

1 NATIONAL INDIAN GAMING COMMISSION  
2 PUBLIC MEETING  
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6 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
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8 Taken at: Morongo Casino, Resort and Spa  
9 Cabazon, California, 92230  
10

11 Monday, February 4, 2013

12 2:13 p.m. - 3:12 p.m.  
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17 Reported by:

AMEE D. ZARADNIK, RPR

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APPEARANCES

National Indian Gaming Commission:

Tracie Stevens, Chairwoman, NIGC

Daniel J. Little, Associate Commissioner, NIGC

Sarah Walters, Counselor to the Chair

Eric Shepard, General Counsel

Frank Quimby, Staff

Eric Schalansky, Regional Director

Francisco Hernandez, Senior Field Investigator

Pre-Registration Attendees:

Bea Carson, Mississippi Band, Chairperson, TGC  
Marrianna Bobtail Bear, Quechan Tribe, Executive  
Director, TGC

Norm DesRosiers, San Manuel Band, Commissioner,  
TGC

Norm Hansen, Southern Ute Indian Tribe,  
Commissioner, TGC

Andrew Hofstetter, Soboba Band, Commissioner, TGC

Celeste Hughes, Soboba Band, Commissioner, TGC

Wendell Long, Pascua Yaqui Tribe, CEO,  
Casino Operations

Raymond MaGee, Cahuilla Band, Commissioner, TGC

Ushla Majel, Pauma Band, Commissioner, TGC

Joseph Marinko, Twenty Nine Palms Band,  
Commissioner, TGC

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APPEARANCES  
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Pre-Registration Attendees (continued):

Joe Murrillo, Twenty Nine Palms Band, Executive Director, TGC

Jerry Peebles, Soboba Band, Commissioner, TGC

Kim Snyder, Twenty Nine Palms Band, Commissioner, TGC

Denise Turner Walsh, Rincon Band, Attorney, Tribal Government

Glendale, Willis, Mississippi Band, Associate Commissioner, TGC

Non-Registration Attendees:

Abraham Calac, Rincon Band, Compliance Manager

Robert Pagliaroli, GLI, Manager

Ray Hunter, Jamul Indian Village, Chairman

James Hunter, Jamul Indian Village, Commissioner

Erica Pinto, Jamul Indian Village, Vice Chair

Charles Martin, Morongo, Councilman

Jon Toro, Agua Caliente, Vice Chairman

Joe Osterloh, Viejas, Staff Director

Jason Nichols, Viejas, Commissioner

Philip DeGrande, Campo, Background Investigator/Commissioner

Robert Banegas, Campo, Gaming Director

Les Stanley, Rincon, Executive Director

APPEARANCES  
(continued)

Non-Registration Attendees:

Adam Bailer, Hobbs, Straus, Dean & Walker,  
Associate

Jan Sullivan, Cabazon, Executive Director

David Omens, Cabazon, Compliance Manager

Joe Hibdon, Rincon, Commissioner

Ed Mazzetti, Rincon, Commissioner

Laurel Burton, Rincon, Commissioner

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1 Cabazon, California, Monday, February 4, 2013

2  
3 PROCEEDINGS

4  
5 MS. STEVENS: Good afternoon.

6 UNIDENTIFIED SPEAKER: Good afternoon.

7 MS. STEVENS: Hello, everybody. Thank you for attending  
8 our first public meeting of 2013. My name is Tracie Stevens.  
9 I'm the chairwoman -- and first I'm Tulalip from Washington  
10 state and I'm the Chairwoman of the National Indian Gaming  
11 Commission. With us we have our staff, Frank Quimby. Many  
12 of you know him. He's walking around. Eric Schalansky our  
13 regional director in the back. We also have Angela and --

14 MS. KIM: Kim.

15 MS. STEVENS: -- Kim out there who's been checking  
16 everybody in. Additionally, we have Sarah Walters here,  
17 furiously looking at that laptop there. She's a counselor to  
18 the chairman. And next to Sarah is Eric Shepard, who is our  
19 acting general counsel. To my left is Dan Little. And I'll  
20 give him the microphone if you want to say anything.

21 MR. LITTLE: Right now?

22 MS. STEVENS: Yeah.

23 MR. LITTLE: Hello, everyone. Thank you for coming  
24 today. I know it's a little before the CNIGA event. I want  
25 to tell you I appreciate you coming out a little early and

1 taking part in this meeting. So I want to welcome you all  
2 and look forward to hearing any of your comments when we go  
3 to the public comments section of the meeting. So thank  
4 you.

5 MS. STEVENS: So just as a reminder, this Commission has  
6 been holding public meetings at various parts of the country.  
7 I think we've been to almost all the regions. And as a way  
8 to -- especially for tribes and tribal regulators sort of see  
9 inside of the agency and see what it is that we do and watch  
10 us conduct some of the business that we're able to conduct at  
11 the time that we have the meeting. And so we will be  
12 discussing -- hopefully everybody has an agenda. There are  
13 items on the agenda -- updates from our general counsel's  
14 office and the other side of our house is the chief of  
15 staff's office -- and those are some housekeeping things  
16 we'll be doing. And also we'll be taking some actions as the  
17 Commission.

18 You'll notice that Dan and I are the only ones  
19 here. You may or may not know that former Vice Chair  
20 Commissioner Steffani Cochran left our -- left the  
21 Commission. She concluded her term at the beginning of  
22 January -- been a month, it's been exactly a month -- for  
23 really sweet deal to go home, because as many Indian people  
24 know that when you're called home, guess where you're going?  
25 You're going home. And she had the opportunity to go home

1 and work for Pueblo Pojoaque in Santa Fe, and she's doing  
2 that now as head of legal diversion there at the Pueblo. So  
3 we are very thankful and grateful for her service to Indian  
4 country and to the administration. She was a great partner  
5 with us and so now she's standing on it till we fill that  
6 position, but we are still a functioning commission until  
7 that happens. So we'll be making some decisions today and  
8 we'll be hearing from Eric and Sarah.

