, Stockbridge, Oneida or Ojibwa bands.

Are there any additional statements from the host nation before we begin?

MR. GEORGE: No, sir.

CHAIRMAN CHAUDHURI: Again, thank you so very much for that blessing. And look forward to moving forward today with open hearts and open minds.

My name's Jonodev Chaudhuri, Muscogee Creek Bear Clan. I'm also East Indian. And very
honored to serve as chairman of the National Indian
Gaming Commission.

I'm going to turn it over to my fellow
commissioners to introduce ourselves before I get
into a little bit of housekeeping about today's
discussion. So I'll turn it over to our vice
chair.

VICE CHAIR ISOM-CLAUSE: Thank you. Good
afternoon. I'm Kathryn Isom-Clause. I'm vice
chair of the Commission. Can you hear me all
right? I'm Taos Pueblo, but actually grew up in
Michigan. So it's kind of nice being back here.
Feels like home. Appreciate being by the Great
Lakes.

So I'd like to echo the thanks. Thank
you for hosting us here. This is an incredible
eagle feather. It's an incredible honor. Just,
you know, a little bit speechless about it. Thank
you so much for the honor.

The tribal consultation for us is a means
for us to listen to tribes, to the regulators who
are primary regulators, and also to honor the
government-to-government relationship that we have
between the federal government and tribes. It's a
time for us to present our ideas for ways that we
think we can make the Agency and industry more
efficient, but it's also a time for us to listen to
you. And so we hope that we'll have some really
good dialogue later on.

This round of our consultation sessions
is following up on some previous sessions that
we've had as this current commission. We're hoping
that these are some kind of topics that will
reflect our initiatives and kind of bring us full
circle as a commission.

While we are limited with our current
commission, it's not to say we plan on any policy
changes or any other change in our direction. In
fact, we plan on being very stable moving forward.

We just released our strategic plan.
That's on our website right now. And you'll see it
has our current initiatives that we've been working
on this entire time as a commission. Those are
protecting against gamesmanships on the backs of
tribes, developing outreach to small and rural
gaming establishments, staying ahead of the
technology curve, we're putting a strong workforce,
as well as internal operational excellence. And so
you'll see that's for the years 2018 through 2022.
So I do encourage you all to take a look at that.
Besides that, we're just really looking forward to hearing your feedback. And thank you, again, for all being here.

COMMISSIONER SIMERMeyer: Good afternoon. I'm Sequoyah Simermeyer. I'm Coharie. My tribe's community is in eastern North Carolina. And I'm the third member of the Commission.

I want to join my colleagues in saying, Thank you, Chairman George. It was -- that's quite an honor to receive. And we're very -- I join my colleagues in saying we're very thankful for that. And thanks to the Potawatomi community for hosting this meeting in this facility today.

I also want to just briefly share a bit about some of my perspectives in terms of my role in the Commission, how I approach the work along with my colleagues.

One of the kind of important considerations for me is in looking at the intent and meaning behind the Indian Gaming Regulatory Act. It not only provided the federal framework for regulation, but its policy objectives have been important in growing what's become an over $31 billion industry that's benefitting Indian people and making lives better in Indian Country.
Secondly, it's important for me in the work that I'm doing on the Commission is just really rely on the partnerships that are important, both within the Agency we have institutional knowledge that exists there with our dozens of auditors, compliance officers, financial analysts, attorneys, but also the over 6,000 members of the Indian Country's regulatory community, too. It's important to making informed decisions and more defensible federal actions.

And lastly, it's important, I think, in the work we do as a commission, and my colleagues share in being diplomatic in our decision-making processes in honoring intergovernmental relationships that tribes establish in order to set the path for and achieve the goals for their own people. That's a vision only tribes can institute. So it's an important thing that we, whether it's through consultation or through other types of decision-making, that we seek that feedback and consideration and are diplomatic and have an understanding of how our actions are impacting that intergovernmental tool for tribes.

So thank you all for being here. And thanks for the opportunity to engage in
consultation, and to jump-start the process at the federal level. Thank you.

CHAIRMAN CHAUDHURI: Thank you fellow commissioners.

So we have topics to discuss today, as Vice Chair mentioned. These topics flow out of consultations and discussions that we've had with Indian Country as a full commission for a number of years. We're all committed to ensure and continue stable operations at NIGC, and today's consultation is just a continuation of that.

While some of us may have terms that are ending soon, I think I can speak for us all in saying that we're proud to note that every step that we've taken as an agency has been done hand-in-hand with tribes with every effort to have our actions flow out of meaningful, active consultation. And so consultation for us means working with our partners before we ever put pen to paper. Although some of the topics we are going to be hearing about today have some draft language that we've already circulated for discussion, that draft language was developed through coordination and discussions with our partners.

I understand that people may have travel
arrangements. We're scheduled to go through 3 o'clock today. No shame in finishing a little early or a little bit late. But if anybody needs to make a statement on the record before getting on the road, we're happy to be flexible structure-wise. Just feel free to let us know and we're happy to get you on the record.

Does anybody need to get a statement on the record before getting on the road right now? Okay.

MR. FUNMAKER: I'd like to make a statement.

CHAIRMAN CHAUDHURI: Sure.

So that others may benefit from our discussions, these -- our discussions today will be transcribed. And so for the benefit of the transcriptionist, if we could just say our name and tribal affiliation.

MR. FUNMAKER: Yeah, my name is Gary Funmaker. I'm from the Ho-Chunk Nation. I'm one of the tribal elders. I hit that golden number of 70. I moved to Milwaukee back in 1952 when they relocated Native American people to the city for acculturation. So I used to crawl up on 27th Street viaduct, and we used to get those baby
pigeons and take them down to Wisconsin Avenue and
sell them to the Chinese. So I've been in this
town when they won the World Series in '57.

One thing that I noticed, and I don't
know whether I tried to get ahold of the Indian
Health Service, but is the lack of senior care on a
lot of our reservations, including Ho-Chunk. You
know what I mean by senior care? Senior citizens.
We send our people downtown. And I know that NIGA
talks about the health education and welfare.

Now, I think that we should be encouraged
or encouraging the tribes to take a percentage of
their money, or if not the percentage of the money
that you get, and make sure that the seniors are
taken care of on the reservations, which is part of
our culture, correct? Can I get an amen to that?
Is that right?

Every time I hear a politician run, he's
talking about the elders and the veterans. I'm a
Vietnam veteran. I served '64 to '67. And this
fellow Ho-Chunk member over there's also a Vietnam
veteran.

But that's what I want to encourage that
we look at how can we get some funding to the
tribes. And of course, they'll come up with their
part, but for senior care. If somebody did an
analysis on that, you'd probably find a nominal
amount of tribes that have it. I know that
Michigan has got a very aggressive one down in
southern Michigan. And I think in Arizona, they
have a -- kind of like a little community for their
elders. So you're going to have people that can
take care of them for their medical needs,
preservation of the language. All those things
could be dovetailed by creating these communities
for our elders. And, you know, let them freely
speak in their own language. If they want to eat
some wongchick (phonetic), which means Indian food,
we'd have people come in and prepare that food.
But they'd feel at home.

           And then if we would hook them up using
either Kindles or, you know, the Skype so that they
can speak to their relatives maybe that are in
hospitals or wherever in the United States. We
don't have to fly anymore. We can communicate
anywhere we wish.

           So that's my heart, that's my prayer.
And I thank you for -- the gentleman for sharing
that song. It was from his heart. And it really
touched my heart. And I know that when we talk
about our elders, we talk about them with great respect. You know, they created a lot of things that we have right here. That's why we're sitting here today because somebody paid the dues. You know, including the people in the '70s that marched for self-determination. That's why we're here.

So I back you up completely. And I'll be holding you guys up in prayer, Chairman and the board. And so thank you for your time. Gary Funmaker, Ho-Chunk Nation.

CHAIRMAN CHAUDHURI: Thank you so much, Mr. Funmaker. Brief comment: That's one of the things that I love about Indian Country and Indian Gaming. You see efforts across the board to figure out ways to take care of one another that you don't see in other commercial -- in commercial activities. So thank you so much for those comments.

MR. FUNMAKER: Thank you, sir.

CHAIRMAN CHAUDHURI: So the Commission's introduced themselves. I'm going to go around the table. The way we have our topics structured today, we'll hear a brief presentation from one of our subject matter experts. And then we'll open it up for discussion.
Just so we know who all's in the room,
I'm just going have to our presenters introduce
themselves. But I do want to make the point that
we have a lot of folks from NIGC, including Mr. Ben
Buck, our compliance officer, and Ms. Linda Durbin,
our regional director, who helped put today's
consultation on, in conjunction with Forest County,
made all the arrangements. Many, many thanks for
our team on the ground.

But if we could introduce ourselves
briefly so that the tribal representatives and the
audience know who we are. So those of us at the
table.

MR. THOMAS: I'm Dustin Thomas. I'm the
director of compliance.

CHAIRMAN CHAUDHURI: And your nation?

MR. THOMAS: I'm from the Mohawk Nation.

MR. KAQUATOSH: Gerald Kaquatosh,
governmental affairs. I'm Menominee.

MS. LAWSON: Jennifer Lawson. I'm from
the Office of General Counsel. I'm the regional
attorney with the Office of General Counsel.

MS. THOMAS: Good afternoon. Christina
Thomas. I'm the chief of staff for the National
Indian Gaming Commission. I'm also a member of the
Mille Lacs Band of Ojibwa from Minnesota, so I'm happy to be back in the Midwest.

MS. LEE: Good afternoon. My name is Yvonne Lee, director of finance for the NIGC.

CHAIRMAN CHAUDHURI: Sometimes, depending on the size of the audience, we'll have everybody in the room introduce themselves. I don't want to put anybody on the spot. Anybody that wants to get on the record about who you represent, feel free to now. Otherwise, in the course of Q and A or discussion, please feel free to mention your name, tribal affiliation. And if you're here representing a tribe other than your own, please let us know that as well.

Anybody want to get on the record and -- maybe we can just go around the room.

MR. YOUNG: Good afternoon, everybody. My name is Mark Young, vice chair of the Forest County Potawatomi Gaming Commission. Tribal member also.

MR. GEORGE: Good afternoon. Kenneth George, Jr., Forest County Potawatomi Gaming Commission Chairman. Also, a tribal member of the Forest County Potawatomi Tribe.

MR. NICHOLS: Good afternoon. Jason
Nichols. Executive director for the Forest County Potawatomi Gaming Commission. And a proud member of the Muscogee Creek Nation.

MS. TERRIO: Good afternoon. Terrie Terrio. Stockbridge-Munsee Tribe. And I'm also the tribal treasurer there.

MR. MATHERLY: Andrew Matherly. Spokane tribal member. I chair the Spokane Tribal Gaming Commission. And I appreciate the Commission. And thank you to the Potawatomi for allowing me to be here.

MR. MUDD: Good morning? Good afternoon. Robert Mudd. I'm the executive director of business for the Ho-Chunk Nation and also a tribal member. And I'm also a veteran, like Gary over there, and pushing 70 here. It's a pleasure to be here and I appreciate your time.

MS. GARRETT: Good afternoon. My name's the Carolyn Garrett. Legislative attorney for the Ho-Chunk Nation. Thank you.

MS. LIAZUK: Good afternoon, and welcome to Wisconsin. I'm Angie Liazuk and I'm from Ho-Chunk Nation. Also a tribal member and sit on the Gaming Commission.

MS. BLASCHKE: Good afternoon. I'm
Corinna Blaschke. I'm a tribal member of the Ho-Chunk Nation and also the chair for the Ho-Chunk Nation Gaming Commission.

MS. SMITH: Rae Smith, director of compliance, White Earth Reservation Business Committee.

MS. MASON: (Native language) I'm Tara Mason, secretary/treasurer for the White Earth Reservation Business Committee.

MS. CHAPMAN-CHEOLEIER: My name's Crystal Chapman-Cheoleier. I'm the secretary of the Menominee Nation and I'm the chair with the Menominee Gaming. I was hoping to sneak out. I had it on my calendar it went to 5:00. I hear you guys want to get out of here, too, so -- thanks for the table.

