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9 NATIONAL INDIAN GAMING COMMISSION CONSULTATION

10 ON MARCH 23, 2017 AT 3:41 P.M.

11 IN TULSA, OKLAHOMA

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24 REPORTED BY: Shannon S. Harwood, CSR



1 CHAIRPERSON CHAUDHURI: Mvto. Thank you,

2 Mr. Hill. (Speaking in native language.) My name is

3 Jonodev Chaudhuri. I'm chairman of NIGC, honored to be

4 chairman, but more importantly to me, I'm a member of

5 the Muscogee Creek Nation. Muscogee Creek on my

6 father -- on my mother's side. On my father's side, I'm

7 Bengali from India. I'm honored to be a member of the

8 first nations as well as a member of first U.S. born

9 family on my father's side.

10 So that's my background. I'm going to turn it over

11 shortly to my fellow commissioners and Vice Chair Isom-

12 Clause as well as Commissioner Simermeyer to speak about

13 their -- their perspectives and their backgrounds, but I

14 want to begin by thanking everyone here in the room

15 today for taking the time to participate in today's

16 consultation.

17 We do have a consultation on Part 547 grandfathered

18 Class II gaming systems today, but tomorrow, we also

19 have a full slate of consultations scheduled. I

20 encourage everyone here to consider attending tomorrow's

21 consultation as well. I know all of your time is

22 valuable. Many of you have traveled from -- from far

23 away communities. So thank you -- thank you very much.

24 I'm very excited to -- to hear from the tribal

25 leaders and representatives here in this room today.



- 1 The topic that we'll be discussing is important to the
- 2 ongoing health and integrity of the Indian gaming
- 3 industry and we welcome all comments and perspectives.
- 4 Consultation is very important for us here at NIGC.
- 5 We see consultation as a vital part of our regulatory
- 6 work. We have an ongoing commitment not to put pen to

7 paper on any major action, any -- really any action of

8 significance until we engage in meaningful consultation,

9 which means meaningful, respectful consultation.

10 And with that, I would like to conclude today's

11 consultation. Ms. Homer, Ms. Collier, I'm sorry you

12 weren't able to attend, but as I was saying -- and thank

13 you for being in on the joke, folks. And hopefully

14 that's not taken out of context when someone reads the

15 transcript.

16 But consultation is vitally important to us at

17 NIGC. We are of the firm belief that sensible

18 regulation entails hearing from and listening --

19 listening to the regulated community. We at NIGC

20 recognize our role as part of a larger regulatory

21 structure working hand in hand with the primary

22 regulators of Indian gaming, tribal regulators, and --

23 as well as, in various cases, given the nature of

24 specific compacts, state regulators at various times to

25 support the overall integrity of Indian gaming.

- 1 We recognize the undeniable impact that Indian
- 2 gaming has had on the larger Indian policy landscape.
- 3 We understand the important services and -- and
- 4 opportunities that gaming has provided, and so we're
- 5 honored to do our part, but we understand that we can
- 6 only perform our role at NIGC through meaningful,

7 ongoing consultation with tribes and tribal -- tribal

8 representatives.

9 So with that, I'm honored to be here today. I'm

10 going to turn it over to our vice chair to introduce

11 her -- herself and say a little bit more about her

12 perspective. And after hearing from the Commission

13 itself, we'll get into a few housekeeping matters.

14 Mvto.

15 COMMISSIONER ISOM-CLAUSE: Hello, I'm Kathryn

16 Isom-Clause. I'm vice chair of the Commission and I'm

17 Taos Pueblo. As you may have noticed here, we're all

18 dealing with allergies and have colds up here, so I

19 apologize if we all sound a little stuffy, but luckily

20 you're far away from us, so we should be okay. Sorry,

21 Christinia.

22 I would like to thank the Muscogee Creek Nation for

23 welcoming us here. We're very happy to be here and to

24 coordinate with NTGCR and to have NTGCR's participants

25 here as well.



- 1 While we're here today and tomorrow to discuss
- 2 several specific topics, in a larger sense, our work
- 3 here is to honor the government-to-government relation
- 4 between tribal governments and the federal government.
- 5 In addition to the trust responsibilities that all
- 6 federal agencies have, our statutory purpose as an

7 agency is to promote tribal development, self

8 sufficiency and strong tribal government through

9 effective regulation of tribal gaming. To me, this

10 includes also ensuring that the policies and regulations

11 that we have set forth have a view towards safeguarding

12 these benefits for future generations.

13 While gaming is not the only source of tribal

14 revenue, it is one of the largest for many tribes.

15 Successful gaming regulation at all levels is resulting

16 from efficient day-to-day functioning and signal

17 stability and integrity throughout the industry, and as

18 partners in this regulation, tribal voices are essential

19 to work.

20 Engaging in tribal consultation guarantees that we

21 have the benefit of these views. This ongoing dialogue

22 is one of the most important tools that we have for

23 developing strong policy and regulation at NIGC.

24 I'd also like to mention that we're in the process

25 of developing our required strategic plan that will

- 1 begin in 2018, and the consultation topics that we're
- 2 going to discuss today and tomorrow reflect many of the
- 3 Commission's priorities, so the comments that we hear
- 4 throughout this process will be used also to inform our
- 5 strategic plan. There will be other opportunity to
- 6 review that draft plan and to comment specifically on it

7 in the future. And we're still waiting to get some of

8 the information on the requirements and the timing

9 process for that, so we'll keep you informed as we hear

10 about it. And, of course, beyond the consultation

11 session today and over the coming months, our door is

12 always open.

13 And, finally, I just wanted to mention that as

14 we're beginning our consultation sessions in women's

15 history month, the theme for this year is honoring

16 trailblazing women in labor and business. So I would

17 like to recognize the trailblazing women that we have

18 here today and thank you for your work today and

19 generally in Indian country that you do every day, so

20 thank you and I would like to turn it over to

21 Commissioner Simermeyer.

22 COMMISSIONER SIMERMEYER: Well, thank you.

23 I'm Sequoyah Simermeyer. I'm Coharie from North

24 Carolina and I'm the associate commissioner of the

25 Commission. And I want to join my colleagues in saying



1 thank you to our tribal representatives and to our staff

2 here, the National Indian Gaming Commission, to Mr. Hill

3 for your opening and for the time and effort that folks

4 have put into preparing for our discussion during this

5 consultation series and for the effort that folks are

6 putting forward going in the next coming months here.

7 I want to echo some of my colleagues our

8 appreciation for the effort at the federal level that

9 we're responsible for making to collaborate and consult

10 on issues such as those that we're going to be

11 discussing over the next two days here. Not only does

12 it help to support and undergird the integrity of our

13 legal relationship at the government-to-government level

14 with tribes, it helps us to improve the quality of how

15 we meet our statutory purpose as a government agency, is

16 a matter of good governance, is important for us as an

17 agency to be engaging in.

18 So I'll be brief with my comments here, but I'm

19 looking forward to both today and tomorrow engaging in

20 conversation and hearing perspectives from you about --

21 about these issues that we're contemplating, so thank

22 you for your time and thanks from my colleagues.

23 CHAIRMAN JONODEV: Thank you, Commissioner.

24 So it's traditional for us to open with introductions.

25 We have a lot of our representatives from NIGC here in

1 the room. As I mentioned before, there's a raffle going

2 on next door and I anticipate losers of that raffle to

3 be joining us as they stream in. The winners will

4 probably be having fun with their prizes.

5 But I want to introduce some of the -- some of the

6 members of our team who will be presenting information

7 today. There are many more members of our team in the

8 audience. After I introduce who from NIGC is here, I'm

9 going to turn it over to audience members, but a few

10 housekeeping rules before we jump into it.

11 This is a government-to-government consultation,

12 and as such, we look forward to hearing comments and

13 input from tribal leaders and their representatives.

14 And so we recognize there are quite a few

15 representatives of tribal nations here in the room and

16 we want to hear from all of you, but as we go around and

17 make introductions, since this consultation is

18 transcribed, I would like all of us to state who -- in

19 addition to our names and our own personal communities,

20 if we're here representing a given tribal nation, if we

21 would please mention on whose behalf you were here, that

22 will -- that will help us ensure that the proper respect

23 is given to the nation-to-nation relationship.

24 At the same time, we also understand that there are

25 important perspectives available in the larger Indian



1 gaming landscape. We understand that there may be

2 individuals here who have perspectives that are

3 important to our discussions, but aren't necessarily

4 part of direct tribal leadership.

5 Once tribal leadership has every opportunity to

6 provide comments and ask questions, we welcome those

7 comments to be heard. However, with the spirit of

8 tribal consultation and in recognition of the

9 government-to-government relationship that we're

10 honoring here today, if there are any objections from

11 tribal leaders or tribal representatives regarding any

12 comments submitted from non-tribal representatives, we

13 have no issue clearing the room and limiting this

14 discussion to a discussion between NIGC and tribal

15 leadership and tribal representatives.

16 So bottom line, we want to hear from tribal leaders

17 and tribal representatives. Others may provide input,

18 but if there are any objections, please feel free to

19 object and we will proceed accordingly.

20 Along the same lines, this is a closed meeting. We

21 value open and honest dialogue. This is a closed

22 meeting, closed meeting meaning closed to media, and so

23 if there are any media representatives in this -- in

24 this meeting, at this time, I would ask them to identify

25 themselves. Should somebody fail not -- fail to

1 identify themselves, I would -- would like to make the

2 point that the intent of this meeting is for it to be a

3 closed media meeting to foster, you know, open dialogue.

4 Now, with all of that said, we do have a

5 transcriptionist here. This consultation will be

6 transcribed and part of public record. And the purpose

7 of that is while balancing open and free dialogue, we

8 want the entire Indian gaming community to benefit from

9 the perspectives and comments shared today.

10 So at some point, these -- any comments received

11 and any dialogue that takes place will be recorded.

12 These comments are part of the deliberative process that

13 the agency undertakes. We value these comments and we

14 do review and consider all comments received as we move

15 forward with our decision making process.