9 Now will be a good time to remind everybody that  
10 this is public meeting and these proceedings are not intended  
11 to include public comment or participation while getting  
12 these updates. There will be public comments section at the  
13 end of the agenda. You'll see that on your agenda towards  
14 the end; it's No. 5. And if you wish to make comment to the  
15 Commission or have any things you'd like to say on the  
16 record, please feel free to sign up. We do have -- certainly  
17 Eric is around, Frank is going to be back here helping a  
18 transcriptionist, so if you have something you want to say,  
19 you'll need state your name and where you're from; but if you  
20 do want to make comments, you do need to sign up so we know  
21 to call on you.

22 With that, we'll go ahead and start with the chief  
23 of staff report and that will be delivered by counselor to  
24 the chair, Sarah Walters, in lieu of the chief of staff,  
25 Dawn Houle, who is stationed back at headquarters in DC.

1 Sarah.

2 MS. WALTERS: Good afternoon, Chairwoman, Commissioner  
3 Little.

4 I'd like to start by talking a little bit about our  
5 training and technical assistance programs that we have had  
6 throughout fiscal year 2012. I would like to start by  
7 talking a little bit about our 2012 training statistics.  
8 2012 saw a rise in training in technical assistance  
9 opportunities from 2011. We had a total of 84 trainings  
10 across all regions. The St. Paul region had a rise in  
11 training; they did 22 trainings in 16 site-specific trainings  
12 this year. Our training hours equalled 724.25 in fiscal year  
13 2012, which trumps our 2011 numbers which were 659 training  
14 hours. We had 2,013 attendees compared with 2011, which had  
15 2,309 attendees. We hope to increase our training and  
16 technical assistance in 2013. We are currently offering  
17 training and technical assistance on our new fee regulations,  
18 Part 514, and that training is available from our audits  
19 division. Anyone wishing to receive training on Part 514 or  
20 any other site-specific or regional training is welcomed to  
21 sign up for training on our Web site at [www.NIGC.gov](http://www.NIGC.gov).

22 Does the Commission have any questions regarding  
23 training?

24 MS. STEVENS: I don't think so. I know we're gonna talk  
25 at the end of agenda on the upcoming trainings for the



1 regions and what else might be expected.

2 MS. WALTERS: I'd like next to move to our agency  
3 operations review. I'd like to first start off with an  
4 update on our strategic plan. We consulted on our draft  
5 strategic plan earlier this year and late 2012. We have  
6 submitted the draft strategy plan to the Commission for  
7 review. OMB has extended the deadline to June of this year  
8 and the final draft is ready for approval.

9 Next --

10 MS. STEVENS: Were we ready when they changed that date  
11 for submission?

12 MS. WALTERS: Yes, we were.

13 MS. STEVENS: Do you know approximately how many  
14 comments we received for that?

15 MS. WALTERS: We received approximately six comments.

16 MS. STEVENS: Six comments? Okay. And we held how many  
17 consultations on the strategic plan?

18 MS. WALTERS: I believe we had two consultations on the  
19 strategic plan.

20 MS. STEVENS: And our strategic plan encompasses our  
21 initiatives?

22 MS. WALTERS: Yes, between the years 2014 and 2018; it  
23 covers that four-year period. Our current strategic plan  
24 that is in effect right now is scheduled to expire in 2015.  
25 So this new strategic plan will overtake the current

1 strategic plan.

2 MS. STEVENS: Okay. Thank you.

3 MS. WALTERS: Next I'd like to discuss our office move.  
4 We have a draft tenant agreement submitted to GSA for  
5 approval. Per our commission directive several years ago, we  
6 have reached out to GSA for utilization of 8(a), Native  
7 American contractors and vendors, during this process and we  
8 are waiting to work with GSA to contract with 8(a)  
9 contractors currently.

10 MS. STEVENS: Could you tell us more about when the  
11 lease expires? And maybe we can have Dan talk a little  
12 about, you know, what tribes can expect in the transition.

13 MS. WALTERS: Currently our lease expires in May of this  
14 year. We expect to have an opportunity to stay in our  
15 current lease space month to month after May of 2013 pending  
16 the availability of our new space, which is -- which will be  
17 located near Union Station on Capitol Hill. Our new location  
18 will be convenient by metro and other means of transportation  
19 to tribes and individuals seeking to visit the NIGC. Tribes  
20 can expect that we will be in our new lease space before the  
21 end of 2013, although currently we don't have a set date when  
22 we are likely to move.

23 MR. LITTLE: If I could just add to that, Madam Chair,  
24 because I worked on this a little bit. You know, when we  
25 looked for space around the District of Columbia -- obviously

1 the rental prices are very expensive there, and kind of  
2 understanding in that we don't have a federal budget  
3 appropriation, that the resources we rely on all come from  
4 the regulating community tribe. So staying in that current  
5 space was not an option; we had to relocate elsewhere that --  
6 actually the landlord was not even soliciting a bid. So we  
7 had to leave, did a thorough review of all existing space in  
8 DC, including actually going back to the Department of  
9 Interior, which turned out to be one of the most expensive  
10 places in town. So did settle upon an area of Capitol Hill  
11 near Union Station. Anybody familiar with that knows it's  
12 probably a good convenient point for our employees but also  
13 for the tribes. Generally when tribes come into the town,  
14 they spend considerable amount of time on Capitol Hill  
15 visiting with their members of congress or senators, so  
16 actually probably be very convenient for them.

17 And then the other thing we really talked about  
18 was -- and we are working with GSA and Department of the  
19 Interior -- on being able to utilize qualifying Native  
20 vendors for procuring any of the build out. We got raw space  
21 that's going to require architecture, contractor, wires --  
22 you name it -- everything to build out the space. And we're  
23 in the process of preparing a package so that Native 8(a)  
24 vendors can be contacted and asked to participate in the  
25 bidding process, so that's where we are.