MR. DINISHEK: I'm John Dinishek, business associate for Mr. Funmaker. I represent the Ho-Chunk Nation.

MR. TAYLOR: Jeff Taylor, St. Croix -- chairman of the St. Croix Gaming Commission and a tribal member from there.

MR. SCHREIBER: Good afternoon. James Schreiber, staff member for Forest County Potawatomi Gaming Commission.
MR. DAVID: Hello. I'm Billy David with Bo-Co-Pa Associates out of Oregon Klamath tribal member. And affiliated with the Forest County Potawatomi Gaming Commission.

CHAIRMAN CHAUDHURI: Okay. Again, I want to thank everybody for taking the time to join us today. I know folks have driven in from all directions. We're going to try and keep this on a pretty steady pace and make every effort to get any comments, concerns or questions on the record that anybody may have.

Yes, Mr. Funmaker?

MR. FUNMAKER: I think my friend John there felt a little uncomfortable and -- well, maybe over here, because he was saying that he was representing the Ho-Chunk Nation. And I think he can speak for himself just real quick, if you may, five minutes or whatever you want to say what you want to do here, John.

MR. DINISHEK: Thank you, Mr. Funmaker.

I'm here to learn a little bit about Gaming Commission's policy and an interest in compliance. My background is in anti-money laundering, anti-terrorist financing, and fraud.

And work with a lot of financial service companies,
banks, corporations, casinos, and other folks as far as being able to identify, track, report on, and protect themselves from that type of risk compliance area.

CHAIRMAN CHAUDHURI: Thank you.

So before turning it over to our chief of staff for some additional housekeeping, I do want to, again, thank everybody for being here today. This is a nation-to-nation consultation. So at all points, we will strive to defer to tribal leaders, tribal regulators, and make sure that all comments and concerns and questions from tribal leaders, tribal regulators, are on the record. I understand that there are other representatives in the room, but I want us to make sure that tribal leadership, tribal regulators, get every opportunity to say whatever needs to be said today before we hear from others.

So with that, I do want to say one thing very briefly. I'm fighting a cold. So if I don't hear something, and if either I or the transcriptionist don't hear something, please bear with us if we get out the old tin horn and put it up to our ears.

I'll turn it over to our chief of staff.
MS. THOMAS: Thanks, Chairman. So just some brief housekeeping stuff before we get started on the topics that we're going to discuss today.

As the Chairman said, we're scheduled to go to 3:00 p.m. today. And as he always says, there's no crime in finishing early. But we'll stick around until we get all the comments on the record for each of the topics.

Just a reminder again: This is transcribed. So if you do have a comment for the record, please introduce yourself and your tribal affiliation before entering your comments so that the transcriptionist can get it.

We have three topics that we'll be discussing today. The first one is management contract revisions. We have draft discussion changes to the regulations that were part of the copies of the packets that we provided for today. Second topic is audit submissions. It's kind of an open-ended topic. We don't have anything drafted on this yet. We're just looking for feedback on. And the third one is the management and sole proprietary interest draft definitions that'll be discussed. In between each topic, we'll be stopping and getting comments for the record.
This is our final consultation. This is the sixth consultation that we've done on these three topics. Our comment period on the drafts is February 28th, 2018.

And with that, I will hand it back over to you, Chair.

CHAIRMAN CHAUDHURI: Okay. Thank you, Ms. Thomas.

Before we turn it over to Yvonne Lee, any other comments from the Commission? Okay. So I'll turn it over to Director Lee now for our first topic.

MS. LEE: Thank you, Chairman.

Under IGRA and current NIGC regulations, tribes wanting 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
contract 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.

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 reflect that stipulation and management contracts are 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 Regulations 25 C.F.R. Part 535. Part 535 provides an expedited process within which background investigations are only required if the third-party individuals and/or entities responsible for the management contract have changed, and no new 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 the integrity of the
Chair's initial management contract review and
approval.

The safeguards found in NIGC's management
close contract review process serve to assure IGRA's
primary policy goals are met, including protecting
Indian gaming and ensuring a tribe is the primary
beneficiary of its gaming operation.

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.

So, 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 requisite 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 information 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. This process will allow the Agency staff to focus their investigative resources on the most vital individuals and entities. This replaces a 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. But 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 an 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 costs to the management contractors in submitting full applications on smaller investors. Further, this proposed change will also better align the Agency's requirements with other regulatory agencies.

This change should not increase the risk to tribal gaming as the Commission will retain discretionary authority to conduct background investigations on the owners with even the smallest interests, who may pose a threat to the industry.

In addition, 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 upfront 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 a discussion. Thank you.

CHAIRMAN CHAUDHURI: Thank you, Ms. Lee. So for additional background, I'll turn it over to my fellow commissioners.

COMMISSIONER SIMERMEYER: Thanks, Chair. I'll just make three brief points. One about the motivations for efficiency. Secondly about the importance for making a defensible interpretation of the Indian Gaming Regulatory Act. And last, just the importance of understanding what the impacts of this might have in how tribes work in the regulatory setting or in their operational setting.

The management contract review process, it's conducted by the Chairman, not the full Commission. And unless there's an appeal, it's
rare for the full Commission hears an appeal from
the Chair's denial of a management contract.
However, as a full Commission, we're hoping that
some of these proposed changes will provide more
efficiency to help avoid backlogs in the review
process, and improve our stewardship of the Agency
and how we handle our resources in looking at these
issues.

It's not intended to create unnecessary
burdens on tribes that are seeking to develop and
to maintain their partnerships. Specifically by
not using OPM, removing the deposit requirements,
creating tiers for the background work that the
Chair uses to make this determination, it often
leads to more efficient, less costly, less
burdensome review process.

Finally, it's important to me that these
changes don't exceed what the Indian Gaming
Regulatory Act requires for management contract
terms in any changes in the action, how we've been
doing things, is important to keep in mind how we
approach this proposal.

So it'll be helpful to hear what works
for tribes in how they approach partnerships from
management and nonmanagement professional service
type agreements as well, and to hear more about
ideas about the impact this might have in the
process. So thanks.

VICE CHAIR ISOM-CLAUSE: This topic has
been particularly active, I think, of the three, so
I'm really looking forward to the discussion.

And so I won't repeat too much, but I
just did want to highlight that the tier approach
that Ms. Lee mentioned and Commissioner Simermeyer
had mentioned as well is one that we really think
could be incredible savings of time and resources
that would benefit both Agency and anyone coming
into contact with a management contract who is
waiting on us.

We don't believe it will cause any issues
with the integrity of the background investigation.
Our proposal is that it's just more of a risk-based
and kind of a smarter approach rather than just a
one-size-fits-all. So that's the kind of thing we
like to think about as an Agency. And we're really
happy with our team for coming up with this
proposal. With that, back over.

CHAIRMAN CHAUDHURI: Thank you, Vice
Chair. Thank you, Commissioner.

Just want to echo everything my
colleagues said. I know there aren't a lot of management agreements represented in the room. I see Spokane here. And I think there may be one or two other management agreements. But this ties into a couple of other large themes that I think represent our direction as an agency. One, as has already been mentioned, good governance. So we're all about streamlining where we can, but still doing our job under IGRA. So the governance aspect of this is important.

But too, one of our key initiatives at the Agency is protecting against gamesmanship on the backs of tribes. IGRA requires that the status of tribes as the primary regulators of their operations be respected and protected at all points, as well as the role of tribes as the primary beneficiaries of their operations be respected and protected at all points.

One of the ways that we do our job at NIGC, you know, one of the hooks that we have is as we strive to protect against third-party threats to tribal assets or operations, we work through our management agreement approval process to uphold our fiduciary duty that's laid out for us in IGRA. So the approval of management agreements have kind of
two facets to them. One is looking at the contract itself. But the second part is doing up-to-date backgrounding of key officials.

So the idea that we're looking at ways to stay truer to IGRA's five to seven-year management agreement period helps us ensure that we're relying -- we're not relying on stale backgrounding. You know, the alternative is if you have repeated amendments or extensions of agreements, at some point the period of time between backgrounding, and you run the risk of having too much time passing.

So this is a way for us to think about ways to clarify the rules, hopefully bring clarity to the process, streamline and facilitate economic development on the ground, but at the same time, make sure that we're doing our job at NIGC.

So that's a little background -- a little bit more background from the Commission. I appreciate Director Lee's perspective. We're going to turn it over to the floor now for any comments, questions, discussions. And we'll really -- I don't want the process to get in the way of conversation or of discussion. So we'll also have a catchall at the end of today's consultation if we
miss anything. But I turn it over to the floor now. Please feel free to raise your hand and our regional director will get the microphone over to you.

MR. MATHERLY: Andrew Matherly, Spokane Tribe.

So the Spokane Tribe, you know, we do have a management contract. This is a second go-round with this specific company.

First off, you know, I think the Spokane Tribe, we agree that clarity is needed beyond the five or seven. And I'll just speak from experience. With this management company before, we did the five years and then it was extended one year beyond that. But the tribe itself wanted to go another year, and the Gaming Commission itself said, We're not going to approve it.

I guess part of some of the things I see personally is the declination as it applies to development projects. And I'll use our tribe as an example, is that when we're creating a new facility, you have a management company in the tribe that brings forward to my commission body they want a management contract. Well, you don't have a casino. You can't submit nothing to NIGC.
So I do appreciate NIGC, that fact, because they assisted me in saying we're going to hold off because once we start that, that five-year time period starts. But the questions I have is the development portion of the day-to-day say of, you know, we -- because as we identify primary management officials or key employees that have those day-to-day operation decisions, you don't in a development declination, so --

The tribe, we do agree that if amendments are considered for new contracts, then that we agree that increased efficiency in the review process are necessary.

The ten percent, as you know with our agreement, we have is a sole proprietor. What you run into a problem with that is is that that sole proprietor has people that work under him. So what we've done is if they're going to be on our property, we're going to license them. They're not going to the back of the house, they're not making any decisions. So we took the stance in our Gaming Commission that you're going to be licensed as a PMO. And it did slow the process down for a lot of their staff, but that's just how we're going to operate.
We support the concept of background investigation tiers. And billing the management contractors for background costs rather than requiring deposits. NIGC's really familiar with our management contract, and it was rigorous, you know, but we do appreciate the process. It is our job to, as you mentioned earlier, Chairman, is to the tribe being be the sole beneficiary that protect our interest. And so I guess as a regulator, that's something that I've spent a lot of my time educating our tribal government and other entities because it's -- we're responsible for it.

So thank you.

CHAIRMAN CHAUDHURI: And thank you for those comments. I'm going to look over at Yvonne's way. I'm not sure if there's anything you want to weigh in on the development side of things.

But, you know, there are two parts of what we're proposing. One's the regulation change. The second part is the administrative kind of operational changes that's kind of internal to the Agency. So that's where the background and the backgrounding tweaks and the three-tiered process comes into play. That doesn't necessarily --
that's not necessarily in the regulation. That's an internal administrative change. But both are designed to really uphold our responsibilities, while at the same time recognizing that time is -- time is money when it comes to these agreements. Trying to shave off what we can, where we can, but at the same time, we would be -- we'd be ignoring our responsibilities if we didn't do our part to make sure that we were doing adequate backgrounding as well.

So thank you so much for those comments.
Yes, sir.

MR. FUNMAKER: Gary Funmaker again.
Ho-Chunk Nation tribal member. I'm not necessarily an official. But my background -- I was just thinking here, my background is way back in the early '80s, I was assigned to be a commissioner for our Ho-Chunk housing. And then I was assigned the designation of being secretary/treasurer. And then while I was with the Bureau, I was the secretary/treasurer of the Federal Indian Service Employee Union. And -- but my thoughts here, I want to lean on the Chairman a little bit here. I notice that you are out there in Washington. And I read the information on that,
where that tribe was having some trouble. I don't
know whether it was enrollment or whatever. But
then I noticed that the BIA jumped in behind you.
And I was saying, Well, jeez, my experience with
the Bureau is that they never jumped in to anything
political with the tribe.

At the same time, one of your
representatives from NIGA from St. Paul gave me a
call on an issue that I've had with Ho-Chunk Nation
concerning one of our officials that could be
deemed a felon. And she informed me that NIGA does
not interfere with tribal politics. But then,
again, I saw you out in the state of Washington
where the Bureau even backed you up, stating, you
know, some type of timeline, you know, backing up
what you are saying to that tribe out in
Washington.