16 So with that, before formal introductions, I

17 always, in keeping with respecting our elders, before

18 hearing from our NIGC team as it is right now, I always

19 try to recognize NIGC alumni that are in the audience

20 today and I see former vice chair, Liz Homer, there and

21 I thank her for her past service. Former commissioner,

22 Dan Little, is in the back over there.

23 If there are any other NIGC alumni that I'm

24 missing, please -- oh, and Lael Echohawk. I didn't see.

25 She's hiding back there. Former counselor to the chair,



1 and Ms. Echohawk was very involved with the efforts to

2 update a lot of the Class II regulations that we'll be

3 discussing here today as well. So thank you all NIGC

4 alumni for your past service. We appreciate your

5 ongoing commitment to -- to Indian gaming.

6 So we're going to hear some brief presentations

7 from our subject matter expert, who is our IT director,

8 Travis Waldo, before opening it up for further dialogue.

9 But in addition to the commission, we have members of

10 NIGC leadership. Without going through the whole list,

11 I'll just introduce everybody who is out -- up here, and

12 when we go through the room very briefly, the folks in

13 the audience can introduce themselves.

14 But we have Travis Waldo, our director of our --

15 I'm sorry, not IT. Our director of our technology

16 division. It's an important distinction, because we

17 want our technology division to inform every aspect of

18 agency operations and -- including regulations and

19 policy making. It's not an IT department. It's the

20 technology division. He'll be providing us our subject

21 matter presentation.

22 But we also have our deputy chief of staff,

23 Christinia Thomas, who many of you know who is a former

24 tribal regulator as well and has worn pretty much every

25 hat at the agency at one time or the other, including

1 chief of staff.

2 We also have our general counsel with us, Mike

3 Hoenig, who has been with the agency for many, many

4 years, and as with me, this is a little homecoming for

5 him. He received an LOM from Tulsa and so happy to have

6 Mike here.

7 We have Tom Cunningham, our director -- our

8 regional director from the Oklahoma City regional

9 office. I don't believe Tim Harper is here today, but

10 Tim Harper is the director -- regional director from the

11 Tulsa office, and we appreciate Tom and Tim's teams and

12 the work that they do to maintain strong daily

13 relationships with their fellow regulators on the

14 ground.

15 We also have our director of finance, Yvonne Lee,

16 here and many others in the room. So that's the NIGC

17 ensemble that's up here.

18 At this point, I'd like to turn it over to the

19 audience so that we can all know who we are and who --

20 who we're talking among and who we're meeting with so we

21 may be of one heart and one mind. And as we go through,

22 we always want to be respectful of everyone's time. If

23 we could at least hear your name, your community, your

24 title, and if you're here representing a given nation,

25 please let us know. And if you have a name with an



1 unusual spelling -- I mean, not an unusual -- that's a

2 bad way of saying it, but with a long spelling. I have

3 a name with a long spelling. I don't think it's

4 unusual. Everybody in my family has the same name, but

5 if you have a name that may be a challenge to spell, you

6 know, because we do have a transcriptionist, please feel

7 free to spell it as well, so with that, I'd like to turn

8 it over to all of you.

9 MR. MATTHEWS: Hi, my name is JR Matthews.

10 I'm a Quapaw tribal member. I'm also a member of the

11 NIGA Class II subcommittee, and you spell it,

12 J-A-Y-A-R-E.

13 MR. WARD: Steve Ward of general counsel of

14 the Quapaw Tribe of Oklahoma.

15 MR. LANKFORD: (Speaking in native language.)

16 I'm Chief Lankford of the Miami Tribe of Oklahoma.

17 MS. LASH: Robin Lash, general counsel gaming

18 commissioner and also the NIGA subcommittee member.

19 M. COX: Jeremy Cox, NIGC IT auditor out of

20 the Tulsa Regional office.

21 MS. MODRICH-ALVARADO: Mary Modrich-Alvarado

22 with NIGC, office of general counsel.

23 MR. BADGER: Austin Badger, NIGC secretary.

24 MR. BREWER: Steve Brewer, training manager,

25 NIGC.

1 MS. OBER: I'm Marci Ober. I'm the compliance

2 officer with NIGC here in Tulsa.

3 MS. BLAKELY: Miranda Blakely, compliance

4 officer, Tulsa region, NIGC.

5 MR. BYRNE: Bill Byrne, spelled B-Y-R-N-E,

6 with the Poarch Creek Band of Indians from Alabama. I'm

7 a director of audit with the gaming commission.

8 MR. McBRIDE: Mike McBride, attorney general,

9 Seminole Nation of Oklahoma.

10 MR. PRATT: Bruce Pratt, president, Pawnee

11 Nation.

12 MS. CAVINESS: Gena Caviness, compliance

13 manager for Cherokee Nation Gaming Commission.

14 MR. NORMAN: Kyle Norman, project manager,

15 Choctaw Nation.

16 MS. PENZ: Paula Penz, gaming commissioner,

17 Choctaw Nation.

18 MS. NELSON: Jody Nelson, audit manager at the

19 Choctaw Nation Gaming Commission.

20 MR. TOMLINSON: Tyler Tomlinson, technical

21 compliance manager for Choctaw Nation Gaming Commission.

22 MR. TORIVIO: Mike Torivio, Pueblo Gaming

23 Commission.

24 MS. TURNER: Martha Turner with Commanche

25 Nation Entertainment, director of compliance.



1 MS. BUTLER WOLFE: Good afternoon. My name is

2 Edwina Butler Wolfe, governor of the Absentee Shawnee

3 Tribe.

4 MS. TANYAN: Lesley Tanyan, executive director

5 in Absentee Shawnee and Class II NIGA subcommittee

6 member.

7 MR. SWITCH: Kelly Switch of the Absentee

8 Shawnee Tribe Gaming Commission as deputy commissioner.

9 MS. KAISER-COLLIER: Barbara Kaiser Collier,

10 executive director of the Quapaw Tribal Gaming Agency of

11 the Quapaw Tribe.

12 MS. HOMER: Elizabeth Lohah Homer. I'm in the

13 accompaniment today of the Quapaw Tribal Gaming

14 Regulatory Agency and I am an attorney in private

15 practice in Washington. I'm also here to monitor on

16 behalf of the Seneca-Cayuga Nation of Oklahoma and the

17 Prairie Band Potawatomi Tribe.

18 MS. DUPUIS: (Speaking in native language.)

19 Francine Dupuis, D-U-P-U-I-S, CNSKT board member and a

20 subcommittee member.

21 MS. BLALOCK: Jeananne Blalock, compliance

22 supervisor with Quapaw Tribal Gaming Agency.

23 MR. OROSCO: Philip Orosco, senior director of

24 regulatory compliance for the Ottawa Gaming Commission.

25 MS. DAN: Billie Dan, director of compliance

1 for Seminole Nation Gaming Enterprise.

2 MR. HALE: Terry Hale, compliance manager for

3 the Seminole Nation Gaming Agency.

4 MR. LAURENZANA: Rudy Laurenzana, chief gaming

5 regulator with the Seminole Nation Gaming Agency.

6 MR. LARNEY: Jeremy Larney, gaming

7 commissioner, Seminole Nation of Oklahoma.

8 MR. MORGAN: Good afternoon. Matthew Morgan,

9 director of gaming affairs, Chickasaw Nation Department

10 of Commerce. Also serve as NIGA's chairman of the Class

11 II subcommittee.

12 MR. LITTLE: Dan Little, I'm the vice

13 president of government relations for Aristocrat

14 Technologies and BGT, and I'm also an advisor to the

15 NIGA Class II working group.

16 MS. ECHOHAWK: Good afternoon. Lael Echohawk.

17 I'm a member of the Pawnee Nation. Good to see you,

18 President. I'm here -- I'm here on behalf of Hobbs

19 Straus and a number of our clients, including Wichita

20 and Iowa Tribes and a number of other tribes that I

21 don't know because I wasn't supposed to be here today,

22 but filling in.

23 MS. MATHEWS: Tonya Mathews, executive

24 director of Peoria Tribal Gaming Commission.

25 MR. HITCHCOCK: Jeff Hitchcock, Wyandotte



1 Nation Gaming Commission.

2 MR. BURRIS: Tracy Burris, gaming commissioner

3 of Viejas Band of Kumeyaay Indians.

4 MR. ADAMS: Charlie Adams, Muscogee Creek

5 Nation. I'm the compliance surveillance manager.

6 MR. YORK: I don't want Jamie going before me.

7 MR. HUMMINGBIRD: Usually they save the best

8 for last. Jamie Hummingbird, director of gaming

9 commission for Cherokee Nation.

10 MR. YORK: Buddy York, gaming commissioner,

11 Muscogee Creek Nation.

12 MR. BURRIGHT: Jered Burright, IT manager for

13 Muscogee Creek Nation.

14 MS. GIBSON: Jackie Gibson, executive

15 director, Muscogee Creek Nation.

16 MR. ALLEN: Zach Allen, software and internal

17 audit manager for Muscogee Creek Nation.

18 MS. MORAGO: Sheila Morago, executive

19 director, Oklahoma Indian Gaming Association.

20 MR. KERR: David Kerr with Sycuan Band of

21 Kumeyaay Nation, regulation supervisor.

22 MS. PIERCE: Kim Pierce, internal auditor Sac

23 and Fox Nation Gaming Commission.

24 MR. SMITH: Doug Smith, compliance manager for

25 the Sac and Fox Gaming Commission.

1 MR. MOODY: Brian Moody, NIGC Tulsa office.

2 CHAIRMAN CHAUDHURI: Okay. And we'll allow

3 others who come in and are unsuccessful in the raffle

4 next door to introduce themselves as time goes on, but

5 just want to reiterate our appreciation to our nation --

6 I mean, my nation, Muscogee Creek Nation for allowing us

7 to have this consultation here in Muscogee Creek

8 territory. And I also want to thank NTGCR, Chairman

9 Hummingbird and NTGCR's board for allowing us to

10 schedule this consultation in conjunction with NTGCR. I

11 also want to thank NIGA's subcommittee. I appreciate

12 the hard work everyone does on that committee.