1 MS. STEVENS: Okay. Again, that will -- that's  
2 something that we'll be working on over the next -- during  
3 this year and hope to have that completed. Again, we're  
4 being mindful of the resources that come to us from tribes.  
5 We're not an appropriated agency and making the best decision  
6 we can with the funds that we have available to us. So we  
7 certainly will give advance notice to tribes, you know, if --  
8 when we get to the point when we move so that you all know  
9 where we are, where to send your fees, where to contact us,  
10 where to send your ordinances and all the things you need us  
11 to do and how to contact us.

12 Go ahead, Sarah, with the next one, (b)iii, 2  
13 (b)iii.

14 MS. WALTERS: Next I'd like to update you on our records  
15 management issues within the agency operations. This has  
16 been an ongoing initiative within the NIGC to update our  
17 record management system and to prepare us for our move to  
18 our new office space. We have submitted a request for  
19 proposal to IBC for advertisement. Again, in this RFP we  
20 have targeted 8(a) contractors to help with our records  
21 management. We hope in our records management efforts to  
22 utilize electronic sources of record management, which we  
23 currently underutilize. And this also goes along with our  
24 general IT update, which is ongoing as well.

25 MS. STEVENS: Did we miss the policies and procedures?

1 I'm sorry.

2 MS. WALTERS: Oh, yeah. Pardon me.

3 MS. STEVENS: That's okay. Yeah.

4 MS. WALTERS: We have a number of policy updates that  
5 are ready for approval for the Commission. Our time and  
6 attendance policy, nursing mothers program policy, telework  
7 policy, charge card policy and reasonable accommodation  
8 policy are all prepared to be approved by the Commission  
9 today at your discretion.

10 MS. STEVENS: We'll put that in new business.

11 MS. WALTERS: Would you like me to discuss any policies  
12 right now or should we wait for new business?

13 MS. STEVENS: We'll wait.

14 MS. WALTERS: Next I'd like to update you on our  
15 staffing. We have a number of current vacancies within the  
16 agency and a number of tentative offers that have been made  
17 to director of Public and Congressional Affairs and that  
18 individual will start on February 11th; we've made a  
19 tentative offer to a deputy chief of staff, which -- who will  
20 also hopefully start in February; we've made a tentative  
21 offer to a regional administrative assistant in Oklahoma  
22 starting in February; and we are in the final interview stage  
23 for a training manager/director.

24 Preliminary offer, or a tentative offer as I've  
25 said, is an offer that the agency has made pending a

1 background investigation and approval after background  
2 investigation. We also have current openings at the agency.  
3 We have a financial specialist opening, which closes on  
4 February 14th of this year; we have a director of clients  
5 opening, which closes on February 14th of this year; a  
6 financial administrative assistant that closes on  
7 February 8th of this year; and an IT auditor, and that  
8 position is located in our Tulsa, Oklahoma regional office,  
9 and that closes also on February 14th. The other positions  
10 are all out of our DC headquarters office. These openings  
11 can be found on our Web site, NIGC.gov, which takes you to  
12 the USA jobs Web site, which is USAjobs.gov.

13 I'd like to cover a little bit about our new fee  
14 regulations and worksheet. Today the NIGC has published on  
15 its Web site a new fee worksheet as well as a new preliminary  
16 fee bulletin for March 2013. As you know, the NIGC has  
17 amended its fee regulations, effective October 1st, 2012.  
18 The amended regulation applies to the fee payment worksheet  
19 submission starting January 1st of this year. The revised  
20 sample fee worksheet to be used for the quarterly fee payment  
21 calculations has been completed by NIGC staff and, as I  
22 mentioned, is or will be published on the NIGC Web site this  
23 week.

24 Along with the fee worksheet, we have also  
25 published a bulletin that will provide guidance on how to

1 calculate fees under the new fee schedule, which is quarterly  
2 fee payments as opposed to biannual fee payments which the  
3 NIGC had before. Any questions can be directed to our  
4 director of finance. Currently our bulletin and worksheet  
5 call for submissions to be made to our controller. However,  
6 that position under our new agency structure does not exist  
7 currently, so any submissions can be made to our director of  
8 finance.

9 Unless the Commission has any questions, this  
10 concludes the chief of staff report.

11 MS. STEVENS: No, I don't have any other questions, I  
12 just want to remind everyone that we are doing trainings on  
13 the new fee regulations and our staff is always available  
14 should you have questions. One of the reasons we posted this  
15 bulletin, this guidance and new worksheet, was because we  
16 were getting a lot of questions about the new fee regulation.  
17 So in an effort to be helpful and just provide -- based on  
18 questions that we were getting, provide information that most  
19 everyone was seeking, put it on our Web site. But if that  
20 still isn't enough, be sure to call and, again, we are doing  
21 some of the training for that.

22 So with that, I'll turn over to Eric Shepard, who's  
23 our acting general counsel, for general counsel's report.

24 MR. SHEPARD: Good afternoon, Chairwoman, Commissioner.

25 Just gonna run through a number of the regulations

1 that became final in the past year. As I think everyone is  
2 aware, that Commission's gone through a lengthy review  
3 process and a number of those regulations became finalized  
4 and are even now in effect or are going to be in effect  
5 shortly.