I was just wondering, you know, if you
could clarify that for me as a tribal elder. Thank
you, sir.

CHAIRMAN CHAUDHURI: Thank you so much,
Mr. Funmaker. Absolutely. We defer to tribal
decision-making whenever and wherever possible.
Not only is that good policy, that's the law. When
we talk about tribes being the primary regulators
of their operations, that that's just the law.

What happened in the case that I think you're referring to, it's still kind of an open case, so I don't want to get too much into it. But I can talk about portions that are part of the public record.

When we look to take action, and for this one, I better say when I look to take action, because any enforcement actions that the Chair takes are appealable to the full commission. So I've got to be a little careful about saying "we" versus "I" on this one; although, I don't like saying "I" too much.

When I took action there, did everything I could to make it clear that we weren't weighing in on the governance matter because I think it is good policy to defer as much as possible to the internal sensibilities, internal processes, and internal policies of any sovereign nation. What we were weighing in was a number of things, including whether or not we could ensure that the sole proprietary interest of the tribes' operations was being protected.

And so that's -- that's an important distinction. We're not kingmakers. As a matter of
policy, I don't think it makes sense for the federal government to be kingmakers when it comes to sovereign nations. But we do have a responsibility -- you know, IGRA may be flawed in many ways, but it says what it says. We have a responsibility to make sure that tribes, and not third parties, not -- not even individuals, but tribes are the ones benefitting from their operations.

So that was the distinction. But we do steer a hand whenever and wherever possible from getting involved in internal tribal politics when we recognize that, as sovereign nations, sovereign nations are free to govern themselves pursuant to their constitutions or traditions in ways that are appropriate for that nation.

So I don't know if that helps with a little background, but that's -- and I, you know -- that matter is still ongoing, but it wasn't a matter of injecting ourselves into internal politics. I can guarantee we take every effort not to do that.

MR. FUNMAKER: Thank you for that answer.

The reason I'm here is, you know, the Ho-Chunk Nation certified my company, First Nation
Supply, which is a broker wholesaler. So I've been in business since 2002. We've done business with Forest County here and Ho-Chunk and different tribes. The Oneidas. But what I bring today is the gentleman that came with me. Like I said, a broker wholesaler. So I'm finding those widgets, I'm finding those things that even the DOT needs. My company's certified as a disadvantaged business with Wisconsin and the state of South Dakota.

So that's why I brought Mr. John with me today. And he mentioned some of the things that his company can do as far as backing up NIGA and making sure that everything is clean.

So maybe during the audit portion I think is on the agenda today, maybe you could give him a little bit of time. And he's going to be part of who I am as one of my companies being a broker wholesaler. So that's why I brought him. And I think the timing is unique. And from what I've read of some of the correspondence that they've given me, and talking with him on the way over here from Black River, this company is something that we really need. And not only us, but any tribe if they want to use this company, they're -- they're really cutting edge.
So with that, I'll say thank you.

CHAIRMAN CHAUDHURI: And thank you, Mr. Funmaker. We're happy to hear public comments and comments from private organizations, which is -- this is kind of an open-ended structure, with the caveat, though, that this is a government-to-government consultation first and foremost out of deference and respect to tribal nations, want to make sure that tribal leaders and tribal regulators have the first opportunity to weigh in.

So if there are public comments, we'll do our best to allow those, if time allows. Thank you.

MR. FUNMAKER: One more thing. We have four parts of the Ho-Chunk government. Executive, legislative, judicial. So two of them are represented today. I think the judicial would be represented, and also the executive with Mr. Mudd.

I have this general council, which is the fourth part of our government. And that's who I recognize right now as far as leadership in our government. The general council are the people. All right? Because too many people just look to the tribe. If you talk to a senator, which I have,
I've talked to many of them, they'll mention "the tribe." "We did this for your tribe." But when you ask for something individually, they don't want to answer that question. They'll say, Well, we've done something already for your tribe. And this was a guy named LaPoint that ran for one of the senator positions in South Dakota. He mentioned it. He was from Pine Ridge. He said, Ask them if they do anything for the individuals. Okay?

So I just want to clarify that. You know, if I get any static over here, I'm part of the general council, which is part of the four positions of the tribe of the Ho-Chunk Nation. So I'm with 3,000 voting members. So clarify that. Thank you.

CHAIRMAN CHAUDHURI: Thank you.

MS. CHAPMAN-CHEOLEIER: Crystal Chapman-Cheoleier, Menominee Nation.

My comments are in regard to the extensions are the administrative policy behind background checks. It's the definition piece. The 25 C.F.R., Part 502, the additional language to be put into the management definition.

My concern is that the definition, which includes things such as the maintenance of the
facilities and the supervision of construction improvements, is that it doesn't correctly align with 25 C.F.R., Subsection 510, which speaks to gaming operations. I feel that it's kind of extending into non-gaming operations. And then there's the risk of that also extending the NIGC management contract approval process to those non-gaming functions of management in the casino.

CHAIRMAN CHAUDHURI: So we have -- thank you for that. We have a third topic, which is our proposed tweaks to the -- or proposed language for definitions of management and sole proprietary interest. Maybe we could come back to some of those comments after that third section because I think we're going to get into those definition discussions quite a bit. But it's well-taken. We definitely -- this conference room's called the Harmony Conference Room. We seek to harmonize various provisions of our regulations as much as possible. And so we do have some thoughts about how the provisions work together. But if we could defer that to the third topic.

MR. FUNMAKER: Before Bobby goes here. Back in 1981, I was the guy that spoke up against John Koberstein. And the case was
Wisconsin Winnebago versus John Koberstein. I believe that maybe we might have been one of the first tribes to oust a management agreement because he didn't get it approved by the Bureau. Nobody else was saying anything. He was sticking up there and controlled the meetings. Finally, I grabbed the mic from him, and I said, "Why do you have the mic?" You know. And then I had a statement. And people couldn't believe that I could write a statement. And eventually we took that to federal court, right? If you look that up, Wisconsin Winnebago versus John Koberstein. So go ahead, Bob.

MR. MUDD: Robert Mudd, Ho-Chunk Nation, executive director of business.

Kind of like what the young lady said there, and I was kind of like, We were going to go there. And I got a young gentleman sitting next to me who's actually going through some of this stuff that we're talking about. So it's very interesting.

And what I've seen so far, some of the changes, I am not, you know, that sounds good to me because I think there's something has to be done, and I think this is a start. Thank you.
CHAIRMAN CHAUDHURI: Thank you, sir. I mean, I don't want to put off the discussion if you want to get into the definitions a little bit more now. I mean, I don't want to take -- I think Jennifer is doing the SPI section. She had a whole written presentation. I don't want to steal Ms. Turner's thunder. Yeah, maybe we could just flip the order. We'll go into that next.

MS. LAWSON: Sure.

CHAIRMAN CHAUDHURI: Any other comments, questions, concerns, on this topic before we move on to our next topic? Okay. And as I said, you know, I don't want process to get in the way of discussion. So at the end, we're going to have an open-ended portion where if there are any additional comments folks have.

Any other comments from the Commission before we move on to the next topic? Okay. With that, we are going to flip the order of our topics because it's a nice segue from the last comment, or the previous comment about definitions. We're going to now turn it over to Ms. Jen Lawson -- did I say Turner before? I'm thinking solicitors. Anyway, Ms. Jen Lawson. I'm so sorry. I'm
fighting a cold. I'm fighting a cold. And we're going to hear a little bit more about management and sole proprietary interest definitions. Jennifer.

MS. LAWSON: Hello. I'm fighting the same cold. In fact, I think everybody at NIGC is fighting exactly the same cold right now. So bear with me and I will try my very best not to cough.

As we touched on a little bit earlier, IGRA provides that tribally-owned gaming operations may be managed either by the tribe or by management contractor subject to an NIGC management contract -- NIGC-approved management contract. This applies to any arrangement in which a contractor manages all or part of a tribally-owned gaming operation. And to provide better clarity, the Commission is considering developing regulations that will clearly set out its standard for what constitutes "management," as well as its criteria for evaluating when a sole proprietary interest violation has occurred.

In the past, to assist tribes in determining whether an activity constitutes "management," NIGC issued Bulletin 94-5. That was issued in '94 -- 1994, and the Commission still
relies on it pretty heavily today. In that bulletin identifies various activities that are management. And these actions include planning, organizing, directing, coordinating, and controlling all or part of a gaming operation.

The NIGC Office of General Counsel issued an opinion letter back in 2009 expanding on these terms by providing examples of management activities. To date, however, the Commission has not issued a formal regulation that would define management. The Commission believes that, in consultation with tribes, developing a regulatory definition consistent with past interpretations would help provide greater clarity to the tribal gaming industry regarding what constitutes management. The Commission recognizes that the Seventh Circuit has also recommended that the Commission provide more certain guidance.

So as far as sole proprietary interest goes, a stated purpose of IGRA is "to ensure that Indian tribe is the primary beneficiary of the gaming operation." To serve this purpose, IGRA requires that tribal gaming ordinances provide that tribes have the sole proprietary interest in 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 sole proprietary
interest mandate -- we'll just call it SPI because
that's a big mouthful -- the NIGC considers the
term of the relationship, the amount of revenue
paid to the third party, and the right of control
over the gaming activity by the third party.

The Commission previously consulted on
developing guidance or regulations concerning sole
proprietary interest back in 2008 and 2010. Since
then, and just prior to that, courts have
considered and discussed this issue in the
intervening years noting and upholding NIGC's
criteria for evaluating such violations. The
Commission believes that a regulation consistent
with past NIGC enforcement actions, and litigation,
would provide greater certainty to the tribal
gaming activity -- excuse me, tribal gaming
industry regarding what constitutes a violation of
the sole proprietary interest mandate.

The draft regulations that you have here
in your packet incorporate these interpretations
for consideration, as an addition to the Commission's compliance regulations.

And now I'd like to turn it back over to the Commission to lead the discussion, and respond to any comments.

COMMISSIONER SIMERMeyer: Thank you, Ms. Lawson.

As the presentation mentioned, Agency guides and legal opinions, as well as federal case law, help to inform these definitions. And I just want to make three relatively brief points.

As a member of the full commission, I will not make the determination about an unauthorized management contract or about -- if there's an unauthorized management or if there's been a violation of the sole proprietary interest requirement. That's a determination the Chairman makes. But as a member of the full commission, we do hear an appeal to review the Chair's decision. So it's hoped that by promulgating the standard, we'd be able to help support transparency and good governance in the decision-making processes, both at the Chair's level and with the full Commission.

Secondly, I hope that promulgating definition or providing some other guidance in this
area could help to provide some certainty to the partners that are working with Indian Country. In fiscal year 2017, the Office of General Counsel at our agency provided almost 60 declination letters, mostly to financial institutions, to try to give some assurances about what level of management was or wasn't occurring in an agreement or partnership.

And while it's important that that assistance continue, and there's no reason that that type of support should stop, those types of -- looking for that certainty through declination letters does provide -- does add costs to -- transactional costs and adds delays in time. And it can have an impact on how partnerships develop.

A third and last point is that by promulgating a definition, we can help to perhaps improve general awareness of the sole proprietary interest requirement or about the requirement for management contract approval process that's under the Indian Gaming Regulatory Act.

I believe there's a small number of action between the Agency's history dealing with sole proprietary interests, and often fact-specific determinations about management. And that's a helpful way to provide some awareness. And of
course, nobody hopes for enforcement action, but if there are other ways that we can help to bring awareness to these requirements in IGRA, that's an important thing for us to do as a Commission.

VICE CHAIR ISOM-CLAUSE: I'll just add to that that, you know, as is mentioned, we have these definitions floating around in a lot of places. They've been out there for years. Developed over the years, in fact. And this is our effort to put the definitions all in one spot, in one concise place, and to add greater clarity going forward. And also as Commissioner Simermeyer mentioned, potentially, if there is an enforcement action, to give us a little more stable ground to stand upon when we do have any of those functions taking place.