13 So before hearing from Mr. Waldo regarding some

14 general background, much of which you are all familiar

15 with -- and Chairman Stephens, I just thanked NIGA's

16 subcommittee and the important work that NIGA does and

17 honored to have you here as well. And so I don't know

18 if you want to introduce yourself. We all introduced

19 ourselves and the consultation is now concluded.

20 MR. STEPHENS: Okay. Thank you, sir. Do

21 you -- sure you want me to introduce myself? So, you

22 know, I -- I apologize. Set this bag down and my

23 coffee. And I literally have been going, but I know I'm

24 not the only one, but I did -- I never get to sleep on

25 the plane. I actually slept on the plane, so that's how



1 I recharge my battery.

2 So I just -- as far as the -- the only thing I

3 really would like to do is, again, invite everybody to

4 the NIGA trade show in beautiful San Diego on the 10th

5 through the 14th. Did I say that enough today? I don't

6 know, but for those of you who aren't registered,

7 there's plenty of room for you to come to the trade

8 shows.

9 I want to just on the -- on the subcommittee, I

10 think we're working hard. Matt Morgan is here. He has

11 been the leader in that -- in that initiative and the

12 committee is -- what we put together is it's -- several

13 of our principals are here, but you know, it's really

14 about working together, but we work for the tribes and

15 we really need to get this done. We really worked hard

16 on it.

17 The only part that I played as -- in appointing

18 that committee and relying on Matt and the rest of his

19 team's leadership is that we can get a substantive

20 product done and so that we can cross the Ts and dot the

21 Is and make sure we don't -- in the past, you know, we

22 have -- may have gotten into -- I'll just speak for

23 myself. When dealing with NIGC, I might get a little

24 bit more energetic than the average guy, you know, but

25 Jonodev is too much of a gentleman. I can't even get

1 mad at him, you know.

2 So but there's not really much to fight about

3 because we're fighting for the same thing. And so what

4 I've done is try to stay close to that so we stay

5 focused on what we're trying to do, which is preserve

6 the tribe's ability through economic development, and

7 this is key to us. So, again, I want to commend Matt

8 Morgan and his leadership and we'll continue to bring a

9 strong, hard working proactive message regarding the

10 grandfather and any other issues related to Class II.

11 This committee was not appointed by me. It was

12 appointed by our board, board of directors for the

13 National Indian Gaming Association and our regional

14 representative, Commissioner Morgan, is charged with

15 that and leading that and there's several other people

16 that are involved. But we're going to work hard and

17 we're going to be energetic at times, but we're going to

18 be respectful and we're pretty excited about the product

19 we've done, because we need to do this for the

20 betterment of these tribes that rely so much on this

21 Class II energy, not just relates to the grandfather,

22 but overall industry. We have to protect our rights

23 under this -- under Class II.

24 So that's -- that's pretty much -- and my name is

25 Ernie Stephens and I'm an Oneida. I'm chairman and



1 chief spokesperson for the National Indian Gaming

2 Association, but most importantly, as soon as I'm done

3 here, I'm driving to -- what did she say -- it's four

4 ours north to Lawrence, Kansas and the 15th grandchild

5 was born yesterday. I heard it in the mass media.

6 CHAIRMAN CHAUDHURI: Thank you.

7 Congratulations, Chairman, and thank you so much for all

8 the important work you do, and more important, NIGA

9 does. I saw Ms. Debbie Thundercloud there so -- back

10 there as well. Thank you for the work you do and the

11 work you've done in the past as chair of your nation.

12 So with that, let me get to some final housekeeping

13 matters. This consultation is scheduled to go until

14 5:30. As I often say, there is no crime in finishing

15 early. This consultation may finish early if everybody

16 -- you know, if tribal leadership has had, you know,

17 every opportunity to be heard and there are no

18 additional comments or -- or concerns.

19 I do want to -- if Chairman Stephens can give a

20 plug out -- a plug for the NIGA conference, I do want to

21 encourage everyone here to encourage their peers and

22 consider attending themselves -- well, I want to

23 encourage everyone to attend our upcoming consultations.

24 The next one scheduled is for April 5th at Talking Stick

25 Resort in Salt River Pima-Maricopa Indian Community.

- 1 Next one after that is April 12th to be held in
- 2 conjunction with NIGA. Then we have another one April
- 3 13th to be held in conjunction with NIGA. Another one
- 4 after that, April 20th in Billings, Montana, and the
- 5 next one is May 4th to be held in conjunction with the
- 6 Southern Gaming Summit in Biloxi, Mississippi.

7 And then, finally, we have an unscheduled

8 consultation to be held the week of May 22nd at a date

9 to be determined dependent on coordination with ATNI.

10 Now, there's the -- the associated tribes --

11 affiliated -- Affiliated Tribes of Northwest Indians

12 Conference, so we'll be scheduling that shortly.

13 So with that, I'm going to turn it over. Again,

14 many thanks to Muscogee Creek Nation and to NTGCR.

15 We're going to hear from Mr. Travis Waldo to provide

16 some additional background information.

17 COMMISSIONER WALDO: Hello, everyone. Thank

18 you again for being here this afternoon. Again, my name

19 is Travis Waldo. I'm the director of technology for the

20 National Indian Gaming Commission.

21 The NIGC has an ongoing commitment with tribal

22 leadership and tribal regulatory partners to balance the

23 reasonable regulation of Indian gaming with the need to

24 avoid unnecessary or artificial roadblocks to economic

25 development. The sunset provision of the grandfathered



- 1 Class II gaming system is an opportunity for all of us
  
- 2 to understand whether grandfathered systems pose
  
- 3 potential risks to be -- excuse me, to the integrity of
  
- 4 Indian gaming and to consult on the appropriate
  
- 5 solutions if needed.
  
- 6 Development of Class II minimum technical standards

7 began in 2004 as a collaborative effort between the

8 National Indian Gaming Commission, the tribes and

9 manufacturers to mitigate certain risks believed to

10 exist in the ever-advancing Class II gaming system

11 technology.

12 The NIGC initially implemented the technical

13 standards in 2008. The technical standards provide that

14 before Class II gaming systems may be placed on the

15 floor and offered to the public for play, it must be

16 submitted to an independent gaming laboratory which

17 would test the system against the technical standards.

18 It was recognized by tribes, the industry, and NIGC

19 that the implementation of the technical standards would

20 cover financial costs to the gaming industry and to

21 tribes. Of particular concern, however, was the

22 potential financial burden on bringing gaming systems

23 that had already been manufactured and/or put into play

24 and compliant with applicable law in the absence of the

25 technical standards into compliance with the new 2008

1 rule. Thus, to reduce that cost, the NIGC provided that

2 gaming systems manufactured prior to issuance of the

3 standards in 2008 could be certified to an alternate

4 minimum standard as grandfathered systems.

5 To be offered for play as a grandfathered system,

6 the tribal gaming regulatory authority was required to

7 submit the pre-2008 system to a testing laboratory for

8 certification within a 120-day window after the 2008

9 technical standards were issued. All systems

10 manufactured after 2008 would be required to meet full

11 technical standards.

12 The grandfathered systems were permitted to be

13 continued -- excuse me, permitted to continue being

14 offered for play during a five-year grandfathered

15 period. By 2013, all grandfathered systems would be

16 required to be removed from operation. It was thought

17 at that time that the natural market and forces would

18 cause new fully compliant systems to replace old

19 grandfathered systems and that the looming sunset of the

20 grandfathered period would otherwise incentivize the

21 industry's transition to fully compliant systems.

22 The technical standards further provided that

23 grandfathered systems will be modified to become fully

24 compliant with those standards, and thus, would be

25 removed from grandfathered status and continue to



1 operate after 2013. By 2012, however, it was clear that

2 the industry would be unable to bring all Class II

3 gaming systems into full compliance with the technical

4 standards.

5 Through consultation with its tribal partners, the

6 NIGC extended the grandfathered period an additional

7 five years to November 10th, 2018. In July of 2016,

8 recognizing that the NIGC and tribal regulators would

9 again have to deal with this issue, in keeping with our

10 efforts to ensure gaming integrity while avoiding

11 unnecessary roadblocks to tribal economic development,

12 the NIGC proactively reached out to tribes and vendors

13 to gather input -- excuse me, gathering input

14 information. Also, the NIGC staff (office of general

15 counsel and technology division) have been working with

16 the NIGA subcommittee on the grandfathering issue as

17 well.

18 If we look at the technical standards, you can see

19 that only 12 of the total 56 testable standards for 547

20 are required to be tested in order for a game to be a

21 grandfathered system. Additionally, the technical

22 standards provide that modifications to grandfathered

23 systems, such as replacing the component, are not

24 required to meet fully compliant system standards so

25 long as the modification maintains or advances the

- 1 grandfathered system's overall compliance.
- 2 We want to focus our risk analysis on the 44
- 3 technical standards that are not included as part of the
- 4 grandfathered system. A grandfathered system that was
- 5 manufactured before 2008 that remains in play today has
- 6 had many of its original components replaced with

7 components manufactured after 2008. These new

8 components were likely designed to meet fully compliant

9 system standards, but are not required to be tested as

10 such because they were installed in the grandfathered

11 systems.

12 Of the 44 technical standards that are not included

13 as part of the grandfathered system, what is still

14 outstanding and what risks, if any, remains with those

15 outstanding areas?

16 The NIGC is interested in consulting on this topic,

17 including but not limited to, obtaining, one, any

18 information related to the steps tribes have taken to

19 comply with grandfathering provisions and any

20 difficulties in implementing those provisions; two, what

21 risks, if any, the grandfathered games may pose to the

22 gaming operation or the gaming public; and three, how

23 those risks may be mitigated by means other than Part

24 547. Thank you.