6 Part 502, which was some changes to the definition  
7 section, those were effective October 24th. Part 514, which  
8 Sarah discussed quite a bit, the new fee regulations, those  
9 were effective October 1st; payments on quarterly basis  
10 started January 1st of this year. Part 537, background  
11 investigations, the amendments became effective  
12 September 10th, 2012. Part 543, the minimum internal control  
13 standards for Class II gaming, became effective October 22nd.  
14 Part 547, the minimum technical standards for Class II gaming  
15 systems and equipment, became effective October 22nd. Parts  
16 556 and Parts 558, will -- tribal background investigation  
17 and regulations -- they will be effective on February 25th,  
18 2013. Part 559, facility license notification submissions,  
19 became effective on October 24th. Part 571, monitoring and  
20 investigations, became effective on September 10th. Part  
21 573, compliance and enforcement, became -- becomes effective  
22 on February 6th, on Wednesday. And there are number of  
23 amendments to the appeals regulations, Sub Part A -- all  
24 those became effective on October 25th, 2012.

25 We are in the process of updating all of our



1 regional training programs to include the new regulations.  
2 We have had number of requests for training from OGC that  
3 includes the new updated regulations. We're also available  
4 to answer questions on the new regulations.

5 MS. STEVENS: Will we be putting anything on the Web  
6 site summarizing these?

7 MR. SHEPARD: We have a summary that I believe is on the  
8 Web site today that's a detailed charge showing each  
9 regulation and what changes were made during the course of  
10 the regular review process.

11 MS. STEVENS: Great.

12 MR. SHEPARD: In addition, we have two notices of  
13 proposed rulemaking for consideration by the Commission. The  
14 first is to Part 543, which Part 543, when we amended Part  
15 543 -- Commission amended Part 543 earlier this year, we made  
16 number of changes to the minimum control standards. This  
17 NPRM would add standards for drop and count and surveillance  
18 of kiosks. Also Part 547 -- Part 543 and Part 547 were  
19 promulgated at the same time by the Commission.  
20 Unfortunately, they included two different charitable gaming  
21 exemptions, and this amendment simply makes 547 match  
22 543's \$3,000,000 charitable gaming exemption. Again, those  
23 are going out for as -- NPRM as notices for proposal-making  
24 and comments be accepted on those if the Commission publishes  
25 it.

1           Finally, our consultation policy is in the process  
2 of being redrafted. Commission consulted on consultation  
3 policy initially in 2011. We've gone back in response to  
4 some of those comments and made it more straightforward,  
5 simplified, easier to use. That draft is under consideration  
6 by the Commission currently.

7           MS. STEVENS: Could you tell us -- and maybe this is  
8 something that Sarah can also help with -- for the notices  
9 and proposed rule and the consultation policy, what -- when  
10 do you expect some processes to kick in place for the tribes  
11 to pay attention and see when we will be consulting on those  
12 notices of proposal and the draft consultation policy?

13           MR. SHEPARD: The NPRM needs to be posted on the federal  
14 register, it also will be posted on the NIGC Web site --  
15 that's the notice of proposed rulemaking -- as will the draft  
16 consultation policy when it goes out for public comment. The  
17 Commission, as I understand it, tends to hold two  
18 consultation dates on both the NPRM and the consultation  
19 policy and they are March 15th in Tulsa and the last week of  
20 March -- I don't have exact date -- at NIGA in Phoenix.

21           MS. WALTERS: We expect to publish the notices and  
22 proposed rule no later than third week of February, which  
23 would provide the tribes an opportunity to review and comment  
24 prior to consultation as well as at the consultation to be  
25 held in March. The draft consultation policy, while it's not

1 part of the formal rulemaking process so will not be  
2 published in the federal register, will be available on our  
3 Web site at the same time at www.NIGC.gov and tribes have an  
4 opportunity to review and comment prior to those  
5 consultations as well as at those consultation meetings.

6 MS. STEVENS: And will you be sure to give advance  
7 notice prior to even the notice of proposed rule going out?

8 MS. WALTERS: Yes, yes, we will.

9 Tribes will have an opportunity to receive a copy  
10 of those notices and proposed rule prior to them being  
11 published in the federal register as well as 30 days notice  
12 prior to consultations.

13 MS. STEVENS: That goes along with our effort to advise  
14 tribes in advance that we intend to do a rulemaking. These  
15 rules in particular are not particularly challenging, they're  
16 not controversial; they're just some clean-ups that need to  
17 be done to 543 and 547. But we'll, you know, want to make  
18 sure that people can plan accordingly. We're going to go to  
19 areas where there's a lot of interest in these particular  
20 rules but also to a very widely attended gathering at the  
21 National Indian Association annual trade show where a lot of  
22 people usually are. So we'll give 60 days to comment as  
23 usual.

24 Okay. And is that it from the general counsel?

25 MR. SHEPARD: Yes.

1 MS. STEVENS: Okay. We'll go ahead and move on to new  
2 business. It's No. 4 on our agenda. We have agency policies  
3 and procedures up for adoption. We have items on the table  
4 up for adoption.

5 First on the list is time, attendance and leave,  
6 our internal policy.

7 Do I have a motion to approve?

8 MR. LITTLE: I make a motion to approve.

9 MS. STEVENS: I will second.

10 There's a motion on the table and second to adopt  
11 the time, attendance and leave policy. Is there a  
12 discussion?

13 MR. LITTLE: I request that Ms. Walters do a brief  
14 explanation of the policy.

15 MS. STEVENS: No objection.

16 Please proceed with your briefing.

17 MS. WALTERS: Thank you.

18 The time, attendance and leave policy has been  
19 updated from the 1996 approved policy, which covered limited  
20 leave and attendance and was part of the Office of the Chief  
21 of Staff. The policy of the National Indian Gaming  
22 Commission is to provide basis for pay and leave  
23 administration and to administer hours of duty according to  
24 the appropriate law and regulations. This policy provides  
25 further guidance to these processes for the accurate

1 recording and recording of employee time and attendance and  
2 for the proper use and accounting of different types of  
3 leave, including family friendly leave, available to  
4 employees. This policy is not intended to cover every aspect  
5 NIGC's leave administration. BSEE, which is NIGC's human  
6 resources provider, and the NIGC's Office of General Counsel  
7 has reviewed and provided comments on this policy which were  
8 taken into the consideration when updating the policy.

