2018 NATIONAL GAMING COMMISSION MEETING

TRIBAL CONSULTATION SESSION
THURSDAY, JANUARY 25, 2018
1:30 P.M.

DOUBLETREE HOTEL
3 SISTERS/BACHELOR ROOM
1000 NORTHEAST MULTNOMAH STREET
PORTLAND, OREGON 97232
APPEARANCES

CHAIRMAN JONODEV CHAUDHURI

VICE CHAIR KATHRYN ISOM-CLAUSE

COMMISSIONER E. SEQUOYAH SIMERMeyer
CHAIRMAN CHAUDHURI: Thank you, Councilwoman.

My name is Jonodev Chaudhuri. I'm Muscogee Creek Bear Clan and also Bengali, from India, on my father's side. I'm joined by fellow commissioners who will introduce themselves in a moment but as Chairman, I am very, very grateful for everyone's presence here today. And it's been a long productive week at ATNI. Unfortunately, we weren't able to be here for much of the conference. We were at another consultation in Pine Ridge or, I'm sorry, Olalla, the day before yesterday, but we are, ourselves, very honored to be here, very thankful for that blessing, thankful to Cowlitz Spokane, all tribes of this region, this area. Many thanks for allowing us into your homelands for today's consultation.

So just -- we have a number of housekeeping matters, but before we begin, I want to say that the room is set up by design to get to as close of a circle as possible given square tables and chairs. And so we really look at our consultations as conversations and true government-
to-government dialogue. And so I really want to encourage anybody to feel free to sit at the table.

I'm going or turn it over to my fellow commissioners here in a moment and then we'll get into introductions, but again, we're very grateful for both tribal leadership that is represented here today, as well as our regulatory partners being in the room. In order to strengthen the health of the Indian game industry, day-to-day work with our partners is vital and so we appreciate you taking the time to be with us to discuss the consultation topics we're here to discuss.

So with that, I'm going to turn it over to Vice Chair Kathryn Isom-Clause.

VICE CHAIR ISOM-CLAUSE: Thank you. Good afternoon. As Chairman said, I'm Kathryn Isom-Clause, Vice Chair of the Commission. I'm from Taos Pueblo, and I also want to echo the thanks to everyone for having us here. We love being up in the Pacific Northwest and we're happy that you all made time at the very end of the conference. I know folks have to stay a little bit for this so we really do appreciate your time and energy being here.

As you mentioned, tribal consultation is
really a means for us to listen to you in recognition of the government-to-government relationship, but also because tribes are the primary regulators. And so it's really important for us to have any policy decisions or any other kind of changes that we make be very much informed by the tribal perspective, as well as our own subject-matter experts in the agency.

So this round of consultation sessions follows through on some topics that we've been discussing with this current commission makeup. So we've kind of targeted these topics to be a little bit more achievable in the time that we have left just due to the three-year terms that we serve as this current commission. So we hope that these are topics that we can really focus in on and not just big broad topics, but really specific, targeted ideas.

I'd also like to note, though, that while our commission may be changing in the coming months, we plan on continuing stability. We have the same policy positions going forward in our strategic plan that will be coming out next month. That's going to be for fiscal year 2018 through 2022. So we do look forward at just keeping our continuing trajectory,
continuing to work with tribes productively as we hope that we are doing now. I think that we can say with confidence that we are.

And so just to sum up, we really look forward to hearing all of your ideas today, whether on the specific topics or even more broad topics being as well. Thank you.

COMMISSIONER SIMERMEYER: Good afternoon.

I want to join my colleagues in saying thank you to the tribal leadership and the experts who are taking their time to be here with us today and be part of this consultation.

I'm Sequoyah Simermeyer. I'm Coharie. My tribe is from North Carolina and I'm the third member on the National Indian Gaming Commission.

For me, some of the considerations that are important in kind of approaching the work that I do on the Commission are first, to be cognizant of IGRA and what its requirements are. It's the overarching law that set our agency in place. And so some of the topics that we'll discuss today I think can help provide some background in that and purpose for having it.

Second, it's important to -- in the work that I think that the Commission does is to rely to
look at the expertise from our colleagues in the regulatory industry and with the institutional knowledge within our organization at NIGC. So again, I want to reiterate our thanks for regulators being here from other jurisdictions, and I appreciate your feedback, both in this process and on a day-to-day basis.