25 CHAIRMAN CHAUDHURI: Thank you, Travis. So at



- 1 this point, we'll turn it over for comments, questions,
- 2 statements. However, we recognize that some individuals
- 3 may have planes to catch. If you are on a short
- 4 timeline, we'd like to move you up to the front of the
- 5 line. Is anybody in a position where they need to get a
- 6 statement on the record immediately?

7 (No response from the participants.)

8 CHAIRMAN CHAUDHURI: Okay. With that, we'll

9 just go in order of, I guess, hands, but I don't want

10 anybody to feel that everything that needs to be said

11 needs to be said today. The comment period goes through

12 the end of June and so we're going to be receiving

13 written and verbal comments through our consultation --

14 our actual consultations, but also in the mail, via

15 email.

16 If there are ideas or comments that anybody thinks

17 of after today's consultation, I want to encourage

18 everybody to submit those comments to us in writing, by

19 email, but that said, I'll turn it over to Mr. Tom

20 Cunningham, who's going to work with anybody who has a

21 question or comment on the record.

22 We -- as I said before, one of our fundamental

23 principles is adherence to regulatory responsibilities,

24 while not stymieing the entrepreneurial spirit of

25 tribes. So we want to hear about the efforts and

1 impact -- the efforts tribes have made to handle the

2 upcoming deadlines, but we also want to hear about the

3 risks involved, the presence or the lack of risks

4 involved given various options moving forward.

5 So with that, Mr. Cunningham, I'll leave it to you

6 to read the room. Thanks.

7 MR. LANKFORD: Chief Lankford, Miami Tribe.

8 Mr. Chairman, I have a statement, if I may, would like

9 to read this into the minutes. Thank you, Mr. Chaudhuri

10 and the commissioners for scheduling this important

11 consultation in Tulsa to meet with the tribal leaders,

12 gaming regulators, tribal representatives concerning the

13 Class II grandfathered gaming systems. Thank you for

14 your hard work since I had last reached out to you last

15 summer to request this type of a consultation for these

16 gaming systems.

17 This topic is an important -- is important to

18 Oklahoma tribes because these grandfathered -- these

19 grandfathered Class II gaming systems are among the most

20 lucrative for many tribes, including the Miami, and it's

21 what our patrons want to play.

22 As you're aware, Part 547 regulation allows certain

23 Class II games that were manufactured before November

24 10, 2008, to continue in use until November 10, 2018, as

25 grandfathered gaming systems if they had been certified



1 and meeting certain core requirements.

2 The Miami Tribe participating in the NIGC tribal

3 advisory committee in 2011 did not support the premise

4 that grandfathered systems create a risk to the industry

5 and time has proven this to be true. There simply

6 hasn't -- has been no incidents in the past 19 years to

7 substantiate concerns of risk or safety with these

8 gaming systems.

9 In past consultations on this topic, tribes have

10 asked NIGC to explain why the sunset provision is in

11 place, and if it can't, to rescind it -- to rescind this

12 rule. The NIGC, on the other hand, has asked the tribes

13 to explain why the sunset provision should change or be

14 stricken.

15 My reason -- my reason to request that the

16 grandfather provision be further extended or eliminated

17 altogether are as follows: Grandfathered gaming

18 systems, include games that were the subject of hard

19 fought victories in Indian country and served as the

20 foundation for the entire Class II industry.

21 Grandfathered gaming systems represent an investment by

22 tribes and manufacturers and tens of millions of

23 dollars.

24 In some remote locations, grandfathered systems are

25 the only ones that are economically viable since fully

- 1 compliant systems tend to be much more expensive. There
- 2 are no documented cases where grandfathered systems pose
- 3 any greater risk to a patron or tribal gaming operation
- 4 than fully compliant systems, and our gaming
- 5 commissioners who are the primary regulators in Indian
- 6 country, are on the floor every day supervising and

7 reviewing these games.

8 Many -- excuse me. Many grandfathered game systems

9 have a loyal customer base and are preferred over newer

10 games that lack familiar look and feel that patrons

11 expect. Again, these are the games our patrons want to

12 play. There is great concern that vendors will not be

13 able to upgrade systems at every tribal casino by

14 November 2018, and the smaller tribes, like my tribe

15 which rely on these gaming revenues will be hardest hit

16 when these games must be shut off and replaced.

17 In addition, the same economic reasons that justify

18 NIGC's extension of the sunset provision in 2012 are

19 present today. The economic reasons were highlighted in

20 the Oklahoma Tribal Gaming Regulators August 2012 letter

21 to NIGC. In this letter, the OTGRA detailed the results

22 of proprietary information from 20-member tribes to

23 demonstrate the financial hardship these tribes would

24 suffer if grandfathered systems were removed. Total

25 projected losses and down time for removal of games



- 1 replaced with these grandfathered games and/or loss of
- 2 tribally-owned grandfathered boxes were projected to be
- 3 over \$65 million. I believe the negative financial
- 4 impact would be the same today.
- 5 In addition, without these popular Class II gaming
- 6 systems in play, Oklahoma tribes would lose leverage in

7 compact negotiations with the state. I understand that

8 the commission did not draft Part 547 with the sunset

9 provision citing the arbitrary date that triggered the

10 end of play of safe and legal Class II gaming systems.

11 It is my hope, however, that the Commission will do

12 the right thing and strike the sunset clause. Every

13 Class II game on the floor of the Miami Tribe Casino is

14 a vital, legal, Class II grandfathered system. These

15 games bring valuable revenue to my tribe for my people.

16 It is my request that the sunset clause be stricken from

17 Part 547 so that lucrative games may remain in play

18 indefinitely.

19 CHAIRMAN CHAUDHURI: And thank you for that

20 statement, Chief. So we'll respond or engage as much as

21 possible. We value the two-way street that

22 consultations have been for NIGC. We've run ours

23 slightly differently than maybe other entities, but you

24 know, if -- if there's an opportunity to do that,

25 we'll -- we'll respond, but otherwise, we appreciate

1 having these statements entered in the record and we

2 will consider all of these as we move forward. Thank

3 you.

4 Well, I just saw one person back there take his

5 glasses off getting ready to speak, so I know -- Dan's

6 not looking over here, but any additional comments?

7 While we're sorting through whether or not we're going

8 to comment, we do appreciate the materials NTGCR was

9 discussing over the last couple of days regarding some

10 of their analyses that they put forward. Thank you for

11 that.

12 MS. LASH: Good afternoon. Thank you,

13 Chairman, and commissioners for setting up this

14 consultation today. It is very important to keep the

15 lines of communication open. Along with my fellow

16 tribal leaders and regulators, this topic is very

17 important to the Absentee Shawnee Tribe.

18 During my time with the tribe and past history with

19 our Class II gaming systems, we have not had any

20 problems and our patrons have enjoyed the games. Today,

21 I ask you to strike the sunset clause from Part 547 so

22 that these lucrative games can stay in play and doesn't

23 cause undue financial hardships on tribes.

24 And our comments -- this is very short -- that I

25 had sent, but I am going to be sending longer comments



1 to you at the end of June, so I wanted to express our

2 own concern with how it will affect the Absentee Shawnee

3 Tribe as we, too, are a small tribe here in Oklahoma

4 with the 4,000 -- little over 4,000 tribal members and

5 with two casinos that we have. And we are -- you know,

6 we're just a small tribe and many other tribes in our

7 area that have other bigger casinos that people like to

8 go to, but we do -- we are very concerned with this act

9 here, so thank you.

10 CHAIRMAN CHAUDHURI: And thank you so much for

11 that and the position is heard loud and clear. Thank

12 you.

13 MR. MORGAN: Chairman, my name is Matthew

14 Morgan from the Chickasaw Nation. Bring you greetings

15 from Governor and Lieutenant Governor Keel and my boss,

16 Secretary Lance. Today, though, I'm here on behalf of

17 NIGA. I said -- represent the Eastern Oklahoma Region

18 on the board of directors at NIGA and also chair its

19 Class II subcommittee.

20 I know we've talked over the several months with

21 your staff on an ongoing dialogue some of the

22 undertakings of the committee and what it's up to. I

23 just want to kinda update the group and also have that

24 in the record on some of the efforts that we've put

25 forth, including, you know, a lot of our in-person and

1 in teleconference and a lot of our committee members are

2 here today and I want to appreciate and thank them for

3 attending and all of their info.

4 Just to highlight two points. One, you know, we've

5 engaged the firm of Claus Robinson to conduct a survey.

6 One of the things in discussion with a lot of our

7 stakeholders in the industry is there's a lot of

8 questions on exactly what is out there in terms of

9 grandfathering systems and grandfather units, what does

10 that look like and what kind of impact does that have on

11 Indian country.

12 We want to make sure we have a true estimate of

13 numbers, and through NIGA, you know, in its efforts and

14 we've reached out to tribal leadership to try to engage

15 them on that survey to make sure that we're able to

16 bring that forth to you. I don't have anything today

17 for you, but we are shooting for -- as NIGA's --

18 Chairman Stephens was talking about, NIGA's annual

19 meeting, we'll have preliminary results there to be able

20 to deliver to you at that consultation on what that

21 looks like and the impact throughout the country.

22 That's the first part of our efforts that we're doing on

23 this -- this particular subject.

24      Secondarily, Committee Member Hummingbird, in his

25      position as chair of NTGCR, has worked to come up and



1 address one of your points that you've talked about a

2 lot, risk. What is this risk that -- what we look like

3 here? And I know that he's had some preliminary

4 dialogues, but Jamie, if you would -- if you wouldn't

5 mind, I'd like for him to kinda go a little bit further

6 in depth to what that looks like from at least our

7 position, and then, you know, turn it over and let your

8 staff go through that as well to make sure that they

9 agree, and if not, we can have some further dialogue

10 down the road.

11 CHAIRMAN CHAUDHURI: Please. Thank you.

12 MR. HUMMINGBIRD: Thank you, Chairman

13 Chaudhuri, not only for allowing me to speak today, but

14 for being patient with our conference that seem to have

15 inadvertently overlapped with the consultation.