9 MS. STEVENS: Thank you, Sarah.

10 So the question before the Commission on the  
11 adoption of the time, attendance and leave policy -- so the  
12 question before the Commission is the adoption of the time,  
13 attendance and leave policy.

14 Those in favor of the adoption of the policy say I.

15 MR. LITTLE: I.

16 MS. STEVENS: I.

17 Those opposed say no.

18 Motion is adopted. We'll adopt the time,  
19 attendance and leave policy.

20 Next on the table for adoption is the telework  
21 policy.

22 Do I have a motion to approve?

23 MR. LITTLE: So move.

24 MS. STEVENS: And I will second.

25 There's a motion on the table and second to adopt

1 the telework policy. Is there a discussion?

2 MR. LITTLE: Madam Chair, I once again request  
3 Ms. Walters briefly explain the policy.

4 MS. STEVENS: Hearing no objection, please proceed,  
5 Ms. Walters.

6 MS. WALTERS: This policy is another updated policy from  
7 June 2011 approved telework policy. It is a policy of the  
8 National Indian Gaming Commission to facilitate telework  
9 arrangements for its employees serving in eligible positions  
10 when such arrangements are beneficial to the NIGC in terms of  
11 quality of work, productivity and timeliness of performance.  
12 Telework is a voluntary, flexible work arrangement under  
13 which an employee performs his or her positions, officially  
14 assigned duties and responsibilities, as well as other  
15 authorized activities from an approved work site other than  
16 the location from which the employee would otherwise work.  
17 In other words, they don't work in the office; they work at  
18 home. The policy provides further guidance to these  
19 processes. NIGC's human resources provider and NIGC's office  
20 of general counsel has reviewed and provided comments on this  
21 policy which were taken into consideration when updating the  
22 policy.

23 MS. STEVENS: Just to clarify, this is practice of not  
24 just this administration through executive orders but it's  
25 been over several administrations; is that not correct?

1 MS. WALTERS: Yes. And it is -- it -- it's an across  
2 the federal government initiative to increase efficiency and  
3 maximize resources.

4 MS. STEVENS: Okay. If I recall, it started in, like,  
5 the 90s, then there was one executive order in 2000 and 2006  
6 and then 2000 -- recently 2009 or '10.

7 MS. WALTERS: Yes. Essentially ever since employees had  
8 the capability with the Internet and computers to telework  
9 there's been executive orders in place to afford for that.

10 MS. STEVENS: So to reduce also the number of people on  
11 the roads.

12 So okay. So the question before the Commission is  
13 the adoption of the telework policy.

14 Those in favor of the adoption of this policy  
15 please say I.

16 MR. LITTLE: I.

17 MS. STEVENS: I.

18 Those opposed say no.

19 The motion is adopted. We'll put that in effect  
20 the telework policy.

21 The next on the list is nursing mothers program.

22 Do I have a motion to approve?

23 MR. LITTLE: So move.

24 MS. STEVENS: I second.

25 There is a motion on the table and second to adopt

1 the nursing mothers program. Is there a discussion?

2 MR. LITTLE: Madam Chair, I request Ms. Walters explain  
3 this policy again.

4 MS. STEVENS: There is no objection.

5 Please proceed.

6 MS. WALTERS: This is a new policy of the agency.  
7 Again, this is a federal government-wide initiative to  
8 provide support to federal employees, and specifically those  
9 employees of the National Indian Gaming Commission, who are  
10 pregnant or breastfeeding and to provide a healthy work life  
11 balance. Due to limited resource and limited space in many  
12 of the NIGC regional and satellite offices, the nursing  
13 mothers program will be fully implemented in the NIGC  
14 headquarters office in Washington DC. Elsewhere in NIGC's  
15 regional and satellite offices, this program will be  
16 implemented to the fullest extent practical. The policy  
17 provides further guidance to these processes, covering  
18 responsibilities and break times that facilitates the needs  
19 of nursing mothers. Our human resources provider and NIGC's  
20 office of general counsel have reviewed and provided comments  
21 on this policy which were taken into consideration when  
22 updating this policy.

23 MS. STEVENS: Any questions?

24 MR. LITTLE: No.

25 MS. STEVENS: Okay. Those in favor of the adoption of



1 this policy say I.

2 MR. LITTLE: I.

3 MS. STEVENS: I.

4 Those opposed say no.

5 The motion is adopted and we'll adopt the nursing  
6 mothers program.

7 Next up is the procedures for providing reasonable  
8 accommodations for those individuals with disabilities.

9 Do I have a motion to approve?

10 MR. LITTLE: So move.

11 MS. STEVENS: I second.

12 There's a motion on the table and a second to adopt  
13 the procedures for providing reasonable accommodation for  
14 individuals with disabilities.

15 Is there a discussion?

16 MR. LITTLE: Madam Chair, I'd request that Ms. Walters  
17 briefly explain the policy.

18 MS. STEVENS: Hearing no objection, please proceed.

19 MS. WALTERS: This policy has been updated from the 2009  
20 approved policy and modified based on the EEOC internal  
21 policy. Executive Order 13164 requires all government  
22 agencies to establish procedures for processing requests for  
23 reasonable accommodation. The NIGC is committed to providing  
24 reasonable accommodation to its employees and applicants for  
25 employment to ensure that individuals with disabilities enjoy

1 equal access to all employment opportunities. The policy  
2 provides further guidance for providing reasonable  
3 accommodation by outlining procedures for types of  
4 accommodations, responsibilities and requesting and  
5 processing reasonable accommodations, including requests for  
6 reconsideration and reporting. The NIGC's office of general  
7 counsel has reviewed and provided comments on this policy  
8 which were taken into consideration when updating the policy.  
9 Once approved, this policy will be sent to the Equal  
10 Employment Opportunity Commission for its approval.