The intention is not, to your point, to add any new requirements or, you know, not change things midstream, but that's why it's always important to talk with folks like you all experts that are working with this every day to see if things are reading differently than we intended them or, you know, any kind of comments like that would be very much appreciated.

CHAIRMAN CHAUDHURI: And thank you. I
don't have too much to add to that. But as I mentioned earlier on, the management agreement approval process is important to allowing us to do our job. It's an important part of our responsibility to ensure primary beneficiary status of tribes.

Along the same lines, sole proprietary interest is in IGRA, but it's not defined. And, you know, there are all these pieces of definitions that come from case law, come from Agency enforcement actions, but it's -- doesn't make sense not to compile those and put them in one readily accessible place. And that's what we're trying to do.

We're also trying to avoid -- or we're trying to ensure some consistency in Agency actions. One of the things I've noticed in my role as Chairman is that, without a clear definition under the regulations, a lot of times you're left to make the best decision that you can. And I can honestly say that with, you know, working hand-in-hand with our team at the Agency, we can stand by -- behind every decision that we've made.

But at the same time, it shouldn't be left to just one Chair's -- no matter how good that
Chair may be, one Chair's decision-making process as to what the definition of "sole proprietary interest" is. And so that's -- that's our effort. We're trying to bring clarity to the definitions, trying to bring clarity to our actions.

So with that, I'm going to turn it over to the floor now. And like before, we'll open it up to questions, comments, concerns.

MR. FUNMAKER: Okay. Do I have to repeat my name over there, Court Reporter?

THE REPORTER: No. I'm good with you.

MR. FUNMAKER: You know, one thing about changes of life on the reservation, in watching economic development progress, is that nowadays you have men and women that were independently wealthy. And then you have fee land and you have allotted lands. So in the allotted land is, let's say, a group of four people. Let's say four Funmakers. So they own one quarter on that tract of land. Could be 40 acres, let's say. All right.

So they own 40 acres. And four of the Funmakers, they all have degrees. One has a degree in law. One has a degree in economics. And they have the capital behind them because of their reputation that they carry, not the tribe, as
You know, some of the things that we're talking about really, when we marched in the '70s, it was against oppressive behavior of the non-Indian. So now I've seen, and to be honest with you, I see oppression by tribes on their own people. All right? It happens.

Now, in my make-believe casino, I would have training using the money that we have with various universities. And everybody's doing online training. And this is what I voiced when I was with the Bureau. And the regional directors actually would come against me because I wanted to get improvement in our employees.

Now, the same in this fictitious casino that the Funmakers own is that I would definitely have videoconferencing in improving each one of those people that are employed in that casino. So in my finance department, they would be talking about accounting degrees. Some of the latest software that could be used. I don't see that happening now.

So that's the difference between dealing with a tribe and dealing with a sole proprietorship. Unless I'm way off here. But like
I said, this is a different world. There are people, responsible tribal members, that now have capital, or access to capital. May it be some of the money from overseas -- what do they call that -- in fact, I think Ho-Chunk started the Sovereign Nation Wealth Fund.

And one other thing is I wanted to mention is that I think that the pool of money that you have now, it would be interesting to have the opportunity for tribes to chip in whatever they want to chip in in that fund. I know I think the percentage is 0.08 of the gross of each casino. That's what NIGA is taking right now. All right?

Now, our brothers over there, the Potawatomis, the Ho-Chunks, Mystic Lake, you know, Mille Lacs, let's say they want to kick in an extra ten. I don't know where the money's going now, but if it's going into an investment vehicle, it would be nice if we could be part of that. Do you follow me what I'm saying there?

So, okay, we beef it up, we beef NIGA up, but we also pool our money, which has always been my dream -- and when I finally found out and I looked at -- you know, because I got on the website -- the mailing list for NIGA, come to find
out this is 2016, going back ten years about,
they've been in the billions. Holy mackerel, these
guys did it. It's pooled. All the money is
pooled.

Now what are we going to do with it? And
I see Washington, you know, talking $18 million for
this and that. And Trump wants the wall. In fact,
I told Senator Johnson's office, I said, "Why don't
you get it from NIGA?" And I said it on David
Webb's National Patriot Radio. I said that to him.

So he got behind it a hundred percent.
And he goes, Yeah. He says, You guys create your
own -- you know, get your laborers over there.
There's so many things that we can do. When you
have capital like we have, you know, that's what
it's all about.

So what my recommendation here is sole
proprietorship, I'm just saying that the times have
changed. Okay. That a family's got an allotted
piece of land. The tribe does not own that land;
they own it. It's in trust. It meets all the
criteria. If you look at 25 C.F.R., it mentions
"tribe" and also "individuals" they put in there.
Did you ever notice that? It says "tribes" and
"individuals." Okay?
So we're not going to oppress our people anymore because, you know, we're far beyond that now. We're on our way. We are a major player. Look at the Ho-Chunk Nation in this state here. We're a major employer. Potawatomi, they got this ramp coming right off the -- whatever you call it, right into their parking area. I said, Man, that's something. And then when they did business with the Mohicans out there, they have a whole interstate that came right out there, out to Mohican, when I was doing business with those guys. And then Fox Road's only 20 miles away.

You know, if you're out in the middle of nowhere is one of those doughnut -- famous doughnut places. There isn't even anything out there, and they got -- out East, they really love these. What are the doughnut places they call them? They're in all over the place.

But anyway, that's kind of how I see it as far as sole proprietorship. Everything you guys are talking about I've seen, I've experienced. But the main thing everybody is pray that we're not going to be oppressing our own people. Right? Do you understand what I'm saying? You guys are all young here. But pray that that doesn't happen
because, you know, not only us, people, college people, when we took over Alcatraz. But, I mean, aim, they -- everybody did their part to get what we have.

So we have to be able to think freely. And how are we going to do these things? How are we going to become a little bit more powerful than we already are? There's a lot of land issues we could get behind. Ho-Chunk Nation, we have paperwork from the BIA stating that we own various section, township and ranges. And one in Rockford, Illinois, right in downtown in Section 26 and 27. They told us in '79 to clear up those titles. To clear title. When you buy a house, the title company looks to make sure there's no encumbrances. That's what they told us. And I gave that paperwork to our president, and he lost it.

So, you know, hopefully we can -- you know, what NIGA has is to be able to be free-thinking. And hopefully, we get unity. And it's going to be really fun. I think the State should be entertaining doing joint ventures with the tribes as far as economic development.

I've been talking with a company from China called Puxin Technology. Their renewable
energy systems are so clean. Aesthetically palatable. I asked them to come to Chicago, to our Chicago property, and start, you know, doing what they do over in China here. That's just me. I'm just an entrepreneur.

But God has blessed me with, you know -- I mean, when I used to tithe the church and give that ten percent, I'm getting it back. If you guys know what I'm talking about. It's true. It works.

So thank you for your time. And I think I'm going to try to stay off the waves. But it's good being here. I'm glad to meet you, young man. You've got a tough job. And we got to be praying for you that you're wise, that you're protected in every way possible. That there's a mighty hedge -- they say a mighty hedge built around you of protection. And NIGA. That's what I pray for you guys. And I'll continue to pray that. So thank you very much. God bless you.

CHAIRMAN CHAUDHURI: Thank you for those comments. Thank you for calling us "young" twice. It's very much appreciated.

And I should probably, just for the benefit of some of the folks in the room, just to take a -- I should probably take a moment just to
differentiate what we're talking about with this topic from another portion of IGRA that allows for individually-owned gaming.

So individually-owned gaming has some clear percentages that are allowed. There are rules and requirements that apply to individually-owned gaming. We don't see a lot of this in Indian Country. But bottom line, the tribe is -- at bare minimum, the tribe has to have 60 percent of revenues in individually-owned gaming. Rather, sole proprietary interest, it's kind of an undefined term. And tribes have to maintain a sole proprietary interest in their operation. So we are trying to bring clarity as to what that means.

But very much appreciate your comments. Again, I really want to defer to tribal regulators, tribal leadership. I want to hear from all corners. But we have a lot of regulators in the room today. And I always have a special place in my heart for fellow regulators. We don't get too much love in any corner of the world. So I want to defer to regulator comments as much as possible, leadership comments as much as possible. Thank you so much for those comments.
Additional questions, comments, concerns?

Yes, sir.

MR. MUDD: This is Robert Mudd again. I have to be excused. So far, the discussion and everything that I've seen looks pretty decent to me and acceptable from my personal view as executive director of business for the Ho-Chunk Nation. And thank you.

CHAIRMAN CHAUDHURI: Thank you, sir. Thank you for taking the time to be here today.

Additional questions, comments, concerns?

Yes, sir.

MR. MATHERLY: Thank you, Chairman, fellow commissioners. I also want to thank my elder over here for those comments. Andrew Matherly, Spokane Tribe.

First, I'm just going to read off some of my notes here. We're going to submit our comments before the 28th.

So supporting open discussion on whether NIGC should develop regulations to clarify the management -- definition of "management." One goal should be to reduce NIGC review on financing and other complex transactions.

As you know, like -- I guess that's -- as
a regulator, that's my concern is that we enter
into a management contract, but we have a lending
company. And those lending companies tend to hide
behind federal banking institutes, so they're
exempt from all these other licensing requirements,
but then they put restrictions on how the money
could be used, when it can be done. As a
regulator, we don't license them. So, you know,
some of that's done with the tribal government
attorneys. And so we have to come in and we have
to be the ones that have to say, No, sorry, you
don't get that.

One goal actually, which not only -- I
mean, with that, that places a burden on the NIGC.
Also places a burden of costs to the tribes, you
know. As NIGC knows with our last project, you
know, we -- but I do appreciate the Gaming
Commission giving me that determination literally
at the last hour. We did a soft opening on
January 5th to the public. NIGC came in -- I know
you guys had extreme hurricane winter blizzard, and
got that approved for us. So I do appreciate that.

We note the need for clarity in the area
given increased vendor demand for control over
placement and operation of leased gaming machines.
That's a concern.

Second, we support consideration of regulations to clarify sole proprietary interest. Despite the NIGC and federal court's guidance that's been provided in this area, there continues to be fundamental misconceptions about the bedrock requirement of IGRA. And what I do want to state is this -- this NIGC body, and probably the last administration, I think we can all agree at the table, and other tribes, that we have a good understanding. We have a relationship. Former administrations before that, we didn't have that relationship. I mean, the old NIGC would walk in the door, Hey, how you doing, Andy? And walk out and give me a PNOB. Okay?

Third, we'd request that NIGC consider clarifying the terms and conditions under which individually-owned gaming is allowed under IGRA. And the application of those terms and conditions to the operation of state lotteries on Indian lands.

And I won't go into detail, but NIGC provided opinion back to us on state lotteries. And I know I stressed that in my opinion before is that if you have a state that's going to conduct
Class III gaming, prize consideration and chance, and the tribe should be able to also operate that same gaming. And I've referenced that in state lottery because the state lottery systems only want to give five percent back to the tribes. So that doesn't make a sole proprietor. We don't benefit from it. And so that -- as a regulator, that's something I'm always constantly fighting. It's people that are in the government and they're sold -- they're sold, I guess, false goods that, A, if we put lottery on your lands, it's going to increase revenue and bring a bunch of money to your c-stores. But in essence, who really benefits, you know, so -- so thank you.

CHAIRMAN CHAUDHURI: Thank you so much for those comments. And really, hats off to the Office of General Counsel that issued that opinion regarding Washington State sole proprietary interest issues. And hats off to the General Counsel's office.

You know, well taken, those points about additional rules regarding individually-owned gaming. Additional rules that help bring clarity in other areas. We're constantly on the lookout to -- you know, for how to do things better.
So those are some comments that we haven't heard widely. But again, sometimes it's these discussions that get us thinking about additional topics of conversation or additional regulatory improvements we can make. So those are very well-taken.

Also well-taken, we want to avoid unintended consequences as much as possible. And I think a comment was made about keeping in mind the impact on financing that the definitions may have. And that's important that we've talked about internally quite a bit. As my fellow commissioners mentioned in their background discussions, we do put a lot of work, and we see it as a service to the industry, service to Indian Country, but we put a lot of work into the declination letters that our general counsel's office issues. But those declination letters are just fancy ways of saying -- they're attorney opinion letters on contracts that are submitted to us where our office weighs in on whether or not those contracts are management agreements. And the thought and the hope is that if there's a clearer definition of "management," there can be more clarity on the front end that the industry can rely on, even
before sending letters to us for declination -- for
a declination letter.