16 Hopefully we are able to provide some additional

17 attendees for your conference. We were hoping to get a

18 lot of tribes in here to learn about -- more about

19 what's going on particularly with the grandfathering

20 Clause.

21 As you mentioned earlier, we have included in this

22 year's conference a special track regarding Class II.

23 One of the key components of that discussion was the

24 grandfathering clause in the sunset provision. I have

25 also been serving on the Class II subcommittee with

- 1 Chairman Morgan and others, and one of the things that
- 2 we had talked about is taking a look at the Section 547
- 3 as a whole. How does -- how does 547, in and of itself,
- 4 impact and play out within the gaming operations,
- 5 particularly the regulatory field of it? And more
- 6 specifically, we looked at the areas of risk that are

7 associated with these items contained in Section 547.

8 When we looked at it, we found that there were 56

9 testable standards that can be gleaned from Section 547.

10 And when we say testable, that means that an independent

11 testing lab such as GLI, BMM, Eclipse, any of the

12 testing labs out there can create a specific test from

13 the language that's contained within those standards.

14 There is language in there that will allow the labs to

15 design testing protocols and to measure the performance

16 of those items within the confines of Section 547.

17 The test labs can perform the tests on the

18 manufacturer's products to ensure that it meets the

19 minimum technical standards for grandfathering. And

20 within those 56 standards, those standards can be

21 condensed into three different levels of severity. If

22 you are familiar with just general testing protocols,

23 you have high, medium and low. And these labels are

24 based on the compliance risk to the operation and the

25 regulation of the Class II systems by the Local Tribal



- 1 Gaming Regulatory Authority.
- 2 The high level -- the high risk level, which are
- 3 those that pose significant compliance risk to the
- 4 operation and the regulation to Class II gaming systems,
- 5 those risks could provide the ability to cheat or
- 6 mislead a patron and possibly affect the following

7 items, which are integrity of the gaming software and/or

8 database information and/or manipulation of the game

9 outcome.

10 Medium risk items pose minimal compliance to the

11 operation and regulation to Class II, because those are

12 simply more associated with defects found during testing

13 that do not affect the integrity of the game or the MICS

14 requirements that must be tested or verified in the

15 field that can't be tested or reproduced at the testing

16 lab.

17 Low risk items pose little or no compliance risk to

18 the operation and the regulation of the Class II systems

19 and these defects are usually generally quality in

20 nature that pose no risk to the integrity of the game.

21 In looking down -- breaking down the standards of

22 those 56 testable standards that are mentioned, we broke

23 these down into different categories by section within

24 547. And I apologize, I do not have the handouts for

25 you. Myself, hopefully they were delivered a little bit

1 earlier. You got them? Okay. Very good.

2 So of those 56, according to the printout that we

3 provided to you, you can see how those items break down.

4 I won't go through each one of them just for the sake of

5 brevity, but each one of these items contained in the

6 Section 547 have the standards that are measurable by

7 the -- excuse me, independent testing labs.

8 When you look at -- when we looked at the risks

9 associated with each of those standards, we determined

10 that there were -- 57 percent of those items fall into a

11 high risk category, 40 percent into a medium risk, and

12 the final three percent into a low risk category.

13 Now, the Class II grandfathering testing covers 12

14 of the 28 items that are -- that were identified in

15 your -- in your handout material and those are the high

16 risk standards contained within 547, but when you add in

17 the ancillary items within 547 that are affected

18 specifically by 547.5, you come to 26 of the 28 items

19 are covered by the grandfathered provision. And that is

20 simply to say, there is a portion of 547 that references

21 back to or is contingent upon another section that is

22 not within 547.5 where you find most of the breakdown in

23 the standards.

24 The testable sections that we looked at, the

25 initial ones, 12 of those 28, around 50 percent of those



- 1 are high risk. There are four in accounting, two in
- 2 critical events, one in money handling and currency,
- 3 credit handling. The remaining items are being
- 4 classified or have been classified as either low or
- 5 medium-risk categories.
- 6 You test -- excuse me. You add in the additional

7 testable sections that I mentioned and now you've

8 reached 26 of those 28, which is 93 percent of those

9 high risk standards are covered by the provisions within

10 the grandfathering section.

11 It is important to note and important to understand

12 that these are just the testable portions of the games,

13 things that are taken out of 547. These are not the end

14 all of the protections that are afforded to our Class II

15 systems. There are other items and other areas in which

16 Class II systems are protected, such as our internal

17 control standards.

18 A good example I believe would be the controls that

19 we have around machine access, that every tribe has some

20 sort of protocol by which a person, an authorized person

21 gains entry to a machine, whether it's for work on the

22 machine itself to troubleshoot an issue, there are

23 protocols in which tribes employ to make sure that that

24 activity does not interfere or in any way impact the

25 game play or the game integrity. That includes the

- 1 financial integrity.
- 2 In addition to our internal controls, for my tribe
- 3 and a number of tribes, there is a significant level of
- 4 testing that is done prior to the release and
- 5 installation of any of the games -- gaming systems
- 6 within our properties. There is a stringent checklist

7 and examinations that must be codified and verified

8 before those machines are allowed for play. Thereafter,

9 periodic audits are conducted. Some are done on a

10 semiannual basis. Others are done on an annual basis.

11 In addition to that, any activity, anything

12 happening with the machines is captured under video

13 surveillance as well as online accounting and monitoring

14 systems. If there are any unscheduled or unsanctioned

15 accesses to those machines, alerts go through to a

16 surveillance system most usually to alert individuals

17 there that access has been gained.

18 If there are any other concerns, other personnel

19 are dispatched from operations and/or the gaming

20 commission to identify exactly what is going on with the

21 machines.

22 I say those things to underscore the fact that the

23 grandfathering provisions I believe have -- have met

24 their intent and -- which was to really safeguard the

25 integrity of the game, its operation and its financial



1 integrity. And as was mentioned earlier, no instance

2 has been uncovered where any of the games have been

3 compromised or any of the integrity has come into

4 question for these games.

5 So with that, I will entertain any questions from

6 the NIGC or anyone.

7 CHAIRMAN CHAUDHURI: Very much appreciate this

8 analysis, Chairman. You know, as we've all discussed in

9 this community in past forum, past venues, the risk part

10 of the discussion is important to us because, as

11 regulators, we have the responsibility to ensure the

12 integrity of the industry.

13 At the same time, we want to avoid unnecessary

14 roadblocks, so we -- unnecessary roadblocks to tribal

15 economic development, and so we appreciate the balancing

16 of the economic impact with -- with the risk analysis.

17 This risk analysis is very helpful and I believe our

18 ongoing discussions and dialogue have focused on risk

19 aspect and I appreciate the work that has been pursued

20 by NTGCR, the NIGA subcommittee, and all the regulators

21 and tribal leaders who participate in those efforts.

22 Many, many thanks.

23 So the only question I have is -- let's see. Is

24 this -- this is the overview. Is there going to be a

25 report that's ultimately produced from all this?

1 MR. HUMMINGBIRD: I believe additional details

2 can be provided. Those are items that I think would

3 help provide clear examples of some of the risk-based

4 assessments that were done leading to how those

5 assessments were made to help provide a deeper

6 understanding, but yes, we can provide another document

7 in the future for you.

8 CHAIRMAN CHAUDHURI: This is greatly

9 appreciated. I don't know if my fellow commissioners

10 want to add to that, but thank you so much, Chairman.

11 MR. HUMMINGBIRD: Thank you, Mr. Chairman, and

12 thank you Vice Chairman Isom-Clause and Commissioner

13 Simermeyer, thank you for being here.

14 MS. COLLIER: Exercise today. Good afternoon,

15 Chairman, Vice Chairman, committee member. Ditto what

16 all these -- I'm Barbara Kaiser Collier with Quapaw

17 Tribal Gaming Agency, and you have already received our

18 comments from our business committee signed by Chairman

19 John Berrey and myself in a joint effort to send our

20 formal comments to you concerning this 547 issue.

21 I want to go down a little bit different avenue

22 while I have you -- your attention. The sunset portion

23 of this grandfather clause is a problem. It is an

24 issue, and I'm sure you've heard that many times. It is

25 not that we do not want to meet the grandfather issue



1 with 547 machines. We will be glad to do that, but we

2 are looking at it as we have gotten the corrective

3 measures, I guess you might say, from vendors or from

4 one vendor and not from others that we have machines on

5 the floor that had this issue.

6 It's going to be a timeframe issue. Now that the

7 fix, as you might call it, is made available, it will be

8 an issue for us as even the small tribe that we are or a

9 medium-sized tribe, I guess you might say, with several

10 machines that we have at our large casino that will need

11 this done to them. It will damage the revenue and the

12 impending revenue of our small casino immensely.

13 To go in, to take the time that we have been made

14 knowledgeable of, approximately 10 minutes or 15 minutes

15 to -- at the machine, but then the software will take an

16 additional hour or so. So when you take that times all

17 of the machines that need to be upgraded to meet this

18 demand, that's a long while. And at a small casino like

19 Ms. -- missus over here brought to our attention, it

20 will be effective. It will make a negative effect for

21 us.

22 Also, I don't know, you know, when these -- none of

23 you were there when these regulations were written and

24 we realize that, but regulations need to be written with

25 the efforts and the information that's derived to write

- 1 them from frontline people. Frontline people that we
- 2 have at our casino, compliance agents that are there
- 3 daily seeing the machines, knowing the intricacies of
- 4 how they work, knowing the intricacies of putting the
- 5 software in, taking it out, unlocking the door, putting
- 6 the locks on the doors, the software, talking to the

7 server, knowing all of those things.

8 Those frontline people should be the ones that are

9 asked about rules and regulations and how safe they are

10 and if they're in place and how they work and the

11 intricacies of those. Maybe those forerunners did that.

12 I don't know. I have not been told. If so, maybe they

13 needed to look into it a little bit more, would be what

14 my opinion would be.

15 I've been with my tribe 30-plus years and this is

16 what it's about for me. I don't know if I can even talk

17 about it. It's about my people. It's about what

18 this -- it is about the money. It is about impeding the

19 income of the tribe.