11 MS. STEVENS: Thank you.

12 Any questions?

13 MR. LITTLE: No questions here.

14 MS. STEVENS: Okay. The question for the Commission is  
15 the adoption of procedures for providing reasonable  
16 accommodations for individuals with disabilities policy.

17 Those in favor of the adoption of the policy please  
18 say I.

19 MR. LITTLE: I.

20 MS. STEVENS: I.

21 Those opposed say no.

22 The motion is adopted.

23 Lastly, we have the government charge card program  
24 policy.

25 Do I have a motion to approve?

1 MR. LITTLE: So move.

2 MS. STEVENS: And I second.

3 There's a motion on the table and second to adopt  
4 the government charge card program policy.

5 Is there any discussion?

6 MR. LITTLE: Madam Chair, I would once again request  
7 Ms. Walters briefly explain the policy.

8 MS. WALTERS: This is also a new policy for the agency.  
9 Prior to this policy, the NIGC was following the Department  
10 of the Interior interim integrated charge card program policy  
11 manual and related guidance. Try saying that ten times fast.  
12 The NIGC has charge cards for its travel, purchase and fleet  
13 line programs. The guidelines contained in this policy are  
14 designed to ensure sound policy management and internal  
15 controls and to define allowable charge card use and  
16 limitations. Purchase charge cards, travel charge -- cards  
17 with essentially billed transactions -- and fleet charge  
18 cards entail US government liability -- in other words,  
19 NIGC's responsibly for payment. Travel charge cards with  
20 individually billed transactions entail individual  
21 liability -- in other words, the cardholder individual is  
22 responsibly for payment.

23 This policy provides further guidance covering  
24 eligibility, definitions, responsibilities, general  
25 administration, government travel charge card procedures,

1 government purchase card procedures, government fleet charge  
2 card procedures and guidelines for using the purchase card  
3 over the Internet. Our human resources provider and NIGC's  
4 office of general counsel have reviewed and provided comments  
5 to this policy which were taken into consideration when  
6 creating this policy.

7 MS. STEVENS: Thank you.

8 Do you have any questions?

9 MR. LITTLE: No questions.

10 MS. STEVENS: Part of those policies certainly would be  
11 limits; correct?

12 MS. WALTERS: Yes.

13 MS. STEVENS: Okay. So the question before the  
14 Commission is the adoption of the government charge card  
15 program policy.

16 Those in favor of the adoption of this policy  
17 please say I.

18 MR. LITTLE: I.

19 MS. STEVENS: I.

20 Those opposed say no.

21 The motion is adopted. The government charge card  
22 program policy is now adopted by the NIGC.

23 I don't think we have anything more in terms of new  
24 business. What we do have next is public comment.

25 Do we have anyone who signed in for public comment

1 to address the Commission? Does anyone have a list?

2 MR. LITTLE: There was the list on the table. Eric,  
3 could you see if maybe out front they had that.

4 MS. STEVENS: We'll just pause for a commercial break  
5 while we grab the list.

6 MS. WALTERS: While we have a moment, Chairwoman, I  
7 would like to speak to a few of our upcoming regional  
8 trainings for informational purposes.

9 MS. STEVENS: Could we wait until we get to  
10 announcements? I do have a question for the acting general  
11 counsel. Maybe he can give us quick update.

12 Before we move to public comment, can you give us  
13 an update on records retention? I know it's been an issue  
14 that we've battled around for about two and a half years.

15 MR. SHEPARD: I know that the Commission is working to  
16 put together a contract with -- did Sarah cover that?

17 MR. LITTLE: You know, I think we were talking about the  
18 record -- type of records that we retained, we were trying to  
19 change the record schedule with the National Archive.

20 MR. SHEPARD: We had some success at updating our record  
21 schedule, particularly, to clarify, that tribal audits and  
22 our reports that come to us are confidential business  
23 information; they should be destroyed on a schedule. I think  
24 it's a seven-year schedule. The number escaped me at the  
25 moment.

1 MS. STEVENS: So we have worked that out --

2 MR. SHEPARD: We worked that out with NARA.

3 MS. STEVENS: -- with the archivist and we're set to  
4 move forward with changing the status of our records, those  
5 types of records from us -- the tribal office and financial  
6 information -- to be temporary and not permanent; correct?

7 MR. SHEPARD: Right, those are no longer permanent files  
8 of the NIGC.

9 MS. STEVENS: Yeah.

10 MR. LITTLE: I just want to thank you guys on that. I  
11 know it's been tough. I think it was a very first issue that  
12 I consulted on. Thing we talked about was revising this  
13 record retention schedule. The previous director of audits  
14 had commented we retain these financial audits and financial  
15 submissions from the tribes that had absolutely no long-term  
16 need, yet they were being submitted to the National Archivist  
17 and put in permanent record, so I'm really happy to say these  
18 will no longer be there and they'll be destroyed. So thanks  
19 for the hard work on that. I know it's not been easy. You'd  
20 think it'd be something that's easy, but it's not; so I  
21 appreciate your work. Thank you.

22 MS. STEVENS: I want to thank the general counsel staff  
23 who has been working on that issue since Dan arrived almost  
24 three years ago and we have been successful. So thanks for  
25 the update.

1           And did we have someone that wanted to make public  
2 comment.

3           MR. MAZZETTI: I have -- I had a --

4           MS. STEVENS: Do you have a -- we have microphones if  
5 you want to come up or -- Eric, if you want to -- there's two  
6 Erics. There's like one Eric and two Erics, so not sure they  
7 know who I'm talking to.

8           You can state your name.

9           And what I do want to say before you begin, you  
10 know, it's intended for individuals to be able to make brief  
11 comments or statements to the Commission on current issues  
12 that are within the jurisdiction of the NIGC. Not generally  
13 an open-forum/debate setting. We may or may not address your  
14 issue if we -- you know, depends on what the issue is.