And lastly it's important for me -- I think another consideration is to be diplomatic in the way that the NIGC does its work. And so an important part of being diplomatic is looking at the decisions that tribal governments make in order to achieve the vision that they have for their communities. And so as federal partners in that, it's important that we're conscious of decisions that each tribe might be making with other jurisdictions whether it's states or tribes or federal government.

So those are all the things that I think are important in the work that I do and are, I think, helpful and achieve through some of the consultation that we're doing. I think consultation not only helps and gives us the opportunity to involve other federal players, it meets our obligations to the federal partner. It helps to
make more informed decision making at the federal level, but I think a very important part of consultation is that it helps to define, give meaning to our government-to-government relationships. So I do want to reiterate my thanks to my colleagues that you all are here and engaged in the process on that, so thank you.

CHAIRMAN CHAUDHURI: So as I mentioned before, the tables are structured to be as close to a circle as possible. An additional benefit of sitting up front is that while we would never ask anybody to sit somewhere that they don't want to sit, we have microphones up front. We do have a transcriptionist and at the end of this consultation, our transcriptionist will send the recording of this and the transcript for processing, and ultimately to be posted on our website as quickly as possible. The reason for that is we want this dialogue to be as helpful to our partners as possible and we want as many people to have the benefit of reviewing this conversation who want that benefit, and to extend to folks who may not be able to be in the room today. So if you happen to make comments and you don't want to speak in the microphone, our transcriptionist should be able to
hear you, but please state your name, your tribal
affiliation and, you know, the community that you're
representing, as clearly as possible.

So with that, keeping in mind it's
important for us to know who we're sharing with.
We'll move forward with some introductions so you
know who our team is. It's very important for us to
know our partners on a first-name basis whenever
possible. Fortunately, before the consultation, we
had some good conversation and some good
introductions and we were able to get to know each
other in person. So we'll go around and introduce
ourselves in terms of what we do, but also in
keeping with the way we operate at NIGC, we also
want to give leadership an opportunity to weigh in
with any opening remarks. So I do see leadership in
the room today and if their -- let's see. I see
the chairman from Cowlitz. I saw the chairwoman
from Spokane step in. Chairman, if you have any
comments you want to open us up with, we'll defer to
you.

MR. IYALL: Yes, good afternoon. Bill
Iyall, I'm the Chair of the Cowlitz tribe -- that's
I-Y-A-L-L, which happens to be the scottish ship
steward's spelling or our original name, the Cowlitz
name. So I really appreciate the opportunity to be here. And joining me today is three of our commissioners, two on counsel and our senior staff from the TGA. So we look forward to a very productive day. And again, I thank you for the federal partnership. It's critical in protecting the economic self-sufficiency for the Cowlitz people.

CHAIRMAN CHAUDHURI: Thank you, Chairman. And if and when the chairwoman from Spokane returns, we'll, of course, provide her an opportunity as we would with any leadership.

So before we move forward with introductions around the room, again, in keeping with that idea that we're here to serve our partners. We'll move forward with NIGC introductions and then we'll move forward with introductions around the room. So we'll start off with our chief of staff.

MS. THOMAS: Good afternoon. My name is Christina Thomas. I'm the Acting Chief of Staff for the National Indian Gaming Commission. I'm also a member of the Mille Lacs Band of Ojibwe out of Minnesota.

MS. LEE: Good afternoon. My name is
Yvonne Lee, I'm the Director of Finance for the NIGC.

**MS. DITTLER:** Good afternoon. My name is Esther Dittler. I'm Mohawk from Six Nations. I'm the regional attorney for the Portland region and -- actually, I should have said I'm Senior Attorney with the Commission. I've been with the Commission now for 12 years.

**MS. GRUBB:** Hello, my name is Mariah Grubb with the National Indian Gaming Commission. I work in our headquarter office as a management program analyst.

**MR. CATCHPOLE:** My name is Daniel Catchpole. I'm with the audit group here for the Portland region. And welcome to this great afternoon.

**CHAIRMAN CHAUDHURI:** And our regional team is here too, if you could introduce yourselves.

**MR. PHILLIPS:** I'm Mark Phillips. I'm Portland Regional Director with the National Indian Gaming Commission, located right here in Portland.