So the hope is you have a defined
definition that everybody knows what the rules are.
And the finance industry, tribal nations, they'll
have a clearer picture, in theory, even before
engaging in the declination process.

So I think that touches on some of the
comments that you may have brought up earlier. Not
really, but I don't want to -- I don't want to
forget about that. But again, thank you so much
for those comments, sir.

Additional comments? We are going to
come back. Additional comments, questions? I
don't know if you want to expand on your question
after Ms. Lawson's presentation.

MS. CHAPMAN-CHEOLEIER: I have another
piece -- a sole proprietary piece.

CHAIRMAN CHAUDHURI: Okay.

MS. CHAPMAN-CHEOLEIER: It seems almost
like you're trying to define it by potential
violations. And that may be an actual simplistic
definition would be better served with Section 502,
the definitions area. And that could be as simple
as speaking to the ownership control and right to
revenue. And then always leaving that little bit of language in there that speaks to by determination of the chairman.

The other piece I just wanted to touch on was that there doesn't seem to be a clear role for some tribes. It speaks to the tribe, but some tribes choose to -- like Menominee, for instance, choose to create a business entity by tribal law, appointed by the tribal government, but to provide that separation. And that maybe there could be some language somewhere in here that speaks to that.

CHAIRMAN CHAUDHURI: Well, that speaks to that in terms of weighing in? I mean --

MS. CHAPMAN-CHEOLEIER: Well, just, like, kind of referencing it. Rather than referencing the tribe who's going to do casino where they're going to have somebody do the casino under a management contract. Sometimes the tribe will choose to do it by a separate business entity as a part of the tribal government.

CHAIRMAN CHAUDHURI: Ms. Lawson, please feel free to correct me, but we -- we strive to have as much flexibility in our approach to the tribal nations, recognizing that, you know, tribes
set up corporate entities, subsidiary entities, and in every which way possible. We don't want to place any restrictions on that. We've always seen that as an outgrowth of the tribe's ownership. It's gaming.

And so there are so many -- I'd be a little hesitant to weigh in on getting into too many rules relating to that because I think the baseline is tribes should be free to structure their businesses however they see fit.

MS. CHAPMAN-CHEOLEIER: Maybe the language like -- just including the language, like, tribes are tribal gaming business. Just to be a little more inclusive.

MS. LAWSON: So if I understand right, you're saying when we're talking about management and third-party management --

MS. CHAPMAN-CHEOLEIER: Yes.

MS. LAWSON: -- you're saying just add a note in there that when we say "third party," we're not including tribal arms.

MS. CHAPMAN-CHEOLEIER: Exactly.

MS. LAWSON: That's a good comment. We'll consider it.

CHAIRMAN CHAUDHURI: We'll definitely
consider that. And thank you for that. Because, you know, last thing we want to do is make any new rules for tribal entities. In our view, that's part of the tribe. But making that clear, again, the whole point is clarity.

MS. LAWSON: And that is the question that we get asked on a fairly regular basis. Folks asking us, Is this branch of the tribe that's managing our operation, is that a management contract? So it might not hurt.

CHAIRMAN CHAUDHURI: And thank you. That's exactly these types of comments that, you know, even if we have a proposal that we think is good, it can always be better. So appreciate it.

MS. BLASCHKE: Corinna Blaschke, Ho-Chunk Nation Gaming Commission. We've had some questions regarding management contract, the definition, so -- I just wanted to say that the Ho-Chunk Gaming Commission does support these clarifications that were made. Thank you.

CHAIRMAN CHAUDHURI: Thank you for that. Thank you.

Another thought is nobody should have to pay -- I mean, with all respect to lawyers, and all
respect to consultants, you shouldn't have to have a consultant figure out what these things are by going to ten different sources. It should be -- and a starting point can be one place that, you know, everybody can look to to read.

Additional comments, questions, concerns?

All right. Anything else from the Commission before we move onto our third topic?

Okay. I think we'll move onto our third and final topic. We switched order. So the audit submissions discussion, Chief of Staff Christina Thomas.

MS. THOMAS: Thank you, Chairman.

So under IGRA and current NIGC regulations, gaming operations, regardless of income, are required to submit an annual audited financial statement, completed by certified public accountants, to the Commission within 120 days of their fiscal year end. These audits may be encompassed within existing independent tribal audit systems.

Submission of the annual audit report is critical to the NIGC's mission to protect the integrity of Indian gaming and provides 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 operation and, more specifically, of the adequacy of the books and records, the functioning of the internal financial controls, and the disclosure of 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.

A 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 -- the three consecutive years prior. A reviewed financial statement must be completed by an independent CPA and conform to statements on
standards for accounting and review services of the
gaming operation.

In fiscal year 2016, only 80 operations
earned less than $2 million in gross gaming
revenue. Of those 80, only six submitted the
lesser financial statement 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 defer 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 Interior. We
found no consistency in the audit requirements.

For example, Nevada gaming regulations
require audits of financial statements for
operations grossing more $5 million, but maintain
the right to require audits, compile statements, or
reviews the financial statements of those
operations whose gross revenue is less than
$5 million. Interior exempts non-federal entities
from their audit requirement if the entity expends
less than $750,000 per year.

As NIGC considers altering its own
regulations, it recognizes that there are currently
95 tribal operations that produce less than
$3 million in gross gaming revenue. Further, the
Commission is aware that tribal gaming operations
deal with the most regulations from their own
governments, as well as state and federal entities.

Our hope through this consultation
session is to discuss opportunities to receive
feedback and recommendations on how to amend this
regulation, while still ensuring we are supporting
financial stability and maintaining a high level of
protection of tribal gaming operations.

With that, I will hand it back over to
the Commission to start the discussion.

CHAIRMAN CHAUDHURI: Thanks.

COMMISSIONER SIMERMeyer: Thanks,

Ms. Thomas.

Like with our first management contract
review process discussion, what the Commission is
looking at with regard to audit -- I was saying
that like with the management contract review
discussion that we began with, what the Commission
is looking at here with regard to audits is to make sure that the changes in the process comply with Indian Gaming Regulatory Act's requirement that tribes submit an annual independent audit to the -- to our Agency.

So whatever changes that the -- that we're considering with this are ways to meet this obligation, a couple observations have jumped out to me in understanding this process.

First, that many tribes' regulatory bodies already have a very sophisticated capacity and ability to conduct audits and to ensure independence and integrity. It's also the case that the high cost of an audit can make a small gaming operation not profitable. Or worse, it can create a disincentive to comply with the annual submission requirement, or to allow even small -- for regulators to allow small gaming operations to operate at all because of the annual audit costs.

So it'll be helpful to hear about your experiences with NIGC's auditing or other aspects of your regulation or governance. It's also, I think, as Ms. Thomas pointed out, it's interesting to hear that of potentially -- 80 potentially eligible operations, only six sought the lesser
financial statement process.

What are of the other incentives that might be there? Is raising the threshold from $2 million, would that be an adequate enough incentive? What other types of things can we do to look at minimizing the cost of this auditing process and, at the same time, complying with Indian Gaming Regulatory Act's expectation that these audits are going to take place in order to provide financial stability and help ensure capacity at the regulatory level? So thank you.

VICE CHAIR ISOM-CLAUSE: I'd just like to highlight that one of the reasons that we're considering this is because of our rural outreach initiative where we're considering different ways we can be responsive to small and rural operations.

So, for example, one of the things that we've done under that initiative is our regional training conferences now are live-streamed, so you can join through Adobe Connect. But helpful, I think, to tribes that are in remote areas, or just don't have the budget or time to travel.

So, you know, this is another way we're kind of trying to think outside the box within the limits of IGRA, which is a box, but ways that we
can consider our own regulations and our own functionings as an Agency to be more responsive to the needs of tribes with those concerns. Thank you.

CHAIRMAN CHAUDHURI: And thank you, fellow commissioners. I really don't have much to add to that. Actually, I don't have anything to add to that. I couldn't have said any of that better myself.

So at this point, I'll turn it over to the floor for questions, comments, concerns?

MR. TAYLOR: Good afternoon. Jeff Taylor, St. Croix -- Chairman of the St. Croix Gaming Commission. Thank you for the opportunity for the consultation today, NIGC.

Back home, we have a small community of bingo. They don't make more than $900 a year. It's mainly for the community, for elders. We know a lot of our couples like to play bingo. They get out with the grandkids and go and play bingo in the evenings every Wednesday night. And right now, big firms, the big -- that do our outside audits for our casinos, they want to charge us $20,000 to do an audit for a small operation like that, you know.

So we're hoping the Commission consider
additional limits to this so maybe something like
that we can maybe get away with the review maybe or
something. Because right now, somebody that spends
$20 to play bingo every Wednesday night, elders
bring grandchildren to play to support the
community. Elders love to play bingo back home,
so --

I was hoping we could change something on
this. Because you can have fun down there for less
than $20, you know, to do a CP audit. Any
recommendations would help here from anybody in the
room here, too, so --

MS. LAWSON: After the meeting, I can
give you my information. I'm Jennifer Lawson.
Also general counsel. And we can talk about some
ways that are available under our regulations now
that might be able to get you into the reviewed
financial statement category.

MR. TAYLOR: Sure. I mean, it's just
that the State, the bingo, the VFWs, they all
have -- they all have to be audited, they get out
of it because the State don't have enough auditors
to audit them. So some of them don't even have to
audit. They just have to have their paperwork
presentable if somebody does shows up, you know.
So, I mean, just we're competing, you know, with local bingos around the area, too, so --

MS. LAWSON: Whatever happens with the regulations, let's try, at least for now in the meantime, before they get changed, let's try to get you into something that's going to be less cost prohibitive for you under the current regs. And then hopefully there'll be a change that is great for you, even better. Okay. Chair.

CHAIRMAN CHAUDHURI: And I really appreciate your comments. Really appreciate Ms. Lawson's comments as well.

Just, I should say one of the reasons these consultations are transcribed is that -- so that folks who aren't in the room can benefit from the comments, the dialogue, that we have.

In addition to NIGC responses, if there -- since we have so many regulators in the room, if there are -- if there's any kind of back and forth, I want us all to approach all of this as a conversation.

Beyond today, in addition to following up with Ms. Lawson or anybody at the general counsel's office, I do want to remind folks that our trainings are -- I don't want to say they're free,
as we always say they're prepaid because, you know,
our Agency runs on fees from tribal nations. But
our trainings can be tribe specific, too. So we
stand ready to be as responsive as possible if
anybody wants to come in and sit down with -- with
your commission or any commission or tribal
leadership, we'll try and schedule that and make
that happen. So we have an open phone line. And
open-door policy at NIGC. But in addition to that,
I did want to mention our trainings.

But thank you so much for those comments,
Chairman.

MR. TAYLOR: Thank you, Chairman.

MS. MASON: Tara Mason,
secretary/treasurer for White Earth Reservation
Business Committee.

And so I think I really want to thank
you, first of all, for hosting this and for having
us here. I really enjoy your facility and for
having consultation. And I know we're wrapping it
all up.

But I think this is one of the things
that, when it comes to White Earth, we're in the
northern part of Minnesota. And we are rural. But
our gaming facility is large enough. But what
we've done in that area is we have our offsite
gaming. And so we've partnered with area
businesses and we have our non-tribally-operated
gaming entities.

And what is happening is that currently
throughout the year, there are 17 partnerships that
we have where we have our Class II. And during the
summer months, those increase. So that number
increases. But what we're looking at is a lot of
these entities, whether they be local member-owned
c-stores, we have some bar facilities that we've
partnered with, some are tribal members, some are
not. But we have over Class II in there.

And the cost -- a lot of us don't have
audits. They're not being audited. And so now we
have a number of audits. And that's one of the
things because we're looking at, you know, what are
some of the proposals, what are some of the things
that we can do to help offset these costs because
we don't -- we can't afford to assume the cost for
their audits for their businesses, but we're still
following underneath these regulations.

