



GRAND RONDE GAMING COMMISSION

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August 12, 2021

E. Sequoyah Simermeyer, Chair
National Indian Gaming Commission
United States Department of the Interior
1849 C St., NW
Mail Stop #1621
Washington, D.C. 20040

via electronic submission to
NIGC.Outreach@nigc.gov

Re: NIGC Tribal Consultation Series A

Dear Mr. Simermeyer:

The Confederated Tribes of the Grand Ronde Community of Oregon (“Grand Ronde”) respectfully submits the following comments regarding the NIGC Tribal Consultation Series A in response to NIGC’s letter of July 12, 2021. Grand Ronde appreciates this opportunity to comment.

25 CFR Part 502

25 CFR §502.14 Key Employee

The proposed changes to this section are problematic and should be rejected for several reasons. Generally, the definition of “key employee” of the gaming operation should only apply to gaming operation employees and be based solely on specific gaming related job functions - not compensation. More specifically:

(a) The “key employee” definition should not state “irrespective of employment status.” Only employees of the gaming operation should fall within this definition.

(a)(9) It is unclear what is being addressed by the addition of “gaming systems.” Cash should be defined as gaming cash.

(a)(10) Most gambling device records are electronic. How is NIGC determining who has custody of electronic records?

(a)(11) Tribal gaming regulatory bodies (“Gaming Commissions”) are separate and distinct from the gaming operations they regulate. It is inappropriate to include employees of

Gaming Commissions as “key employees” of the gaming operation. Custodian of licensing records is a Gaming Commission position, not gaming operation.

(a)(12) Compliance inspectors and monitors are generally Gaming Commission positions and should not be included as “key employees” of the gaming operation.

(b) This revision is too vague. “Secured area” is not defined. For some tribes, the entire back of house is considered a secured area making every gaming operation employee a “key employee.” We request this revision be deleted. Additionally, compensation should not be a factor so the current subsection (b) should be deleted.

(c) Compensation should not be a factor so this revision and the current subsection (c) should be deleted.

(d) Compensation should not be a factor so this revision and the current subsection (d) should be deleted.

25 CFR §502.19 Primary Management Official

Generally, the definition of “primary management official” should be based solely on specific gaming management related job functions.

(a) We have no comment or objection to this proposed revision.

(b)(2) This factor should be revised to replace “set up” with “establish” and remove the term “working.” Set up is vague and establishment of policy should be the criteria. We are unclear on what is meant by the term working and recommend it be removed or defined. We recommend this factor be revised to provide: “To establish policy for the gaming operation.”

(b)(3) The sole function of supervising a “key employee” should not be included in this definition. Specific gaming management functions for the position itself, not who is supervised, should be the determining factor.

(d) This factor is too vague. General Manager or similar position is appropriate, but including anyone with management responsibility is too broad without more detailed definition of management responsibility. It is unclear why NIGC is proposing removing persons designated by the Tribe as a primary management official.

25 CFR Part 556

25 CFR §556.4 Background Investigations

This section should not be revised to remove “of a gaming operation.” If this section is revised, we propose revising as follows: “A tribe shall perform a background investigation of each primary management official and key employee of a gaming operation.”

25 CFR §556.6 Report to the Commission

We have no comment or objection to this proposed revision.

25 CFR Part 558

25 CFR §558.3 Notification to NIGC of License Decisions and Retention Obligations

Except for the following comments to subsections (c) and (e), we have no comment or objections to the proposed revisions:

(c) The proposed revisions to this section are acceptable as long as the definition of “key employee” applies only to employees of the gaming operation and “until so licensed” is added at the end of the sentence.

(e) The term “of employment” should not be revised to “of work” which is too vague.

25 CFR §558.4 Notice of Information Impacting Eligibility and Licensee’s Right to a Hearing

We have no comment or objection to this proposed revision.

25 CFR Part 514

25 CFR §514.4 How does a Gaming Operation calculate the amount of the annual fee it owes?

We agree with this proposed revision.

25 CFR Part 522

Except for the following comments to sections 522.2, 522.3a and 522.4, we have no comment or objections to the proposed revisions to this Part 522:

25 CFR §522 .2 Submission Requirements

Except for the following comments to subsections (d) and (h), we have no comment or objections to the proposed revisions:

(d) This revision should be deleted because requiring a copy of a tribe's constitution is unnecessary, burdensome and overreaching. We do not object to removing this subsection entirely and requiring copies of all tribal gaming regulations only upon request of the Chair as provided in the revision to subsection (i).

(h) This subsection assumes tribes use law enforcement agencies for fingerprints and criminal history checks. This is an incorrect assumption as many tribes have the capability to do fingerprinting and criminal history checks through their Gaming Commission. This subsection should be revised to clarify that it only applies in the event law enforcement agencies are used to provide these services.

25 CFR §522.3a Amendment Approvals and Disapprovals

(a) The addition of "complete" as provided in this revision is vague. We believe this subsection should be revised to provide as follows, "No later than 90 days after submission of any amendment to a class II ordinance or resolution certified to be complete by the tribe's Gaming Commission, the Chair shall approve the amendment if the Chair finds that --"

25 CFR §522.4 Approval Requirements for Class II Ordinances

The addition of "complete" as provided in this revision is vague. We believe this subsection should be revised to provide as follows, "No later than 90 days after submission to the Chair under §522.2 of this part certified to be complete by the tribe's Gaming Commission, the Chair shall approve the class II ordinance or resolution if the Chair finds that --"

25 CFR Part 537

25 CFR §537.1 Applications for Approval (Management Contracts)

Except for the following comment to subsection (a)(5), we have no comment or objections to the proposed revisions:

(a)(5) This revision is too vague and possibly too broad granting the Chair discretion in determining whether a person or entity has "indirect financial interest in a management contract." This portion of the revision should be deleted or "indirect financial interest" must be defined.

25 CFR Part 559

25 CFR §559.2 When must a tribe notify the Chair that it is considering issuing a new facility license?

We have no comment or objection to this proposed revision.

Thank you again for the opportunity to comment on NIGC's Tribal Consultation Series A. Meaningful consultation geared towards cooperative decision-making that acknowledges the interests of both NIGC and Grand Ronde is extremely important to Grand Ronde and we appreciate your efforts in this regard. Please contact me at (503) 879-2360 if you have any questions.

Very truly yours,



Michael Boyce
Director, Grand Ronde Gaming Commission

cc: Tribal Council
Grand Ronde Gaming Commission