**MS. TAVERA:** Hello, I'm Vida Tavera. I'm out of the Portland NIGC office as well, compliance officer, and I'm a Cow Creek Tribal member from Southern Oregon.
CHAIRMAN CHAUDHURI: Thank you. So whether it's headquarters or at the region, we're always open, our phone lines are always open. We're here to answer any day-to-day questions that may come up.

So at this time if we could go around the room, introduce ourselves to each other. The comments that we hear today, hopefully, will be a benefit to all attendees and not just -- and be part of a larger conversation. So it's always helpful to know who our partners are in the room. So maybe if we could start at the table and move from there.

Oh, I'm sorry. Go ahead.

MR. BAKER: This is Ralph Baker, Chair of the Grand Ronde Gaming Commission.

MR. FISH: Tanner Fish, I'm the Assistant Director for the Grand Ronde Gaming Commission.

MS. GRAY: Shawna Gray, Executive Director from the Siletz Tribe Gaming Commission.

MS. GOUDY-SMITH: Dora Goudy-Smith, Chairman of the Yakama Nation Gaming Commission.

MR. IYALL: I'm Jerry Iyall, Chairman of the Cowlitz Gaming Commission.

MS. CLOQUET: Good afternoon, Celine Cloquet, Councilwoman for the Cowlitz Indian Tribe
and Vice Chair of the Gaming Commission.

 MR. AITKEN: (Speaks Kootenai.) Good afternoon, I'm Gary Aitken, Jr., Chairman of the Kootenai Tribe of Idaho.


 MR. WHEAT: Good afternoon. My name is Scott Wheat. I'm an attorney with Wheat Law Offices. Today I'm here on behalf of Confederated Tribes of Coos, Lower Umpqua and Suislaw Indians, as well as the Spokane Tribe.


 MS. RENTZ: Pamela Rentz, legal department, Kootenai Tribe of Idaho.

 MR. KELLOGG: Hi, good afternoon. My name is Dick Kellogg. I'm honored to be the TGA Director for the Cowlitz Indian Tribe and the Ilani Casino, which is brand new and you're all welcome to come and have a look.

 MR. FORD: Greg Ford, Cowlitz Tribe, Tribal Gaming Commissioner.

 MS. VANCLEAVE: Kim VanCleave, I'm the Assistant Director for the Cowlitz Tribal Gaming Agency.
MR. DASARO: Paul Dasaro, I'm Assistant Director for Cowlitz Tribal Gaming Agency.

MS. STACONA: Good afternoon. Michele Stacona, Secretary/Treasurer, CEO for the Confederated Tribes of Warms Springs.

MS. MACY: Good afternoon. I'm Alyssa Macy. I'm the Chief Operating Officer for the Confederated Tribes of Warm Springs.

MS. EAGLECLAW: Good afternoon. Annie Eagleclaw, Yakama Nation Gaming Commission and Secretary.

MS. SMARTLOWIT: Hello, my name is Leah Smartlowit. I'm Yakama Nation Gaming Commissioner.

MS. METCALF: Hello, I'm Ronda Metcalf with the Sauk Suiattle Indian Tribe. I'm a councilwoman.

MR. WADZINSKI: Hello, Kevin Wadzinski of the Law Firm of Powers Pyles. I'm here on behalf of a number of clients including management contractors that obviously are interested in some of the subject matter here today.

CHAIRMAN CHAUDHURI: Okay. So we will move forward with the nuts and bolts part of our discussion. I'll turn it over to our chief of staff for some housekeeping comments. But again, I want
to thank everybody for taking the time to be here today. Even though we have some specific comments, since this is a government-to-government dialogue and discussion, I don't want us to be refrained by process. And so we will have some time at the end of the consultation today to discuss open-ended comments, questions concerns that folks may want to raise. And furthermore, I don't want anybody to feel purely constrained in the course of discussing one topic. If there are related matters that need to be raised, we will always defer to our tribal partners in discussing those matters.

That said, since this is a government-to-government consultation, I understand that there were representatives of tribes in the room. If -- our first priority is making sure that tribal leadership, tribal regulators have every opportunity to voice their concerns, ask questions, and there will be ample time to -- I want to make sure there's ample time to have those questions and comments raised. We do have -- I mean, this conversation is open to representatives to weigh in, but please wait until we've ensured that tribal leadership has had an opportunity to share their comments.

So with that, I'm going or turn it over to
our chief staff for some housekeeping matters.