20 When I started to work for my tribe, we had no

21 money. In 1974, we had a grant of \$25,000 and that paid

22 everything. So from that two employees to now, over

23 1,400 employees, I think that we realize what we need to

24 do and what's best for our tribe. And just like Jamie

25 was giving you the information, the facts and the



1 figures, that's what we know. We already know those

2 things. We already know that these machines have been

3 there for the duration, and we're willing to do what

4 you're asking. We just don't believe we can do it in

5 the timeframe that you're asking us to do it, which is

6 going to impede the progress of our tribe.

7 And our tribe now has insurance for every tribal

8 member, education money, social services, emergency

9 funding, housing, police, fire, tribal court, all of

10 these things that we have worked hard to get, but we

11 can't do that if we don't have the funding and we're

12 looking into a new future for some. We don't know.

13 It's unknown.

14 There's already rumors of budget cuts and program

15 cuts and things from the federal level and our state.

16 Oh, yeah, we have our state. We're in debt over eight

17 hundred and thirty-some thousand dollar shortfall --

18 millions, I mean, not thousands. So are we going to get

19 assistance from our state? No, probably not.

20 We can't even get a stoplight at the end of the

21 turnpike for safety of everyone, and that sounds funny,

22 but that's the truth. I stand in line to get off that

23 turnpike every day timely. Takes a lot of time, because

24 there's no turn lane. Well, the state can't put it in

25 because they're poor.

1 But anyway, I could go on and on and on about the  
2 reasons, but my people are what's important to me and my  
3 gaming and my regulation and that's why I do what I do,  
4 because of my people, and this is what's going to be  
5 better for them. If you can help us continue to help  
6 them, because whether we like it or not, everyone has to

7 have money and it's usually about the money. We don't

8 like for it to be that way, but that's the way it is and

9 we all know that. We have to have incomes and -- to

10 survive, but I want my people to survive the best they

11 can, the best way we can.

12 So that's why I'm asking you to please rescind or

13 extend or whatever needs to be or whatever you can do to

14 make this workable for all of us. Thank you very much.

15 CHAIRMAN CHAUDHURI: And thank you. Thank

16 you, Ms. Collier.

17 MR. BURRIS: Chairman -- Mr. Chairman, Tracy

18 Burris. Just a couple of comments. Boy, that's hard to

19 follow Barbara. Dang, I was trying to get before her.

20 No, couple things and I'm -- Class II is near and dear

21 to my heart and you know that. And one of the things I

22 want to say, because I haven't been involved, but I know

23 that Matthew on behalf of NIGA's committee and what

24 Jamie is doing at NTGRC, they are going forward and

25 bring great comments and thoughts, but two things I want



1 to say, because I was in this battle a long time ago.

2 In the center Report 555 when we all talk about

3 maximum flexibility, it was always -- it's been

4 perceived and continues to be perceived as moving

5 forward. Yes, it was, but it also was that we dealt

6 with the technology that we had at the time. This is

7 that technology. It can't be swept under the carpet or

8 be left behind. And I realize the risks or the threats

9 to safety and all that, and we can make that argument

10 about everything that we do and we can over regulate

11 ourselves on that.

12 But by the same token, the very thing that -- and

13 Barbara just touched it, but she didn't say it enough,

14 and this is the one point I want to make, I've always

15 said this, if my insurance provider, a third party is

16 willing to take that risk and carry my policy, which

17 they don't bring any major risk or otherwise -- if it's

18 unfeasible to have those games in the facility because

19 of a potential tort claim, then that's one factor that

20 would drive it completely.

21 I don't want to say that they don't do good for

22 anyone, but the fact of it is, if my insurance provider

23 isn't there to help me, I'm not going to probably do it.

24 So that's an outside party, and my point would be, not

25 what all these good people are saying, and it's truth

- 1 and has a lot of merit and valid, but the fact that a
- 2 third party will help drive this, too, should help the
- 3 agency and the commissioners to help hopefully move
- 4 forward in this decision process.
- 5 So that's all I want to emphasize to you and I'll
- 6 provide further comments on that. Thank you.

7 CHAIRMAN CHAUDHURI: Thank you, Mr. Burris.

8 MR. YORK: My name is Buddy York. I'm the

9 gaming commissioner for the Muscogee Creek Nation and I

10 want to thank you for this opportunity, Mr. Chairman.

11 One of the things I wanted to explain is the Tulsa

12 facility, the one you're in now, it's not going to be

13 that big of an issue here, I don't think. There will be

14 a time issue, but not nothing that we can't do if we put

15 our minds to it.

16 We have four or five facilities that are out in

17 rural areas and I believe that's another area that

18 you're having consultation now about economic

19 development in rural areas, and we are probably one of

20 the biggest employers in three of those small towns, you

21 know. So everything that happens there affects the

22 whole community.

23 And one of the things that we have to understand,

24 which my background is in rural community casinos, if

25 the wrong basketball team loses, our income could go



1 down 10 percent. You know, everybody is that closely

2 intertwined and everything, but they also know that any

3 time something changes on one of those machines, every

4 person in that casino knows it and they -- you know,

5 that's an issue for them.

6 It's -- it will hurt our business for a small time,

7 but when you're talking about small casinos, there's not

8 a lot of income. These casinos are there for employment

9 opportunities. They're not there particularly to make

10 money for the tribe. If we close those down, the people

11 would come to Tulsa. We'd still get their income, but

12 that employment would leave that community and it would

13 not be there any longer.

14 We also work with our communities on fire, our fire

15 departments. We work with the police departments. We

16 work with the schools, and you know, these are things

17 that the larger casinos can't do, not out in these local

18 areas. And so I think that since we are being a good

19 community friend to all the communities that we have

20 these casinos in, that you know, that's something that

21 should be taken into consideration when we're looking at

22 this. It's not that we can't change out the machines.

23 We can and it's -- but it's very difficult to determine

24 just how it would affect the income on those smaller

25 casinos. That's basically all I had to say. Thank you

1 very much.

2 CHAIRMAN CHAUDHURI: Thank you, Mr. York.

3 MR. BURRIS: Mr. Chairman, one more thing and

4 something that Buddy touched on. I'm in Southern

5 California, so obviously we used to have Class II or

6 they called it that, but what he said about the impact

7 of the -- the players knowing changes before we do,

8 golly, they know it better than we do sometimes.

9 But an example, the U.S. Games, if a game that's

10 been around for 40 years, that's our biggest revenue

11 generator in Southern California, and those machines,

12 every now and then, they die out and we have to pull one

13 because we can't get replacement parts and we can't even

14 get a new one to make them any more and they go nuts,

15 but my point is, that machine has been around for over

16 40 years and still going.

17 My advice to the commission, if we want to be true

18 about due diligence, maybe we should look at the other

19 industries, commercial, outside, which we don't have

20 access to. Maybe you have friends in places that can

21 give you statistics on their data for machines that are

22 in play and been around forever and I bet you if we look

23 throughout these states, there are tons and tons of ones

24 playing the same level or maybe -- maybe worse if that's

25 the word to use in this case, but I don't think they are



1 a threat, so it would be interesting within the

2 Commission's connection with state agencies and other

3 deals to find that information out to help come to a

4 part of their decision making process. Thank you.

5 CHAIRMAN CHAUDHURI: And thank you,

6 Mr. Burris. I do want to add, independent -- I mean,

7 kind of as a spring board from previous discussions,

8 independent from our asked-for perspectives regarding

9 risks internally, we've been looking at risks -- risk

10 assessment as well.

11 MR. PRATT: Bruce Pratt from the Pawnee

12 Nation. Just sitting here listening to this discussion,

13 what comes to mind is older doesn't mean obsolete. You

14 know, as I get older, as my hair gets wider, I hope not,

15 you know. And another phrase that comes to mind, if

16 it's not broken, don't mess with it. Don't fix it.

17 Pawnee Nation is a smaller tribe. We -- we are

18 small and we're probably one of the smallest casinos

19 here in the State of Oklahoma, our three casinos. And,

20 you know, these -- these kind of decisions have a big,

21 big impact upon our gaming revenue.

22 What's always difficult for, I think, us in general

23 as Indian people and is -- it's always difficult when

24 we're forced to do anything. You know, I think

25 there's -- there's that resistance factor in all of us

1 that we tend not to like that, you know. And so

2 these -- these consultations are good. You know,

3 they're good at all of the levels at all the federal

4 agencies and different things.

5 You know, you have stated two or three times now

6 about NIGC's role in not being an unnecessary roadblock,

7 and so you know, in economic development, in tribal

8 nations, in gaming, and so you know, I know that here in

9 Oklahoma, I know in my tribe particularly, the Pawnee

10 Nation, that we -- we're a good neighbor, you know, in

11 our community and we're the biggest economic force in

12 our county and really we're about the only game in town,

13 you know, because Pawnee has been drying up.

14 And so our community, our -- outside of our Indian

15 community, but the total community is really invested in

16 what we do and how we do things. And it's important to

17 us being a smaller tribe that gaming is a significant

18 part of what we do and even the downturn in the oil

19 industry here -- oil and gas industry here in Oklahoma

20 has severely impacted us where we're at.

21 We're also doing an expansion right now and that's

22 really impacted us. And so everything is just -- it

23 really -- it really can pile on, feels like piling on.

24 And, you know, my fear as a tribal leader, especially

25 here -- here in Oklahoma as has been stated is, you



1 know, I believe that -- that Indian nations here in

2 Oklahoma, the tribal -- the tribes, we -- we know best

3 how to distribute money, in our communities, locally,

4 you know, all these things that's been talked about, to

5 the schools, to the roads, to all of these

6 infrastructure that is so needed in our communities and

7 not being met by the federal or the state level, and the

8 Indian tribes, we drive that. We're the driving force

9 in that and we have that huge impact.

10 My fear is giving more money to the state, because

11 as was said, we're almost a billion dollars in debt here

12 in Oklahoma and we've been giving billions of dollars to

13 the State of Oklahoma, you know, in gaming revenue. It

14 also is just -- you know, for me, it's just like

15 terrible timing for us as Indian nations as we come into

16 compacts that are due up here in Oklahoma. It's like

17 we're -- one of our biggest sticks is being taken away.