15           But, again, please state your name and who you  
16 represent.

17           MR. MAZZETTI: Ed Mazzetti, Rincon, Rincon Gaming  
18 Commission. I know you guys do Class II. My understanding  
19 is if a tribe was a Class III tribe invites you to oversee  
20 them and it -- at that point do you guys have any mix for  
21 Class III or not? Or are you gonna develop it?

22           MS. STEVENS: Well, we currently -- currently on -- on  
23 the books it's Part 542, and I may look to our general  
24 counsel on this at the moment. Oh, you lost your microphone.  
25 We need your -- we have 542 that is in place at this time.

1 And I know a number of tribes are working on that.

2 If you wanted to add to what I'm saying.

3 MR. SHEPARD: Yeah. A number of the California  
4 tribes -- and I think everyone is familiar with this, with  
5 CGCC8 where they have looked to the NIGC to have a role in  
6 Class III gaming, have done that by many new ordinances and  
7 have the NIGC enforce the tribal TICS rather than 542 per se.

8 MS. STEVENS: So that is one mechanism that tribes are  
9 using, in particular in California, which is rewriting their  
10 ordinances to name the NIGC as having enforcement authority  
11 over the Class III.

12 MR. MAZZETTI: So everything would be under that 542,  
13 the one that you guys have been working on that?

14 MR. SHEPARD: 542 was -- was up for revision as part of  
15 the rate review process. It's not one that has been  
16 completed yet, so there haven't been any new updates to 542.  
17 And for now in California the tribes that have asked have the  
18 agency enforce --

19 MR. MAZZETTI: Do I understand you right, it's not  
20 completed? Because I know last year in February about this  
21 time you guys had a big meeting down there in Palm Springs  
22 and we were going through a lot of that -- like 542, 543,  
23 547 -- all of those. So is 542 still in the works then?  
24 It's not been completed? Or am I not hearing you?

25 MR. SHEPARD: That's -- I think that's correct.



1 Essentially it's on the list of rights we looked at in the  
2 right review process, but it has not been put into final  
3 form.

4 MS. STEVENS: It hasn't been updated, still under  
5 consideration by the Commission. And going back to -- and  
6 maybe folks didn't hear what Eric had said: For the tribes  
7 that are in that right us into their ordinances as having the  
8 authority over their TICS, so their Tribal Internal Control,  
9 Class III -- it's for their TICS. 542 is still on the books  
10 and some tribes are still using those. And so they're still  
11 in existence and some tribes are still using them, especially  
12 with the transition into 543, because that was the only thing  
13 that was out there for 542 and 543. So with a compliance  
14 date that's set out into 2014, we know a number of tribes  
15 still use 542; so we are considering what our -- you know,  
16 what the options are for 542. So it's still under  
17 consideration.

18 MR. MAZZETTI: If it's still under consideration, is  
19 there still gonna be a meeting time for comments?

20 MS. STEVENS: We haven't done any official rulemaking or  
21 anything. We -- we've talked about it as an option. There  
22 are many regulations in a regulatory review that we  
23 discussed. Some of them went forward more quickly for  
24 purposes of time really, the ones that needed to be addressed  
25 right away, like fees, 547, um, those that needed immediate

1 attention in our eyes and what was recommended to us by the  
2 tribes. So there's certainly going to be -- if there's  
3 anything done, we're going to go through that same process  
4 again, which will involve tribal comment.

5 Yes, Norm?

6 MR. DES ROSIERS: Norm DesRosiers, Commissioner of  
7 San Manuel. Thank you, Madam Chair. You probably will be  
8 relieved to hear I have no comments. I just have a couple  
9 questions for clarification on some of the things on your  
10 agenda. Item 2(c) on the fees, did I understand the  
11 allowance for quarterly payments, is that now an option in  
12 addition to semiannual or a requirement instead of?

13 MS. WALTERS: 514 changes the fee structure from  
14 biannual rule to quarterly. If a tribe wishes to, for  
15 instance, pay all of its fees at the beginning of the year,  
16 it still has an opportunity to do that. But the requirement  
17 is quarterly payments. And our bulletin, which should be on  
18 the Web site, if not today, tomorrow, explains how that will  
19 work, including an answer to your question about the biannual  
20 versus quarterly fee payments.

21 MR. DES ROSIERS: Thank you. So if you want to pay in  
22 advance half-year, can you do that too?

23 MR. LITTLE: Yeah, we encourage you to do so, Norm.  
24 Thank you very, very much.

25 MR. DES ROSIERS: Believe it or not, it's more

1 convenient to do.

2 MS. STEVENS: Actually, we have a lot of tribes that do  
3 that. It's more convenient for many tribes to do it all at  
4 once.

5 MR. DES ROSIERS: The 3(c), the consultation dates for  
6 notices of proposed rulemaking, are those dates that relate  
7 to (a)ii, 3(a)ii? Is that what that --

8 MR. SHEPARD: Yeah, the same dates for consultation on  
9 the consultation policy as well as NPRM.

10 MS. WALTERS: And I would like to note that those will  
11 be shorter consultations. They will not be the all-day  
12 consultations that we had during the review of other  
13 regulations, such as full 543 and 527. These will likely be  
14 two-hour consultations.

15 MR. DES ROSIERS: Did I -- I hear you moved to Union  
16 Station. Did I hear you are say it starts in May?

17 MS. WALTERS: The lease in our current office building  
18 is -- currently expires in May, at which time we'll have the  
19 opportunity to continue there on a month-to-month basis up  
20 until the time where our new leased space will be ready. So  
21 we're not quite sure exactly when that will be, but sometime  
22 in 2013.

23 MR. LITTLE: Probably sometime in the fall.

24 MR. DES ROSIERS: We get lots more square foot, huh?

25 MS. STEVENS: It's -- it's -- it's better square

1 footage, it's a better layout.