MS. THOMAS: Thank you, Chairman. So as he had stated earlier, we do have a transcriptionist here so the consultation will be transcribed. So if you do have comments, make sure that you say your name and your affiliation clearly so that she's able to catch that. We're scheduled to go to 3:30 today, but if it needs to take longer, we will definitely take longer.

Our format for the consultation, we have three topics. The first topic is Management Contracts. The second one being Audit Submissions and our last being the Management and Sole Proprietary Interest Definition Drafts. We will be stopping in between each -- each topic will have a presentation and in between each presentation, we'll stop for comments and questions before moving forward to the next topic.

We do have a comment period ending for the drafts that we already have posted online. That comment period ending is going to be February 28, 2018, so at the end of next month. Additionally, any updates that we make to the information on the consultation page on our website, we will be updating that stuff every week, Wednesday, by 5:00
1 p.m. Eastern time. So as things may change as we
2 move through the consultation schedule, those
3 changes will be posted to the website. With that,
4 I'll turn it back over to you.

   CHAIRMAN CHAUDHURI: Before we move
5 forward to the subject matter presentations, I want
6 to make sure -- especially since this is the end of
7 ATNI, a lot of people have flights home and may need
8 to get on the road. If anybody needs to get a
9 statement on the record now before we get into the
10 specific subject matter discussions, please feel
11 free to let us know and we'll be sure to get you on
12 the record. Otherwise, we'll turn it over to our
13 first presenter, Ms. Yvonne Lee. But does anybody
14 need to get a statement on the record before we move
15 forward?
16
   Okay. With that, for our first
17 consultation topic, we have our Finance Director
18 Yvonne Lee here to talk to us about that topic, so
19 go ahead, Yvonne.

   MS. LEE: Under IGRA and current NIGC
20 regulations, Tribes wanting to engage a third party
21 to manage their operations are required to enter
22 into a management agreement with the third party
23 that must be approved by the Chairman of the
National Indian Gaming Commission. Following the NIGC's 2017 consultation sessions, the Commission carefully reviewed its regulations and the Agency's internal procedures for reviewing and approving management contracts. As a result of that review, and based on comments received during the consultations, the Commission believes that changes to our management contract regulations will improve the efficiency of the contract review process and ensure consistency with IGRA's requirements regarding term limits.

I will provide some background on this topic, including current regulations, Agency concerns, and the Commission's proposed amendments to the regulations. After this, we will open the floor for questions and discussion.

The Chair of the NIGC may only approve a management contract if it does not exceed a term of five years, or in rare circumstances, seven years. NIGC regulations reflect that stipulation and management contracts are not approved unless they comply with all requirements of IGRA, including term limits.

After management contracts have been approved, tribes and their management contractors
may amend their contracts by following the streamlined procedures for review and approval of contract amendments found in NIGC regulations 25 C.F.R. Part 535. Part 535 provides an expedited process within which background investigations are only required if the third party individuals and/or entities responsible for the management contract have changed and no new business plan or updated financial information is required. The expedited process is designed to allow the parties to sustain their relationship in a dynamic business environment while maintaining the integrity of the Chair's initial management contract review and approval.

The safeguards found in NIGC's management contract review process serve to assure IGRA's primary policy goals are met, including protecting Indian gaming and ensuring a tribe is the primary beneficiary of its gaming operation.

A thorough review of past practice revealed that parties using Part 535's expedited process have submitted amendments to the initially-approved contracts that have extended the term of the approved contract by an additional one to five years, resulting in a contract that extends beyond the explicit term limits of IGRA. Thus, the
Commission believes it is important to update regulations to maintain IGRA's mandate.

The proposed amendments clarify the regulations by explicitly noting that amendments that extend the approved management agreement beyond the term limits permitted by IGRA, which is five or seven years, will be reviewed under the full requirements of a new management contract under Part 531.

So, for example, if an approved contract with a five-year term is nearing the end of its terms, and the parties are happy with the relationship and simply wish to extend it for an additional five years, they may do so, but it may not be reviewed as an amendment. Because IGRA limits contract terms to five or seven years, the chairman will review the agreement under Part 531, and the entire requisite information that 531 requires must be submitted.

For an example, though, if a management contract had a one-year term, and the parties wanted to amend the agreement to extend it for an additional year, for a total term of two years, the Chair would review the amendment under part 535 because the term limit would still be within the
statutory limit of five or seven years.

