


National Indian Gaming Commission

Preventing Gamesmanship on the Backs of Tribes



IGRA Purposes

Provide a statutory basis for the operation of gaming by tribes to promote:

- tribal economic development
- self-sufficiency, and
- strong tribal governments.

Provide a statutory basis for the regulation of gaming by a tribe that is adequate to:

- shield it from corrupting influences;
- ensure tribe is the primary beneficiary of the gaming; and
- gaming is fair and honest by the operator and the player.




Gamesmanship

1. Non-tribal government interest
2. Manipulates Tribal business relationships associated with Indian gaming operations in furtherance their own interests
3. Undue influence over the tribal decision making process (as can be the case when the gamesmanship is facilitated by trusted tribal advisors)
4. At the expense of the tribal gaming operation and, therefore, the tribe and its citizens
5. Violates IGRA or NIGC regulations, Tribal Gaming Ordinances and other federal, state or tribal laws

 **Know Your Authority**

- Tribal Gaming Ordinance
- Indian Gaming Regulatory Act
- Gaming Regulations
- Policy

 **Know Your Authority**

- What are all of the authorities provided to the TGRA within the approved gaming ordinance?
- What level of access does the ordinance provide related to contracts and agreements?
- What are your regulations regarding licensing of vendors and 3rd parties?

 **Know Where to Look**

- Contracts
 - Review
- Daily Activity
 - Observe
- Payments
 - Audit/Test



Know What to Look For

Red Flags

- Unapproved Management Contracts
- Sole Proprietary Interest
- Misuse of Gaming Revenue



Know How it Happens

- Lack of Awareness
- Good Intentions/Few Options
- Pressure
- Collusion



Who Knows

- Negotiator
- Contractor
- Author(s) of the contract
- CFO
- Check signatory
- Accounting Department
- Department receiving the service



Be Proactive

- Awareness
- Promulgate policies and regulations
- Enforce and train existing policies and regulations
- Research/Training
- Educate vendors during licensing
- Request and review the contracts
- Consider Ethics and Conflict of Interest policies for decision makers




Addressing Gamesmanship

- Document and Report
- Investigate
- Expand the Scope
- Take Action




Teaming With NIGC

- OGC will review unexecuted agreements
- Compliance will review executed agreements
- Resources
- Training
- Expand the scope to other jurisdictions




Desired Outcome

- Stop the violation
- Amend or void agreements
- Return management control to the tribe and/or ensure the tribe is the sole beneficiary
- Promulgate controls to prevent reoccurrence
- May result in a criminal referral



What to Expect from NIGC

- Identifying Gamesmanship is an agency priority and NIGC Compliance Officers may:
 - Ask questions related to Gamesmanship during site visits
 - Review contracts on site
 - Request copies of contracts, payment records and other associated documents
 - Visit with operations staff about 3rd party services and activities



Questions?

- Please reach out to the Region Office or the Office of General Counsel if you have any questions.

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