



# Ho-Chunk Nation Gaming Commission

W9814 Airport Road, PO Box 667, Black River Falls WI 54615 • (715) 284-7474 • (800) 814-8050 • FAX (715) 284-7550

August 12, 2021

Chairman E. Sequoyah Simermeyer  
National Indian Gaming Commission  
1441 L Street, N.W., Suite 9100  
Washington, D.C. 20005

## **RE: Government-to-government consultation**

Dear Chairman Simermeyer:

The Ho-Chunk Nation (“Nation”) Gaming Commission (“Commission”) appreciates the opportunity to participate in the virtual government-to-government consultations with the National Indian Gaming Commission (“NIGC”). The Commission attended the Consultation Series A and has reviewed all materials provided. We are prepared to submit the following requests for interpretation and/or clarification as well as provide comments to the proposed changes.

### Requests for Interpretation and/or Clarification:

#### **25 C.F.R. Part 502 – Primary Management Officials and Key Employees**

- **25 C.F.R §§ 502.14 (b) any person with unescorted access to secured areas.**  
Would this require the TGRA (Commission) to be licensed if the Commission has unescorted access to secured areas?
- **25 C.F.R §§ 558.3 (c) Key employee or primary management official who does not have a license after ninety (90) day shall not be permitted to perform the duties, functions, and/or responsibilities of a key employee.**  
As the Commission for the Ho-Chunk Nation we are not authorized to suspend or revoke without requesting such action from Tribal Court. Can the Commission request an extension until a decision from Tribal Court is received? Or until the applicant is licensed or whichever come first? The latter may be due to reasons beyond our control.
- **25 C.F.R §§ 556.4 (14) Fingerprints consistent with procedures adopted by a tribe according to 522.2(h).**  
Please clarify what documentation is acceptable from a Tribe to provide proof of fingerprinting without violating CHRI. The Nation fingerprints through the State of Wisconsin therefore fingerprint cards are not available due to electronic filing.

#### **25 C.F.R. Part 552 – Submission of Gaming Ordinance or Resolution:**

- **25 C.F.R §§ 522.2 (d) A copy of the tribe’s constitution.**  
Please clarify the purpose of requiring the submission of the tribe’s constitution.
- **25 C.F.R §§ 522.3a Amendment Approvals and Disapprovals**  
Please clarify if 522.3a in this section will be renumbered to conform to other sections of 25 C.F.R. §§ 522.

Comments:

**25 C.F.R. Part 502 – Primary Management Officials and Key Employees**

• **25 C.F.R §§ 502.14 Key Employee**

1. Remove (1)-(8) and cover the job functions through custodian statements rather than naming specific titles.
2. Separate and combine (9) and (10)
  - a. Custodian of cash, cash equivalents, or the monitoring, reviewing, surveilling, reporting of cash or cash equivalent transactions (*Custodian may cover everything after the “or”*)
  - b. Custodian of gambling devices, gaming equipment, gaming supplies, gaming systems, gambling device records, and gaming system reports.
3. (11) Ok with definition
4. (12) Custodian of compliance inspection, investigation, or monitoring... (*Continue with the “custodian” statements and I added compliance investigation*)
5. Add (13) Custodian of the environmental, public health & safety of the gaming operation
6. Add (14) Custodian of the security for the gaming operation.

• **25 C.F.R. §§ 502.14(c) If not otherwise included, any other person whose total cash compensation is in excess of \$100,000.**

The Commission agrees with the increase in cash compensation from \$50,000 to \$100,000.

• **25 C.F.R §§ 502.14(d) and 502.19(d) Any other person designated by the tribe as a key employee/primary management official.**

The Commission would like 502.14(d) and 502.19(d) returned to the regulations. The Ho-Chunk Nation’s MOU for Fingerprinting is with the State of Wisconsin and not with the NIGC therefore we would like to have the option to add licensed positions as needed.

We thank you for the opportunity to request clarification and to offer additional comments.

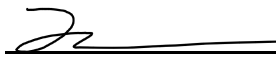
Respectfully,

If you have any questions or comments, please contact the Commission at Ext. 11051.

Thank you for your attention to this matter.



\_\_\_\_\_  
Samantha Day, Chairperson

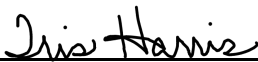


\_\_\_\_\_  
Quentin Allen, Vice Chairman



\_\_\_\_\_  
Cori Blaschke, Secretary

\_\_\_\_\_  
Michael Owen, Treasurer



\_\_\_\_\_  
Tris Harris, Gaming Commissioner

cc: Karena Thundercloud, Vice President  
Office of the Tribal Inspector  
File: 21AUG001