The Commission understands this change may affect the timing and expense of updating background investigations for making suitability determination of management contractors. And independent of the changes discussed above, the Commission received comments during the last round of consultation that the background investigation process was time-consuming and expensive. As a result, the Commission has done a thorough review of its background investigation process and is proposing changes to our internal procedures to make the process more efficient, thereby reducing the cost of the investigations.

Under the new process, NIGC staff will review the background investigation applications and divide them into different investigative groups based on the level of risk. This process will allow the agency staff to focus their investigative resources on the most vital individuals and entities. This replaces a one-size-fits-all model that scrutinizes all applicants the same. For example, under the current process, the top direct financial interest goes through the same background investigation as the smallest indirect financial
interest. But under the new process, entities and individuals with a direct financial interest, holding the highest level of risk to the tribe will have a more in-depth background investigation completed versus those entities or individuals who have an indirect financial interest.

In addition, the Commission has proposed changing the individuals and entities that are required to submit background applications under the regulations to those that have 10 percent or greater financial interest. This proposed change should significantly reduce the costs to the management contractors in submitting full applications on small investors. Further, this proposed change will also better align the agency's requirements with other regulatory agencies.

This change should not increase the risk to tribal gaming as the Commission will retain discretionary authority to conduct background investigations on the owners with even the smallest interests, who may pose a threat to the industry.

In addition, the Commission is proposing a regulatory change to clarify the reduced scope of investigation provision to reduce the burden of background investigations for those who qualify. To
further reduce the time and cost of background investigations, the agency will no longer use the Office of Personnel Management or OPM to conduct part of the background investigations. Instead, we will process fingerprint checks through FBI and perform credit checks through other more efficient alternatives.

Lastly, to reduce the up-front financial burden and timing concerns, the proposed amendments to the regulation removes the requirement of a deposit before the background investigations begin. Instead, the agency will bill the management contractors regularly as the investigation proceeds.

I would now like to turn this back over to the Commission to lead the discussion. Thank you.

CHAIRMAN CHAUDHURI: Thank you, Yvonne.

And for additional background context, I'll turn it over to my colleagues.

COMMISSIONER SIMERMeyer: Thanks, Ms. Lee. I'll just briefly say that the -- what would be really helpful in this conversation on this topic is some of the experiences that individuals might have in terms of how tribes are making their relationships with outside partners and on the ground. How practical the requirements that our
agency is putting forward for inquiries and suitability or other issues, how those are, you know, to ensure that our requirements aren't going to be a burden to that process. It's also important, I think, as Ms. Lee pointed out that part of looking at this issue is to look at what IGRA itself requires and to make sure the agency is complying with that. And to, again, make sure that we're not creating an undo burden that goes beyond what our inquiries should be looking at. So those types of comments would be helpful to me today and throughout the rest of the coming weeks in this consultation.

VICE CHAIR ISOM-CLAUSE: I'd just like to briefly thank our team, too, for coming up with these really great ideas on how to make the process more efficient, not using OPM and changing the structure for our background investigations saves just many, many hours. It's going to be -- potentially be a very significant savings in time and money so we're always looking to make things more efficient and really appreciate the team's ideas on that.

CHAIRMAN CHAUDHURI: Yeah. I definitely want to echo that gratitude to the team for the
discussion topics. Also many thanks to the team for putting together today's consultation. A couple guiding principals that I think support this topic of discussion, one is efficiency, and we've already heard quite a bit about how especially the background changes will save a lot of time. The other is one of our initiatives at NIGC is protecting against gamesmanship on the backs of tribes, and that's essentially doing whatever it can to protect the primary beneficiary status of tribes. And the approval of management contracts is an important piece of that, ensuring that tribes' interests are protected. It is a major part of what we do. The backgrounding and the suitability determinations that go into management agreement approvals are critical.

As we -- you know, in my short time at the Commission, I noted that there's an inherent balance between trying to streamline things and get things done as quickly as possible, but also making sure you're upholding your fiduciary duty to tribal nations when you're approving these amendments. In order to do that, you can't rely on stale backgrounding materials. You can't rely on old background information. And as -- you know, in
trying to meet that balance between moving forward with efficiency while upholding a fiduciary responsibility, this idea of, well, what does IGRA have to say about it kept coming up. And IGRA, in its text itself, has a five-to-seven-year period for management agreement, the lives of management agreement.