18 And we've got a little bitty stick now and we don't need

19 a little bitty sticks. We need the big sticks in

20 protecting our sovereign rights as tribal nations.

21 And even on the federal side, you know, just so

22 many unknowns, so many unknowns, and I think that's what

23 we're looking at. That's what I see, state level,

24 national level, you know, all of these things.

25 We're trying to protect and trying to preserve what

1 we have and how we do things as Indian people and how we

2 serve our tribal members, but not only our tribal

3 members, but our community members. So these things

4 impact us, you know, in an -- I'm speaking on behalf of

5 the Pawnee Nation. It impacts us in a big way.

6 Class II gaming has really been good for Oklahoma,

7 really been great for Oklahoma, and I would just hate to

8 lose that. It seems like we ought to be able, with all

9 of the technology, all of the knowledge, all of the --

10 all of the things that -- that we have as far as the

11 abilities to do things, it seems like we ought to be

12 able to take care of something that's, to me, very

13 important, you know, in this area, in our industry, in

14 the gaming industry, and so -- and so I just wanted to

15 voice that.

16 The Pawnee Nation will be presenting formal

17 comments and things, but just wanted to say those

18 things. Once again, I always appreciate consultation

19 because you learn a lot. I like the back and forth and

20 hopefully -- hopefully that there be a good resolution,

21 an agreeable resolution to that.

22 Just remind you that we're all Indians. We're all

23 Indians, and we've all been there, done that, and so

24 appreciate the opportunity to speak to you. Thank you.

25 CHAIRMAN CHAUDHURI: Thank you, sir.



1 MR. MATTHEWS: Thank you, Chairman, Vice,  
2 Chairman, committee member. I'm going to ramble just a  
3 little bit. I served my "gaming commission" in 1982. I  
4 served with Barbara's father and our job basically was  
5 we stood there with a counter and counted the people  
6 that walked into our bingo hall, because we got paid a

7 dollar a person that came into the hall, and that was

8 basically what we did when we started out. That was our

9 gaming commission.

10 We've come a long ways. In 1990, when I was

11 elected chairman of the Quapaw Tribe, Barbara was my

12 tribal administrator. It was during that time we were

13 losing revenue because we weren't the only bingo hall in

14 town. There's a lot of other committees that --

15 communities that had started bingo. So we were losing

16 revenue and we were looking at ways to try and generate

17 more.

18 We had some people bring in these games. I don't

19 even remember the titles of them, but they were

20 electronic pull tab machines and we had 12 of them --

21 wasn't it, Barbara? Was it 12 or 10?

22 MS. COLLIER: Twelve.

23 MR. MATTHEWS: It was 12 of them we brought in

24 on the floor. We had them on there for seven days until

25 the rest of my committee decided they wanted to pull

1 them off the floor, but in those seven days, those 12

2 machines generated more money for our hall than all of

3 the bingo that we had. I mean, it was phenomenal --

4 MS. COLLIER: \$32,000.

5 MR. MATTHEWS: Huh?

6 MS. COLLIER: Over \$32,000.

7 MR. MATTHEWS: Over \$32,000 we made in those  
8 seven days, but the business committee thought we were  
9 going to get in trouble, we couldn't do this because the  
10 NIGC was all brand new. It was when Tony was the  
11 chairman. We had already spoken to him and talked to  
12 him.  
13 That was 1990. Okay. So since then, we've had  
14 leaps and bounds in technology. How many in here have  
15 the Lucky Tech games still on their floor? Anyone? Oh,

16 yeah, but you know that's the case that we won, Jess

17 Green took it to the Supreme Court. And guess what? We

18 don't play them anymore. You know why? Because they

19 died a natural death, and that's what these games will

20 do one day. They're going to wear out. They're going

21 to quit playing. Something is going to happen to

22 replace them.

23 There doesn't have to be an arbitrary date with a

24 sunset clause for a grandfathered game. I mean, we

25 drive cars around that are pre-smog controlled cars, but



- 1 there's not an arbitrary date that we have to take that
- 2 '57 Chevy off the road just because it doesn't meet the
- 3 standards of air quality. It's still going to be driven
- 4 because it's a grandfathered car.
- 5 But that's what these -- what -- these units that
- 6 we have on the floor, they're making money. Steve asked

7 me, he goes, "How many of these are out there?" I said,

8 "There's a lot, but people like them and they continue

9 to play them." It's like a television show. You may

10 have a favorite show on there. At some point, it gets

11 old and tired. The networks replace them. What

12 happens? Sometimes they replace it with another show

13 that people like and sometimes they replace it with one

14 they don't. That's what we do. As operators, we take

15 chances on new machines. Sometimes it works. Sometimes

16 it doesn't. But that's on the operators, not on the

17 commissions, not on the regulators. They're not the

18 ones choosing what goes on the floor. It's the

19 operators. It's the people that run the operations.

20 They're the ones that have to try and figure this out.

21 So to pull these machines off the floor on an

22 arbitrary date, why? They're meeting the risk standards

23 right now. I don't -- we haven't heard anyone talk

24 about patrons wanting these games off the floor. We

25 haven't heard anyone say, "Those machines have cheated

1 me." We haven't heard any operator say that the

2 manufacturers have cheated us. So why do we want to do

3 this?

4 That's why we, as the committee, are really trying

5 hard to give you the documentation that you need,

6 because that's who's going to have to make this

7 decision. It's not us. It's you, but we want to give

8 you the empirical data that you're going to need to

9 stand up before Congress and say here's the reason that

10 we're going to do away with this, because I believe

11 you'll have that at some point in time here in the

12 future, because we as operators, we want this to be a

13 strong and a regulated industry as much as you do, and

14 that's why we want to work together with you, unlike

15 some of the former chairman -- Tony, Bill -- who didn't

16 want to help us. I'm sorry. I said that.

17 But I'm just saying that, you know, we are here to

18 work with you, and that's -- that's really what it

19 takes. Thank you.

20 CHAIRMAN CHAUDHURI: Thank you, sir. Thank

21 you.

22 MR. MATTHEWS: You bet.

23 MR. HUMMINGBIRD: Thank you, Mr. Chairman.

24 Jamie Hummingbird with Cherokee Nation again. I just

25 wanted to before -- I have to leave here very shortly,



- 1 but before we left, I just wanted to make a couple of
- 2 remarks based on a couple of things I heard throughout
- 3 this week of the sessions.
- 4 One -- one remark was made earlier this week about
- 5 tribes and where we have been placed historically when
- 6 we've been removed from our homelands and placed into

7 places like Oklahoma where people thought we would never

8 want that land. Nobody wants that land.

9 Well, until there was oil found on our lands, then

10 everybody wanted that land. When the Cherokees were in

11 Georgia, nobody wanted that land until they found gold.

12 Then they wanted that land.

13 Same thing with IGRA in the sense that we have a

14 document that's not a perfect document. It wasn't -- I

15 don't think it was necessarily envisioned to be what it

16 is today, but what tribes have done historically is

17 taken the circumstances they've been given and making

18 the most out of them.

19 Here in Oklahoma, we have done just that. We have

20 looked at the provisions within the Indian Gaming

21 Regulatory Act. We've examined its contents, and over

22 the years, have successfully not only grown the

23 industry, but really defined the industry for Class II.

24 So it is in our tribal interest and our people --

25 interest of our people that we want to, just as JR

1 mentioned, make sure that what we offer up to the public

2 is something that we can stand up and say definitively

3 is in the public's interest, because we are there to

4 maintain the integrity of that game. Without that

5 integrity, we have nothing.

6 We do not want to see the integrity of those games

7 compromised in the least. So when we are looking at

8 this issue, when trying to find the best way to resolve

9 it, I look forward to continuing our dialogue just

10 because I think it's been a healthy dialogue. It's one

11 that is going to provide us with a good pathway as we

12 move forward with the resolution to this issue, and I

13 want to thank the chairman and the NIGC staff members

14 for being cooperative and listening to tribes and taking

15 our comments and our recommendations and hopefully being

16 able to make very informed decisions that will benefit

17 all tribes across the country. So thank you very much.

18 CHAIRMAN CHAUDHURI: Thank you. Well, we

19 always say, going once, going twice, going three times.

20 Okay. Oh, boy. Oh, boy. Okay.

21 MS. HOMER: Wasn't going to allow that to

22 happen. Chairman, members of the NIGC and staff, I

23 think this has been a wonderful dialogue and I really

24 appreciate it.

25 You know, back in the long ago olden days of the



- 1 NIGC when I was there -- Elizabeth Lohah Homer -- we
- 2 really did try to reach out and have -- and engage in
- 3 dialogue. We actually did kind of a form of negotiative
- 4 rule making for most of the rules that we did during our
- 5 term of the NIGC. And one of the rules that we started
- 6 out with that was kind of laying on our desk when we

7 were first appointed was a game classification

8 regulation.

9 This regulation, I guess the first phone calls I

10 got and the first time anyone ever got in my face about

11 an NIGC regulation was this game classification

12 regulation. And people were very, very upset about it,

13 and so we had a series of hearings on that and took

14 testimony as to what the issues were with the game

15 classification.

16 And part of it was the regulation allowed a role

17 for state governments to play in classification of

18 games, which was very objectionable. And we ultimately

19 agreed that that was objectionable and we ultimately

20 decided to withdraw that rule all together, because it

21 really -- it just didn't make sense for Indian country.

22 It was taking some of the benefit of the Indian

23 Gaming Regulatory Act that was specifically intended to

24 help tribes and taking that away, removing it. And so

25 we tossed that aside, and instead, we did the changes to

- 1 the Class II regulatory definitions to bring more
- 2 clarity to the interpretation of what is Class II, what
- 3 is Class III, what is a game similar to bingo, and what
- 4 is an electromechanical facsimile, because we thought
- 5 that was probably the answer to all of these questions.
- 6 That's what the Court was telling us, was that the

7 NIGC's definitions did not give the Court any real

8 guidance. It was unhelpful to the Court.