So I was wondering if there was, you
know, going back to, you know, the position that
White Earth is in, and then also looking at, like,
the community bingos and what our community
councils are doing once we issue out our gaming
licenses for those entities. And if there are
other solutions. And I know that there's some
things that are kind of, like, provisions. But if
there's any options or any kind of conversation we
can have with that.

And then I also brought Rae Smith, our
compliance director, because we've looked at that.
So she might be able to kind of clarify this and be
part of this discussion. So is there anything that
you'd like to add, Rae?

MS. SMITH: I just think that with a lot
of the smaller sites, as Ms. Mason has said, we
actually would not -- a majority of them would not
be able to have a CPA come in. And we've looked at
-- and actually this year, we had it kind of
segregated out and rolled into ours. But we would
prefer to have, like, a separate review process or
something that's easier. Or allow our compliance
division to be able to -- our, you know, internal
auditors to be able to go out and actually do that,
and then perhaps resubmit those audits to NIGC.

Some other kind of options, other than,
you know, put the burden back on the facilities
because we don't want to lose them. If we, you 
know, try to -- many of the sites fear that, you 
know, you start talking audits, are they talking 
just our -- you know, the bingo games that we're 
holding, or because we're operating in their bars 
or, you know, their restaurants, gas stations, are 
they going to start looking at doing it to provide, 
you know, our operations information.

A lot of them don't keep those records 
separate. They all -- you know, they're small 
mom-and-pop businesses, and they run everything 
through one checking account, you know. It would 
be very difficult to -- for them, it would be a 
burden to try to have -- put it all back to the 
sites.

CHAIRMAN CHAUDHURI: Thank you so much 
for those comments. And I imagine our team 
probably has a lot of things that they can speak 
about those issues. We covered a lot of ground in 
those comments. Let me talk about a couple 
different things that kind of caught my ear.

We talked about non-IGRA gaming in terms 
of working with some folks off the reservation. 
And we also talked about charitable gaming, you 
know, whether it's VFW or any of these groups. Let
me just say a couple things about that.

This may be one of those things that kind
of we continue to work on long after I'm gone, or
hopefully not too long after I'm gone, but we have
internally talked about trying to bring some
additional clarity in the world of charitable
gaming. And so we recognize that, especially for a
lot of rural and small -- a lot of rural
communities, charitable gaming is an important part
of what folks do. But the burden's to make sure --
the burdens of compliance fall on the tribe and not
necessarily the charities that operate the gaming.

What can we do as an Agency to work with
the tribe to allow -- I mean, because IGRA does
allow for charitable gaming. But to make sure that
things are as smooth as possible, but the tribes
aren't necessarily bearing the costs of the audits
and the regulation that really should be borne by
these entities. Again, you can't make it so
burdensome that it's not -- it's not even a viable
option.

But that's something that we welcome
further discussions with you about. That's
something that we talked about as a potential topic
for regulation. But we certainly want to hear
more, talk more, and kind of weigh -- weigh what is
the most sensible approach moving forward.

IGRA requires independent audits for
gaming. What "independent audits" truly means,
that could be potentially subject to some
interpretation. But we welcome that dialogue and
answer the question, Yes, this is something that we
thought about and talked about tackling, and maybe
that we do it after I'm gone. But not -- just
so -- well, I'm not going to get into that. But
Chief of Staff.

MS. THOMAS: So I wanted to kind of jump
on that. So yes, IGRA does require an independent
audit. And we have been having discussions on
exactly what that means, so --

Historically, the Agency has defined what
the audit requirements are within their
Regulation 571.12. And out of those requirements,
it requires the CPA and it requires that it be done
annually. So the Agency has historically defined
that independence within that regulation.

So as part of the consultation, we're
looking for feedback from tribes such as White
Earth -- and I'm from Minnesota, so I'm very
familiar your guys' makeup in northern Minnesota --
to get an understanding of where those burdens exist and maybe defining or changing 571 to better meet the needs of tribes in situations like what you have, but still maintain the integrity of tribal gaming.

CHAIRMAN CHAUDHURI: It's the whole point of these consultations. So in addition to the topics that we're working on, maybe this tees up a new round of dialogue. But that is something that I think would be well-timed. Very timely. Thank you so much.

Yes, sir.

MR. MATHERLY: Thank you, Chairman, fellow commissioners. Andrew Matherly, Spokane Tribe.

So to get back to audit submissions. We had a few notes here for the additional amendments to 571.12 to allow small operations to submit unaudited or CPA-compiled rather than reviewed financial statements. And to increase the maximum GGR to allow submission of renewed -- reviewed rather than audited financial statements to $3 million.

But I also am interested in the charitable gaming, and how we can define that.
Obviously, our compacts and states are going to define it as noncharitable organizations that they look at in their register as 501(c)(3)'s, but how tribal governments and how tribes can view what they view as nonprofit charitable gaming. And get into some of those regulations of having pull tabs as a Class III intermixed with bingo as a Class II, and how that's orchestrated. I'm interested in that future topic.

And also just a side note. I know some of the language in IGRA, you know, it's outdated. As we're talking numbers, we're talking $2 million, $3 million. And hopefully, we can get back to some of the definitions, like I'll use an example of "key employee." People are compensated over $50,000. Well, when that language was written in 1988, $50,000 was probably a lot of money. But we have people that work in our facility that work in, like, say the facilities would be a non-gaming function, but because of their threshold and their compensation, we need to license them, fingerprint them as a key employee.

So I do want to get into some of those topics later down the road. Thank you.

CHAIRMAN CHAUDHURI: And thank you for
that. I should say that even the topics that we're
discussing today grew out of conversations like
this on other topics. So it's -- the idea of
partnership is it's an ongoing conversation. And
so the issue's definitely been raised among all of
us. And we can be assured we'll continue our
discussion on charitable gaming, on small operation
audit requirements. Thank you so much.

It's 3:00 right now. There's no harm in
going a little bit past our scheduled time. I want
to make sure everybody has ample opportunity to
weigh in and provide comments, questions and
concerns. But I did want to let everybody know
where we are time-wise.

Additional comments, questions? Yes, sir.

MR. GEORGE: Sorry, everybody. Kenneth
George, Jr., still. Forest County Potawatomi
Gaming Commission Chairman.

All the discussion this afternoon has
been very great discussion. I never heard Cory
talk so much in my life. But thank you, Cory, for
saying something. So I know we're part of the
Wisconsin Gaming Regulatory Association. Jeff and
Cory are commission chairmans, and also ourselves
for the Forest County Potawatomi.

We have an organization within Wisconsin that we all share information with each other. So we have a regulatory association that is a very strong organization, and we share information with each other as much as possible. And also the --

Linda and her group are a big part of that organization as well, so -- I know we have a great working relationship as well with the Office of Indian Gaming Regulatory Compliance with the State of Wisconsin. And they're also part of our organization.

So with that said, you know, as we move forward into -- I call it the "new evolution of gaming," you know, everything is online. It's online gaming here, online gaming there. You know, I think for 28 -- 25 to 30 years, I think we as regulators and leaders in this room have learned a lot. I think we've learned how to do business. I know we've learned how to read the federal register. We know how to do all this. We know how to do all that. And I think it's time for us to take control of that. You know, as leaders, as regulators, as Indian people. You know, as ownership. Ownership of these properties. And
also with this being a tribal member of these properties.

And also speaking from an appointed official role for the Forest County Potawatomi is that we definitely need to look at how do we move forward. You know, we do look at all of the regulations, you know. The regulations are old, you know. There are standards in there that have been there since the beginning.

But how do we get that done? You know, how do we move forward and how do we move into the 21st century with -- where everybody has an iPhone, a smartphone. They can look up Google. Anything you want to Google while you're sitting in a meeting or you're sitting here. You know, that's the future of gaming. No matter if we're ready for it or not. That's where we're moving towards.

You know, and if we can sit here and talk about management contracts, audit submission, sole proprietary, I think we can look at the future as well. How are we going to deal with those as the evolution of gaming starts to continue? I think with -- with the -- as we move forward, and with your guys' commission, when your leadership and how you guys are looking at it, I think that's a
recommendation from Forest County Potawatomi Gaming Commission is to look at that, look into the future, and maybe start looking at consultations to where, let's be proactive on moving forward into the next evolution of gaming.

Because the -- the competitors in our market have already done it. You know, the corporate games, the nonnative vendors. You know, we look past all of our native -- there's a lot of native vendors that are out there that have paid their dues, have done -- have done whatever they have to do to get to where they're at. And I think that's one of the things we do is we owe them a chance to do good for Indian Country.

You know, I think that's one of the things that we miss sometimes when they sit here and talk in consultation is we sit here and we nitpick this, that or otherwise, or whatever word we were talking about earlier. I think that's the thing that we don't want to -- we don't want to waste any of our time, we don't want to waste your guys' time.

I think it's something that, as we move forward, let's be proactive. And I think as we do move forward, let's use our minds and let's sit
down together and say, Okay, where are we going? Because we are going into a different -- a different -- different way of gaming.

You know, Jeff was talking about, you know, his elders and the children playing bingo, you know. That's big for them up there in northern Wisconsin. You know, that's something that we need to be looking out, is looking out for each other in the state and then in the region. How do we help each other out on that? You know, because they're just doing that for fun. They're not doing it to make money.

I think that's one of the things that we have to look at is, Come on now, when's enough enough, you know. I think that's one of the things we need to look at is to make sure that there's common sense used. You know, sometimes we lose track of common sense.

So with that said, we need to definitely look at the future of gaming, which is all online. You know, we got to start thinking about what's the -- what's the next federal register going to look like for gaming -- for Indian gaming? What's the next IGRA going to look like iGaming, for online gaming? Because none of it -- nothing in
IGRA says anything about online gaming. So that's one of the things that we need to look at and be proactive on.

MR. FUNMAKER: I agree with you. I was just loading my gaming slots here. And I got that from Amazon. And then --

CHAIRMAN CHAUDHURI: Playing slots during the consultation, sir? Is that what you --

MR. FUNMAKER: No. I need the Wi-Fi password. So they won't let me in.

So, you know, this is really fun to goof around with. And, of course, my mind starts thinking, I said, Well, I looked up on Amazon and I put in "gaming." And sure enough, they bought a major software company that they're preparing to do gaming. So I said, Well, how would they do it? Would they pay out with money or could they pay out with goods? Follow what I'm saying? Doesn't have to be money. Amazon's got, you know, all those goods. Well, instead of you taking that thousand dollars, we'll give you a $700 TV or whatever.

So I agree with my brother here from the Forest County. We got to watch out.

And then there's that bill in New Jersey about that sports betting. Has anybody looked at
that? And they're saying that's Trump's way of
getting in here and disrupting our game.

So there's a couple, you know, different
things on the horizon. And like my brother says,
we have to be prepared. How are we going to do it?
How do we retain the market that we now have?

So I'm glad you said that. Behind you
100 percent. So that's kind of how I'm seeing it.
Am I a visionary? Yeah, I am. When I played
basketball, I could always see two or three plays
ahead. So I always tell my athlete young people, I
said, That gift will come back to you some way in
another form. You won't lose it, but it'll come
back in another way.

So I like to think that a lot of us
really have that gift from the Creator. Thinking
ahead, especially those compliance people. I
shouldn't say this, but I lived out there amongst
the Lakota Dakota. And you live out there, you can
see a long ways. You know, they said a guy's dog
ran away, and you watched it for three days.

CHAIRMAN CHAUDHURI: Well, I so
appreciate those comments. I mean, we heard about
two of our four tent pole initiatives earlier. We
talked about protecting against gamesmanship on the
backs of tribes. We heard about our commitment to rural outreach. Third and fourth ones are -- third one is supporting a strong workforce, both within NIGC and among our regulatory partners.

But our fourth one -- earlier today we were joined by our technology division director, Travis Waldo. The fourth one is a commitment to staying ahead of the technology curve. And part of that was the creation of the technology division, the hiring of Travis as our first director. And that's been very important to us. That's kind of helped shape our Agency functions both on policy level, it's helped to inform our regulatory discussions, but also internally our day-to-day operations. I mean, as I always joke about, a few years ago, when we all first started, we didn't have caller ID at NIGC. We've come a long way in the last few years.