2 MR. LITTLE: All one floor.

3 MR. DES ROSIERS: That's all I have. Thank you very  
4 much.

5 MS. SULLIVAN: Good afternoon. Jan Sullivan with  
6 Cabazon Tribal Gaming Commission. And, Madam Chairwoman, I'm  
7 referring back to 542. Do you anticipate beginning that  
8 review or opening up for sessions with the tribes during 2013  
9 or is it going to be more into 2014?

10 MS. STEVENS: Honestly, I don't think we can say at this  
11 time with 543 having just come out and with the compliance  
12 date of 543 into April of 2014; we're over a year out on  
13 that. So I -- honestly, I couldn't say at this time. I  
14 would hate to say -- give you a date and then not have it  
15 realized. But I will say, as has been a practice of this  
16 Commission, we give advanced notice. We're gonna involve  
17 tribes early on and, you know, go through the process like we  
18 have in the past.

19 MS. SULLIVAN: So there will be a tribal advisory  
20 committee formed or not?

21 MS. STEVENS: That we don't know. I mean, it just  
22 depends on what the timing's like and, you know, those  
23 factors. We haven't really gotten that far. We're taking a  
24 breather on the rates. We just got done and trying to get  
25 everybody on board and in compliance with these regulations

1 for now, but we will keep everybody informed. I didn't want  
2 to overcommit whether we do or do not have a TAC, a tribal  
3 advisory committee. We hadn't planned that far. That  
4 wouldn't be fair for me to make a commitment when we don't  
5 know whether we're gonna do that or not, but let you know in  
6 advance --

7 MS. SULLIVAN: Thank you.

8 MS. STEVENS: -- in advance like we always do.

9 You're welcome.

10 Any other questions? Thank you. If -- well, thank  
11 you very much. I always enjoy the public comment part.

12 If there are no other public comments, we'll move  
13 to Item 6, announcements and adjournment. I'll turn it back  
14 over to Ms. Walters who can tell us about upcoming training  
15 dates.

16 MS. WALTERS: We have a number of regional trainings  
17 coming up. Two in February, one on February 12th to 13th in  
18 the Sacramento region at Nu Wvi tribal offices; we have  
19 another one in Oklahoma City region February 19th to the 21st  
20 at -- in Shawnee, Oklahoma at Grand Casino; we have a Phoenix  
21 regional training from March 5th to the 7th at Ohkay Casino  
22 Resort in New Mexico; and then we have three trainings in  
23 April, one in the Tulsa region, April 2nd to the 4th, Peoria  
24 Tribe Casino; we have an Oklahoma City regional training  
25 April 3rd to the 11th -- excuse me -- 9th to the 11th at

1 River Wind Casino in Oklahoma; and another Sacramento  
2 regional training, April 23rd to 25th at the United Auburn  
3 Thunder Valley Casino.

4 MS. STEVENS: Okay. Well, thank you for updates on  
5 training.

6 Again, all of this information can be found on our  
7 Web site at NIGC.gov. There's a "technical assistance and  
8 training" tab on your left and it shows all of our training  
9 dates. You can also register online, can also request  
10 training under that tab as well. So you can find that  
11 information there, you can find the information on our  
12 strategic plan and any news when we do move forward with our  
13 notices of proposed rule for those sections. But we will  
14 certainly give you any advance noticed before those are  
15 released out of the federal register. And we'll be doing  
16 consultations in March on those notices of proposed rules as  
17 well as on a new draft consultation policy that you can also  
18 find on our Web site, but we will also send out as well.

19 Next public meeting, we've had to talk about when  
20 that will be and where it will be. Again, we are trying to  
21 cover all of the regions. Think we've been to Florida.  
22 We've been everywhere. The one we haven't been to yet is  
23 Northwest. So, again, we try to go to areas where there's a  
24 widely attended gathering like there is this week here at  
25 Morongo. So we'll consider where that might next one --

1 where the next one would be in the Northwest and we'll  
2 certainly post that again, do a press release and do  
3 announcements for those interested in attending.

4 Dan, anything you'd like to say in closing?

5 MR. LITTLE: Sure. I just want to thank the office of  
6 general counsel and chief of staff's office for continuing to  
7 move along all these agenda items. I know we talk about  
8 these things and it's easy in our positions to say, "Do this"  
9 and "Do that," but you guys are actually implementing all  
10 these programs and following through and some of these are  
11 difficult. And I really want to pass my conveyance along to  
12 all of your staff that thanks for the hard work and keeping  
13 up.

14 I also want to thank all the tribal leaders and  
15 tribal representatives that attended here today. There's not  
16 a lot of highly interesting stuff, but you get to see things  
17 we get to deal with. We're not only, you know, assisting in  
18 the regulation of the industry but we're also managing an  
19 agency and all of the things that go along with that that you  
20 all do with your -- with the agencies you all manage and the  
21 tribes you all manage.

22 Then one last final thank you to the local staff  
23 that are manning the table out front and also helping in the  
24 back. So thank you all.

25 MS. STEVENS: Okay. I also want to thank our staff

1 here. We cannot do any of these meetings in the field  
2 without their support. They always do a fabulous job of  
3 getting us prepared and making sure that your meeting with us  
4 is also very warm and welcoming. So thank you. My hands up  
5 to the staff.

6 Also I want to thank the Morongo tribe for their  
7 gracious hosting as always. I want to thank each every one  
8 of you for attending today. It's actually really good  
9 turnout. And we hope that we see you; we're gonna be here  
10 for the conference through Wednesday afternoon. And for  
11 those of you going to the golf tournament, best of luck to  
12 you. May the wind be at your back.

13 And we will adjourn for today. Thank you very  
14 much.

15 (Hearing adjourned at 3:12 p.m.)

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