9 And so that's where we turned our attention to.

10 And then in the next administration, the Hogan

11 administration, during Chairman Hogan's tenure, they

12 resurrected the game classification regulations and they

13 got the same response that we had gotten. Everyone went

14 insane. No, you can't be doing this. You know, very

15 upset throughout Indian country.

16 And then Chairman Hogan seized on the idea of these

17 technical standards, that if the laboratories could test

18 these and we could be convinced that the inside of this

19 game is a bingo game, then we don't need classification

20 regulations, and they ultimately proposed and threw away

21 these classification regulations and their focus became

22 on these -- on the technical standards.

23 Now, these technical standards, and as I think

24 Barbara pointed out, none of you were there then, but I

25 was and I will tell you this was a bitter, bitter



1 struggle. It was a big fight between Indian country and

2 the NIGC over these -- over these technical standards.

3 Big, giant -- big, giant arguments. It took, you know,

4 what is it, four years from 2004 to 2008, you know, to

5 finally get these regulations promulgated. All of that

6 was four years of hair pulling and screaming and

7 yelling. And everything finally got resolved between

8 the NIGC and the tribes, except one thing, and that is

9 this sunset provision.

10 Now, as a lawyer, and I'm a lawyer, one of the

11 things -- and I was also a fed, you know, I was a

12 government bureaucrat. And one of my pet peeves besides

13 an interpretation of law that deprives the tribes the

14 fullest benefit of that law, is a regulation that kind

15 of takes away the benefit of what the tribes are doing

16 economically, as is the case with this sunset provision.

17 The sunset -- you know, in -- and I don't want to

18 say in the real world, because we live in the real

19 world. Ours is the real world, but in the real world,

20 for lack of a better word, you either have a grandfather

21 or you have a sunset. We have a grandfather and a

22 sunset and that is illogical. That is legally

23 illogical.

24 If those games were safe enough and with sufficient

25 integrity to allow them to be played first for five

- 1 years without any problems, several got extended for
- 2 another five years, why now is there an urgency to take
- 3 those systems out of play? It's not sustainable
- 4 logically as a matter of law. There is no reason that
- 5 we have been able to discern, that the NIGC has been
- 6 able to produce for us nor we for the NIGC, of evidence,

7 real evidence, which is what if we had to go to court

8 over this we'd all have to have, we'd all have to have

9 some real evidence, but there is none that these games

10 are lacking in integrity or they blow up.

11 How many of you-all have heard of a Class II gaming

12 system blowing up? Electrocuting a patron? It hasn't

13 happened, and because it hasn't happened, I don't think

14 that you can logically say, leave these games in play

15 for 10 years and then, bam, then they have to go.

16 Because the reason for why they had to go in the first

17 place doesn't exist.

18 So it is not legally sustainable, you know, to take

19 that next step and say, "Oh, well, it doesn't matter, we

20 have that regulation and so we're just going to follow

21 it." It has to make sense logically. And that's it for

22 me. That's my two bits.

23 CHAIRMAN CHAUDHURI: Thank you, Ms. Homer.

24 COMMISSIONER SIMERMEYER: I don't want to

25 disrupt the conversations, but I'll just maybe make a



1 comment myself about some of the comments that I've been

2 hearing, and I appreciate those and I appreciate all the

3 work that's gone into the preparation of this. So I

4 want to say thank you again for everyone that's

5 participating.

6 But for me, a lot of the commenters have made

7 points that have resonated with me. Particularly some

8 of the points about being part of the regulatory

9 community and the responsibility we have to -- to our --

10 to protection of our reputation and maintaining the role

11 that we play. I think a lot of that begins with some of

12 the comments that were made with relying on this

13 additional knowledge and looking at sort of frontline

14 perspectives, so it's good to hear that and appreciate

15 hearing that.

16 Another point for me that has resonated is some of

17 the comments that -- from a federal decision making

18 perspective. You know, while there's value to

19 standardization that that brings, some of the comments

20 that were made and a one size fits all policy can be

21 very challenging, but one of the things that my approach

22 to the role that I have to play that is important is

23 being diplomatic with the role we play and so a lot of

24 the comments have been made about how individual

25 perspectives, the vision that tribes have for developing

1 their own approach to how they are going to partner, for

2 how they are going to grow, for how they're going to

3 meet the needs of their citizens is also what we're for

4 here, too. So I just wanted to make those comments now.

5 CHAIRMAN CHAUDHURI: Thank you. Thank you,

6 Commissioner. So that's actually a perfect segue.

7 Again, want everybody to feel that there's been a full

8 opportunity to speak their mind today, but I don't want

9 anybody to feel that this is the only opportunity.

10 There is -- there are other consultations that I

11 encourage others to -- all of you to attend, but also

12 there's a written comment process that I encourage folks

13 to take advantage of as well.

14 But it's a perfect segue, Commissioner, to kind of

15 some closing thoughts, but I do want to make sure that

16 there are no other tribal leaders or representatives

17 that wish to make a comment on the record before we

18 close out. Going once. Going twice.

19 So, Vice Chair, if there's some closing comments

20 that you'd like to make?

21 COMMISSIONER ISOM-CLAUSE: Thank you. I'd

22 like to echo what Commissioner Simermeyer just said. In

23 full agreement with that. And thank you all for the

24 comments you've given us here today. You know, as you

25 know, we have to deal with the status quo. We didn't



- 1 make these regulations, but this is what they are. And
- 2 in order to, you know, make any changes or make any
- 3 decisions at all, we need a record. And what you've all
- 4 provided today has been really helpful in helping us
- 5 look at this issue and provide reasons for the various
- 6 approaches that have been suggested here today, which I

7 don't think anyone supports the regulation. So I don't

8 guess we have that option presented today, but I do

9 really appreciate the thoughtful approach that everyone

10 has taken in terms of looking at this issue from many

11 different sides so that gives us a lot of information to

12 consider when we make our decision.

13 And I also think that, you know, our interests are

14 aligned here. We all want a strong industry and we all

15 want effective regulation and that's the way we go into

16 our decision making, I believe, and that's what you do

17 every day for your industries as well and for your

18 people. I think that's how we're going to move forward

19 with this process, so thank you.

20 CHAIRMAN CHAUDHURI: Anything you'd like to

21 add, Commissioner?

22 COMMISSIONER SIMERMEYER: Just this, if we're

23 in a period here of closing, I want to, again, reiterate

24 thanks for everyone's time and I value -- and

25 appreciation for my colleagues, too, and the value that

- 1 I think we all have for the consultation process. It's
- 2 both an important part of -- the process has been an
- 3 important part of this and I appreciate and want to
- 4 compliment the NIGC folks and Indian country for
- 5 engaging and developing a process that I think is going
- 6 to give us a way to move forward in the best way and

7 where we come out on a lot of this discussion, so thank

8 you.

9 CHAIRMAN CHAUDHURI. And just to echo that, I

10 really want to thank our team at NIGC. I know the work

11 that all -- all of us do is in spirit with doing

12 whatever we can day in and day out to support our

13 mission, and we're honored to work at an agency with a

14 very unique mission, and that is to support tribal self

15 sufficiency, tribal economic development, and strong

16 tribal government.

17 So I'm very thankful to be part of the larger NIGC

18 team. I think -- well, speaking for myself, but I have

19 a feeling this goes for all of us, there's certainly no

20 urgency to -- to make dramatic, drastic regulatory -- or

21 to take dramatic, drastic regulatory actions. We strive

22 at NIGC to be forward looking and that's one thing I'm

23 very proud of. When we looked at some of the provisions

24 that were on the books that were written with deadlines

25 in place, we looked to the future and said, what can we



1 do to hear from our partners in Indian country, the

2 primary regulators of Indian gaming, that's tribal

3 regulators, to address what's coming down the pike.

4 Recognizing that regardless of whether we stick our

5 heads in the sand or not, time happens, and 2018 is

6 around the corner. So I can't take any credit for

7 thinking about discussions that we need to advance and

8 with respect to changes coming down the pike or

9 deadlines coming down the pike. I really admire and

10 appreciate our team who, you know, in conjunction with

11 all of our internal discussions said , you know, this is

12 something we really should talk about with our partners.

13 So there is no urgency on our part to take dramatic

14 action. We're trying to be forward looking and we're

15 trying to work in unison with our partners and our

16 colleagues and I appreciate all the goodwill and the

17 time that you've -- the -- all the goodwill that you've

18 shown and the time you've taken today to help us think

19 through reasonable options as we try to perform our

20 duties while not inhibiting the entrepreneurial spirit

21 of tribes.

22 So with that, blessings to you. Safe travels and

23 mvto. Hopefully you can attend tomorrow's consultations

24 as well. Thank you.

25 UNIDENTIFIED SPEAKER: What time?

1 CHAIRMAN CHAUDHURI: 8:30 in the morning in

2 this room, and there's a whole series of -- I think

3 there's seven topics or eight topics --

4 THE COMMISSIONERS: Six.

5 CHAIRMAN CHAUDHURI: Six. Six topics that

6 we'll be discussing, so that's a much longer

7 consultation and we'll try and take a break in the

8 middle of it for a water break, but thank you for your

9 time today. Mvto.

10 (End of consultation.)

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1           C E R T I F I C A T E

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3       I, Shannon S. Harwood, CSR do hereby certify that

4   on March 23, 2014, at 3:41 p.m. at the River Spirit

5   Casino, 8330 Riverside Parkway, Tulsa, Oklahoma, there

6   came before me tribal consultation; and that the

7 foregoing pages constitute a full, true, and correct

8 transcript of the tribal consultation on the date as

9 indicated.

10 I do further certify that I am not counsel,

11 attorney, or relative of either party, or otherwise

12 interested in the event of this suit.

13 IN WITNESS WHEREOF, I have hereunto set my hand and

14 affixed my seal this 29th day of March, 2017.

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Shannon S. Harwood, CSR

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