



GRATON TRIBAL  
GAMING COMMISSION

Chairman Sequoyah Simermeyer  
National Indian Gaming Commission  
90 K Street NE, Ste 200  
Washington DC 20002

[NIGC.Outreach@nigc.gov](mailto:NIGC.Outreach@nigc.gov)

Re: Proposed Regulation Changes – Definition of Key Employee

Dear Chairman Simermeyer:

The Tribal Gaming Commission of the Federated Indians of Graton Rancheria wishes to submit the following comments on the proposed changes to 25 C.F.R. section 502.14:

Definition of “key employee”: although we are generally supportive of the proposed changes to part 502.14, we are concerned about the change to part 502.14(b), which would render “any person with unescorted access to secured areas” a key employee. The regulations contain no definition of “secured areas.” At our tribe’s gaming facility, the entirety of the back of house area is considered secured, and access is limited to licensed employees of the gaming operation and of its tenant businesses, and business visitors. Access may only be gained by use of a badge or passing through a security check. It is not clear whether the intention of the proposed change is to expand the “key employee” definition to encompass every individual with back of house access, but at our tribe’s facility this would broaden the definition to all employees of the gaming operation as well as the employees of tenant food and beverage operations, who must pass through back of house areas to access their workplace. Such persons currently are required to have gaming licenses but are not subject to the fingerprinting requirement of section 556.4(a)(14). In other words, the term “key employee” would become broader than the category of all gaming operation employees. We recommend that “secured areas” be changed to “cage, count and surveillance areas.”

In addition, we believe that the definition of “key employee” should be broadened to include two more categories:

- Human Resources employee, if designated as a key employee by a gaming ordinance or resolution approved by the Chair; and
- Information Technology employee, if designated as a key employee by a gaming ordinance or resolution approved by the Chair.



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We recommend adding these two categories in order to provide flexibility for tribes to determine the need for full key employee investigations on human resources and information technology employees with access to extremely sensitive information. In particular, some information technology department employees have access to highly sensitive Class II and Class III gaming data.

Another concern we have is with the proposed change to § 502.14(d), which would remove the discretionary power of tribes to designate other persons as key employees, replacing it with the automatic designation of the four most highly compensated individuals in the gaming operation. The tribal gaming agency is in most cases the best placed entity to decide whether any additional persons should be designated as key employees and should retain this power in order to best protect the tribe's assets.

We appreciate your attention to these concerns.

Respectfully Submitted,

A handwritten signature in black ink that reads 'Tim McLaughlin'. The signature is fluid and cursive.

Timothy J. McLaughlin,  
Gaming Commissioner