But, you know, I feel comfortable with saying that, you know, hand-in-hand we're meeting the challenges of the day. But your point about meeting the challenges of tomorrow is very well taken. And the only way we can do that is by listening and learning and talking among our partners. So thank you so very much for those
comments.

We're a little bit over time. But again, we want to make sure that all voices and perspectives are heard. Any other additional comments?

Before the Commission wraps up, we do want to -- we want to provide our host nation with an additional opportunity for final comments. But any other comments on this topic? Yes, sir.

MR. DINISHEK: Thank you. I'll try to make this quick, given that -- my name is John Dinishek. And I'm serving as a consultant with Mr. Funmaker. And we've been in recent conversations about him pursuing and looking at the viability of a business opportunity that he's looking at.

In the quick way of background. I spent 17 -- the last 17 years working in the intelligence communities specifically focused on anti-money laundering and anti-terrorist financing. I've done a lot of work with the financial service communities globally. All the biggest banks in the US, Canada, as well as Europe and several in Asia and Asia-Pacific. As well as a lot of the largest casinos in Atlantic City and Vegas, Macaw,
Singapore, and some of those properties.

I'm a Minnesota native. I'm a patron of both Mille Lacs properties in Hinckley and the Grand Casino properties fortunately up in Tower, Minnesota. And so I'm a customer as well.

Is money laundering, terrorist financing, an international problem, or is it a domestic issue and a challenge? It's not a drug challenge for Columbia. It's not a terrorist issue for the Middle East. It's here in our backyard.

In the intelligence community, we were tasked with identifying, tracking and profiling those bad actors, and being able to work with financial service companies to identify them and cut off the money supply.

What I can tell you is we're adding 30,000 new profiles a month. It's a growing challenge. If we were to map that across the United States, here in this city, in Minneapolis, in northern Minnesota, in all of the areas where your tribal representation and states happen to be, it's a challenge there.

So I guess what I was here to help Mr. Funmaker kind of understand, or maybe better qualify is: Is that a focus today for the
Commission? Is it a focus today for the regulatory bodies for the various tribes? And is that something that is a viable opportunity for Mr. Funmaker to look at pursuing as far as services to help each of the casinos identify and protect themselves for that type of a risk?

CHAIRMAN CHAUDHURI: Thank you for that. I got three things, just in the interest of time, and we'll say it very quickly.

We're not in a position to provide any business advice in this setting. This is a government-to-government consultation. But our doors are always open to chat with any members of the Indian gaming community about, you know, kind of some of our experiences. And so we can -- we welcome further conversations down the road.

Second, we're not in a position to endorse any -- any business or any, you know, any private outfit. And I know that's not the crux of your question, but -- the crux of your statement. But I do want to put -- and this comes out -- comes up a lot in terms we work with a lot of industry stakeholders, you know, regarding testing. But no matter how much we respect the work of various testing labs, we've got to be careful about
endorsing any one lab's -- lab's offerings. So we don't do that. And we always kind of hesitate -- or we shy away from kind of weighing in on any specific business product in detail.

But third, to kind of the general thrust of your question: Absolutely, this is something that the Commission is focused on. Our agency is mandated by law to implement IGRA to ensure the integrity of Indian gaming.

So as the lead federal agency empowered and mandated to implement the law, we have a responsibility to work with tribes, tribal regulators, but also federal partners to ensure the integrity of Indian gaming.

So we're mindful of other statutes that work hand-in-hand with IGRA, even though we don't implement those statutes. And we work with other agencies that do implement those statutes. So we work quite a bit with FinCEN. We work with IRS. We work with FBI. If there are issues that arise under Bank Secrecy Act, we make referrals as appropriate. That's part of what we do. But moreover, that's part of what every regulator in this room does. When Chairman George mentioned that tribes are the frontline regulators, we can
only do what we can do if we have a positive and open dialogue with our regulatory partners.

So to answer your question, cyber security, financial security, that is absolutely what we're about as an agency. And we work with other agencies, as well as tribal partners, to ensure the integrity of Indian gaming.

Anything else that our team wants to weigh in on that?

MR. DINISHEK: And thank you. I appreciate that.

CHAIRMAN CHAUDHURI: Absolutely.

MR. DINISHEK: The gentleman talked about online gaming as being the next kind of generation, if you will. It's one of the biggest challenges right now in the industry is how do you vet and provide integrity and security around indirect types of activities. And that's something that the non-tribal gaming organizations are really struggling with. And certainly something that, as you guys look to kind of embrace that move in that direction, will certainly be a risk area to look at.

But thank you for the clarification. I certainly appreciate that.
CHAIRMAN CHAUDHURI: And I should add, some of the biggest wins in financial -- in the financial security world came from issues that were flagged by tribal regulators. And so there are some good examples to point to on that in terms of concerns about money laundering that was raised by tribal regulators.

So my hat's always off to our regulatory partners because, as we always point out, who has a greater interest in protecting tribal assets and operations than the tribes themselves. And so thank you for those comments.

So any other comments, questions, concerns, before we wrap up?

Catchall, like I said, as promised, if there's anything additional folks want to mention. I do want to mention that our written submission date deadline, as we mentioned before, is February 28th. We are committed to try to move forward with as much positive work this spring as possible. And so we do want to take all comments into account. But if on the drive home today you wish you had said something more, please feel free to email us. Go to NIGC.gov, submit additional comments. We're always open to that.
And so before turning it back over to my fellow commissioners for some closing statements, I just wanted to see if our host nation had any final wrap-up thoughts.

MR. GEORGE: Yes, Chairman.

I have a 28-year-old -- or 28-day-old daughter right now, so I'm in no hurry to get home. So I could sit here and talk all day or all evening.

So one of the things I did in 2006 -- 2005, when I became a gaming commissioner was, I told my mom, "Hey, mom, I think I'm going to be a regulator." And she goes, "Well, you know what? I don't love you anymore. Because even I don't love regulators." So when she said that to me, I'm like, "Mom, really? You don't love regulators?"

But since 2005, she's beginning to like me again because we're making progress. And she is a very likeable woman. And she definitely found a piece of her heart to let me back in. So thank you, mom.

That's one of the things I always wanted to say on the record. If that's in Washington, D.C., on the record somewhere, "Mom, I love you. Ken George, Jr., Forest Potawatomi Gaming Commission, Milwaukee." What's the date?
All joking aside, I would like to thank everybody for being here. I'd like to thank the Commission, the NIGC Commission, for being here, along with supporting staff. And also Dustin Thomas, our -- used to work with us here in Milwaukee.

One of the things we did when we were here before was, as we did, and maybe this will work at the national level, if we do look at it, is we looked at having a new system of internal control, you know, as we looked at it.

And one of the things we looked at when we looked at it, because we inherited 858 internal controls here. You know, that was overregulation, beyond overregulation. And also our small property north of here in Carter, Wisconsin, had the same amount. And it's probably about as big as this room. Maybe just a little bit bigger than this room. So that was overregulated.

One of the things we asked at that time was -- the management team is, Why do you write internal controls? Because the Gaming Commission told us to. You know, I think that's the big thing that we have to realize here is that we need to change. You know, the thing we have to do is, How
do we work with our management teams? How do we
work to make Indian gaming better? Because we can
sit here and talk about the national, you know,
regs. We can sit here and talk about state regs.
Blah, blah, blah. But, you know, it comes down to
is that we got to watch our own house.

You know, as regulators, we need to
figure out how can we make ourselves better and how
can we make our management teams better and make
them take ownership of -- how are they going to
comply to the mix that are in place that the
regulatory bodies and the jurisdictional are -- and
the gaming commissions that have the jurisdictions
of this jurisdiction, which we have the
jurisdiction here in Milwaukee, is that we need to
understand our standards and our internal controls
better than they do.

You know, that's one of the things that
we have to do is that here in Milwaukee, now
there's -- and Dustin was a big part of it -- was
now there's 158 internal controls here in this
building. But now there's more policy and
procedure in place to where the management team
takes ownership of -- from a standpoint of the
general manager saying, Okay, this is how I want to
manage this property as a general manager. And there's nothing regulatory about it. It's all management decision.

So over 700 internal controls, because there was such a misunderstanding of what an internal control was, was the management team just kept writing internal controls that were management decisions, you know.

And that's one of the things that we have done here in Milwaukee is the -- to take the onus away from the Gaming Commission of being the bad person. You know, because we've got that -- we've got that name because of that reason. You know, because we're the bad guys, so to speak. But we don't have to be the bad guy anymore. You know, we can use our minds of 28 years to 30 years of experience as regulators to say, Okay, we can do this better than the last 28 years.

And we have to make sure we look at understanding our jurisdiction and what is allowed in our jurisdiction because we reacted a lot back in the day, since 2005 when my mom didn't like me. Was when our slot director, or whoever the heck went to G2E or NIGA trade show or any of these trade shows, they went with a blank check and they
come back with new machines that were in our
loading dock four weeks later, two weeks later,
they're ready to go on the floor. And we have to
react to that with regulation.

And that's one of the things that we have
to look at is, as we move forward, how do we look
at that? How do we change? I know the gentleman
here says that, you know, IGRA doesn't cover that,
or at that time, there's standards in there that
are very old. Well, how do we do something about
it? Because there's a lot of "we can't." You
know, I think there's got to be a lot of "how can
we?"

You know, I think that's the problem that
we have. And when we look at it is, if you give
the management team a chance to blame you, they're
going to blame you. You know, I think, as
regulators, and the regulators in the room, and
sorry for any management team members in here, is
that, you know, we have to understand what our job
is and what our roles are. You know, every person
in here has a role from the NIGC all the way down
to a surveillance operator. You know, and that's
one of the things we have to understand is that
with that role, you have to stay within that scope
of authority that is given to you by your -- as
deleated to you by your executive council.

So that's one of the things that we've
done. Ad we definitely will share that information
with anybody who wants it, is that we came up with
a new system of internal controls here in Milwaukee
that has changed our direction from where we were
to now where we have a great working relationship
with our management team here in Milwaukee and also
in Carter.

So that's one of the things we have to do
is we have to evolve. We have to evolve from the
years of experience that we've learned. And if we
don't evolve from the experience we learned, shame
on us. Because we have the information. There's
28 years of information somewhere. And each in
one of our -- each in one of our jurisdictions
somewhere, and also up in Washington, D.C.

So, you know, the information that we
have, I think when we do consultations, I think we
can become better instead of confrontational, you
know, saying this, saying that. I think let -- we
can spend our time wisely on looking for ways we
can do it instead of ways we can't do it.

And I think that's one of the things that
we've learned as a gaming commission. And that we've -- we've become very -- that's a very important part of our organization is that we need to make sure we understand what our jurisdiction is.

So just a final comment again with the online gaming is that, as we move forward into the evolution of gaming, as we call it, is that there's four levels of understanding what iGaming is or online gaming is.

So there's two differences. Internet gaming and there's internet gambling. So gaming is what's happening today. And gambling is, What do you need from a federal legislation level to pass to allow internet gaming in the United States?

So that's what the NIGA principles are that the NIGA has all four of the seven principles that they like to see in federal legislation is that they would've liked to allow internet gaming -- or gambling.

Internet gaming has been exploited by the corporate gaming. The corporate gaming entities. They've found a way around us waiting for federal legislation to pass. So right now there's seven types of iGaming that's happening today already.
that the corporate gaming is making millions and
millions of dollars off. Even billions. So all
you have to do is Google it to find out.

So that's one of the things we need to
make sure we do is -- now there's an eighth
category that we're looking at, and the gentleman
talked about it, was PASPA, the sports betting --
repeal of the sports betting law that's been in
place. You know, that's one of the things that
we'd be looking at. And that's very hot on NIGA's
agenda here at the next trade show. And they
support it. If you get a chance to read it, read
it, because if it does get overturned, it's
definitely going to be an eye-opening experience in
how we're going to compete against that.

So the four levels of understanding.
Like I said, I got a 28-year-old -- 28-day-old
daughter at home, so I'm going to take this time,
as much as I can, to try to get the information
that we have that we're willing to share with you
guys.

So internet gaming, internet gambling,
two different things. So if you hear "internet
gaming," it's already happening today. Internet
gambling, you have to have federal legislation to
pass before we can do it.

So understanding. How do we understand it? So from a tribal structure standpoint, you got four different levels of understanding. You have tribal leadership is one. Two, you have executive management teams. Three, you have your regulators. And four, you have outside agencies, including NIGA. You know, all the alphabet soups that are out there.

And all the vendors. Any vendor that's out there that trying to be become -- that wants to become part of doing business in Indian Country, and to scare Indian Country into saying, You got to be ready for internet gaming when it happens. How many people have heard that? You know, we've heard it millions and millions of times at every conference you go to in the last two years. You got to be ready when they're ready to turn the switch.

So tribal leadership. How do they understand internet gaming or internet gambling? They don't. Because they understand it from a level of compacts, dealing with the State of Wisconsin, dealing with the NIGC. You know, they say, Well, I'm not going to pay that -- I'm not
going to pay our compact gaming if you -- if this part of it says you can't allow any of this gaming into the states. Okay, that's how they understand it. They understand policy. They understand grants. They understand that from a high level -- high-level situation. I don't understand it. You know, I can say in faith, like, I understand it, but I don't. I'm a regulator.

So we have to make sure we understand together, how do we -- how do we understand? As an industry, how do we move forward as an industry? Because we're all part of the Indian gaming industry, like it or not. And we have to understand, you know, as we move forward, the game is changing.

In executive management, if anybody in executive management says they understand internet gaming or any -- any internet gaming platforms, they're lying because none of them have done it before. Milwaukee hasn't done it. Carter hasn't done it. So none of our management teams have ever managed any kind of iGaming platform. So how do they understand it? If they're saying they understand it, tell them to explain it to you.

Because they don't and none of them did it. We're
all in the same boat.

As regulators, we have the intel, so we have to background these people. All right? How do we use that information to those first two levels of understanding, tribal leadership, executive management? Sometimes we got to save themselves from themselves as regulators.

Outside agencies, you know, they're there just to make money. You know, how do we -- how do we tell the difference between who's our friends and who's just going to take advantage of us? Because we know who's been taking advantage of us for the last 28 years as vendors, as regulators. We have that information as regulators. We got background information on them.

So those are the four levels of understanding. We all understand differently from a tribal-structured standpoint. We all have to sit in a room, which we did here at Forest County, to say, Okay, how do we all understand what our threat is in the industry? And we sat down and we brainstormed it.

You know, there's a lot of egos that were hurt. There was a lot of egos that didn't want to say they understood it, and they sat there and they
talked and talked and talked for two hours. And it sounded like they understood it, but they didn't. You know, I think that's one of the things we have to make sure we understand is the future of Indian gaming is changing. And we have to make sure we use our collective heads and the leadership of NIGC as we move forward. I know we've made -- you guys have made a lot of progress and a lot of initiatives. You know, I applaud you for that, and I applaud you not to stop. You know, I encourage you to keep going because we're looking to you for assistance. You know, we're the frontline, the regulatory bodies, but we're looking to you for assistance. And we don't want to be wasting our time, you know, talking about other things to where we can become better and stronger to compete against our competitors. And to look out for everyone. 400-some tribes that are in the United States. We got to look out for 400 and whatever tribes that are there.

MR. FUNMAKER: 38.

MR. GEORGE: 438 tribes. We need to look out for those. Not just the people who can pay us $25,000, $30,000, $50,000. We need to look out for them. That's our industry. That says "Indian,"
right?

MR. FUNMAKER: Well, I want to back you up. My company's going to do in conjunction with this young man here, and the rest of those people, is we're going to study that gambling portion you talked about. You said there's already people making money. They're not going to allow us to do anything unless we have our ducks in order, which is all the management, all the IT ideas, everything that matches theirs and beyond. Then you apply. Does that sound right? Somebody's already doing it, but we have to see how they're doing it. Then we have to do it better. And then we apply. Does that make sense?

That's what -- that's how I see it as an entrepreneur. That's what I'm going to do. I look for business. You may laugh there, young man, but that's what I mean, you know.

CHAIRMAN CHAUDHURI: I'll tell you what I'm smiling about. I mean, the topic is absolutely apropos in terms of knowing the future of -- at least not being left behind. Indian Country not being left behind. But what I'm laughing about is, you know, absolute respect to my elders, you know, I love the vision that my elders are showing. I
would love to see some younger folks saying the same things. And no disrespect to elders, but I'm like, you know, if we're talking about the future, you know, we need to invest more in youth leadership.

So that's what I'm kind of smiling about. And just nothing but respect to the elders. But, you know, when we talk about the future, you know, each generation has an obligation to inspire and motivate the younger folks. So it would be -- I mean, not that you're -- I mean, what, you're in early 40s, something -- sir? I'm going off topic.

MR. FUNMAKER: 71.

CHAIRMAN CHAUDHURI: You carry it well. But that's what I'm smiling about.

MR. FUNMAKER: Thank you. Thank you. But I do back you up and that's how I see it as a company, as an entrepreneur. I'm going to talk with that man there, and I know he's with me, unless he speared the company, the big company, and to be able to analyze the gambling portion, what my brother spoke about. And I don't know whether Potawatomi -- because I know Ho-Chunk won't do it with me. Somebody's got to be a prototype. And then once we put everything together, then we'll be
ready to submit. And maybe from a legislative standpoint, that's where you guys will come in and submit, you know, all the technology that we have and we're ready to go to that next step. Does that make sense? It does to me.

Anyway, I mean, I had the common sense that you're talking about. And that's my background is management. I got my degree in theology, but my background was in management and finance.

And so that's how I'm going to approach it. Then I'm going to give it to you, or I'll give it to Potawatomi to consider what we have and to what we're going to try to do on our dime to figure it out and then to go forward. Instead of dealing -- you know, you deal with tribal councils, you're just going to deal with one individual, myself, and then I'm going to bring it to the --

CHAIRMAN CHAUDHURI: But with all respect, I want to make clear that we're -- we want Forest County, as the host nation, to have the opportunity to provide closing comments. So I don't want to cut into that.

MR. FUNMAKER: Well, yeah, hold on now. He knows darn well that we had a chance for this
property for Ho-Chunk before they did. They came
to us for this property. Do you remember that?
Did you know Joe Pilasnik?

CHAIRMAN CHAUDHURI: Okay.

MR. FUNMAKER: No, no, no.

CHAIRMAN CHAUDHURI: Change of subject.

MR. FUNMAKER: This is relevant. This is relevant. Those folks didn't have a dime, just
like us. We didn't have a dime. I used to roll a
tire around the mission. A tire, for
entertainment. So I lived that other life. And I
respect the young people. And when I talk to
Ho-Chunk young people, our managers, I tell them
that I'm proud of what they're doing.
Academically, they have it together, just like you
folks. You're academic. And that's very cool.
You got a certain process.

But I'm just, you know, backing up
because if he doesn't know the history, they asked
Ho-Chunk first whether we wanted this land. And
our tribal chairman said, No, it'll never happen.
Well, they were lucky enough to be able to say,
Yeah, we'll do it. So they got this property here.
So there.

CHAIRMAN CHAUDHURI: And I appreciate
that. Let me just say, as I started, we're happy to be in a region with so many strong nations. And so, you know, we mentioned Menominee. We mentioned Ho-Chunk. We mentioned Potawatomi. Obviously, we've mentioned Oneida. We mentioned Ojibwa. A lot of strong people in this neck of the woods. Today we are being hosted by Forest County Potawatomi. I appreciate those comments. But I do want to make sure that, in terms of final words, Mr. George, I don't want to cut you off. Chairman.

MR. GEORGE: Thank you, Mr. Chairman. Just to finish up is that if there's any information or anything that you may need from us of the discussions that we do had -- or that we did have here, we're definitely open to sharing that information with anybody that's here today. And we're looking for to moving it forward as well.

So with that said, I'll respectfully give it back to you, Mr. Chairman and the Commission. We appreciate you again for being here. And for our jurisdiction, we're definitely taking charge of our jurisdiction of what we're allowing in here.

CHAIRMAN CHAUDHURI: Thank you so much, Chairman. I'm going to turn it over to my fellow
Commissioners for final words. But again, with deepest gratitude, we so very much appreciate the blessing that you provided this morning, as well as the honor song by Mr. David.

I'm going to turn it over to my fellow Commissioners.

COMMISSIONER SIMERMeyer: Thanks, Chairman. I just want to say, you know, thank you to Forest County Potawatomi for this facility that we have here. And also for sharing your story about the regulatory reform that you went through in that process. It's interesting to hear. It's also really enlightening to see that you have that process. And the integrity and culture that you have here, it's just apparent. So as a fellow regulator, thank you for sharing that story.

I also want to say thank you to the other comments that were very concise and nuanced. There's some really complicated topics that we've been grappling with in our Agency. And I think that they were really stated in a really helpful way that's going to help inform our decision-making process. So thank you so much for those.

And for some of the broader vision-type statements that were made. I think it really
reflects a lot of the -- you know, there are
certain limitation in terms of our
government-to-government relationship. There are
certain sort of spiritual and cultural bearings
that some folks had mentioned today that I think
are really important to any discussion. And so
thank you for sharing those.

And I also wanted to say, since Chairman
George brought it up earlier, to say, and I think I
speak for a lot of folks in our Agency, thank you
for mentioning Mr. Thomas who works with us here at
the Agency. I know him and his family are
Ho Shoshone (phonetic), but he's a really important
part of the leadership team at the National Indian
Gaming Commission. And I know he has roots here.
And, you know, professionally, and with folks here,
he's done an excellent job of just getting the
respect and providing some real institutional
knowledge at the federal level. So we want to say
thank you for the influence you had on him and any
leadership that he brings to our agency.

And a final thing because I want to give
a really heartfelt gratitude to Mr. David and
Chairman George for the honor song early on. That
was a really -- a real blessing that you gave to
the commission, and something that, you know, is a
humbling part of this experience. So thank you
very much for that.

VICE CHAIR ISOM-CLAUSE: So I know I just
keep repeating our thank you's, but, you know, I do
think it bears repeating that we really, really
appreciate your hosting us here and to all of you
for being here as well. It's been an credibly
productive session today. I think we've had some
very insightful comments and as well as folks'
perspective on things overall. And it's going to
give us a lot to work with when we go and consider
this.

We're also looking forward to written
comments by February 28th. So we are at the end of
our in-person consultation sessions. So we know
it's not a whole lot longer for the written
comments, but we are very much looking forward to
reading those.

And it's really been a pleasure being
here. We're ending on a high note. I think this
has been one of our best sessions. So really
appreciate you all for making us feel welcome here,
for the honor song, for the blessings, for all the
great comments. Thank you all.
CHAIRMAN CHAUDHURI: And thank you. Just it's been a beautiful day. And it's an honor to be here. I actually have it written in my notes. You mention Dustin. Because we're very thankful for the fact that you're able to hopefully -- I mean, maybe it's just a loan. You might take him back, I don't know. But we're not giving him up without a fight. He's been incredible at the Agency.

But many thanks to everybody in this room for taking the time out of your days to share your thoughts and to hopefully learn and listen to one another. Really appreciate it. Many thanks to our team for putting together this consultation. I agree, I think this is ending on such a high note. This is our last consultation of this season.

And, you know, on a personal note, my statutory term ends the end of April. And so this -- I don't know if this will be my last consultation. It likely will be, but it definitely will be my last consultation in my statutory term. I very much appreciate the ongoing work that we've all done together. And I am very, very optimistic and encouraged about the future.

All jokes aside about, you know, the elders speaking about the future. It really is the
elders who got us to where we are. And it's the elders who are paving the way. But every time I see young people talk about the changing landscape of economic development in Indian Country, it makes my heart full that we're in good hands. And we see that a lot when we're out on the road.

So many, many thanks for our collective work together. And safe drive home. Thank you again for hosting us. Mvto. And with that, the session's closed. Mvto.

(Proceedings concluded at 3:45 p.m.)
CERTIFICATE

I, MARGARET M. MITCHELL, a Certified Realtime Reporter, Registered Merit Reporter, do hereby certify that I reported all proceedings adduced in the foregoing matter, and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel for any party to the proceedings, nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 5th day of March, 2018.

__________________________
Peggy Mitchell, RMR, CRR