Well, in practice, we've worked with that five-to-seven-year window, by hook or by crook, trying to work with management agreements to -- to in some cases extend them, in some cases amend them, but bring -- bring clarity to the process is what drove this topic for discussion. You know, as with all of our topics, no decision has been made. That's the purpose of consultation, but we see a benefit in bringing clarity as to the true life terms of management agreements on one side, as well as clarity on the other side of trying to streamline the process so that things aren't slowed down unnecessarily as we're trying to continually reinvent the wheel.

So that's kind of some of the background that led to this discussion topic. Hopefully that's helpful in spurring additional dialogue. But at this point, we'll turn it over to everybody in the
room for comments, questions, concerns at this time.

Yes, sir.

**MR. IYALL:** Yeah, I'm Jerry Iyall, Chairman of the Cowlitz Gaming Commission. Last name is spelled I-Y-A-L-L. Our tribe has had a management agreement with Mohicans Tribe and we're happy with that agreement. It's been a very good relationship for a long time so my comments are not in relation to that agreement but it's more from the sense of, you know, I support the increased scrutiny and it just makes good business sense to me. The things that you're asking for they just make good business sense to me and I think they go a ways in protecting the tribes' interests. And the streamlined process that you talked about, we appreciate the work that you've done on that because it will allow us to, you know, maintain the integrity of the system and operations and still not overwhelm us with time and costs, so thank you for that.

**CHAIRMAN CHAUDHURI:** Thank you so much for that comment, sir.

Yes, sir, Chairman.

**MR. IYALL:** Bill Iyall, Chairman of the Cowlitz Tribe. I want to thank you for this -- this
is definitely a giant leap forward, having gone
through some of this in practice recently, and I do
support the improvement of the process. I think it
would be worthy to note somewhere in the process
earlier or advance notice from the management
compny to make sure that it's timely. Maybe
something in the public notice or -- but I could see
that as a tremendous improvement and asset for both
you and the management company and the tribe.

CHAIRMAN CHAUDHURI: And thank you,
Chairman. I just -- it got me thinking. So we do
have a window for comment period. That's an
excellent, excellent suggestion, and, you know, I
welcome further dialogue. If after today's
consultation there are additional comments that
folks want to send in or just -- if anybody wants to
just pick up the phone and kind of share thoughts,
we want to be open to that. But for the record, we
really welcome those comments so thank you,
Chairman.

MR. WHEAT: For the record, Scott Wheat on
behalf of the Spokane Confederated Tribes of Coos,
Lower Umpqua and Suislaw. On behalf of Spokane, in
particular, who's kind of got a history of, you
know, partnering with managers, and we have one
current management agreement in place -- well, we
have one that's under review, actually.

So I think -- you know, similar to
Cowlitz, you know, I've got recent experience in
this area, and so I just want to, you know, get it
on the record that these proposals make sense to us.
They make good business sense, and they seem to us
to be entirely consistent with NIGC statutory
mandate. And just, you know, on behalf of my
clients who depend on you all to review these
agreements, you know, thank you for the work that
you do, and thank you to your staff for the hard
work that you do.

And one of the things just very briefly I
want to touch on, you know, the ever-growing
workload of the NIGC is partly these management
agreements. But from where I sit, you know,
representing tribes, it also has a lot to do with
the underlying financing and requests by lenders for
decisions. And now we're getting these kind of
newfangled lender-driven requests, you know, for no
impairment determinations in the sense that, you
know, the financing agreements, you know, aren't
impaired by the management's agreement. And so for
tribes, what we see is this kind of ballooning of
transactional costs associated with financing and so
we -- which is often part and parcel of these
management agreements. That's why I'm bringing it
up in this discussion. But really appreciate NIGC's
leadership and trying to temper those ever-growing
lender demands for additional NIGC findings and
determinations. It takes up more of your time and
it takes up more lawyer time on the lender side and
borrower side, which practically speaking, means the
tribe pays for all the lawyers as borrowers.

So the more the NIGC can help Indian
Country kind of hold that line and keep these ever-
ballooning requests, you know, within a proper
context -- I just -- I do general counsel work in
Indian Country. I do a lot litigation, do a lot of,
you know, commercial transactions. And litigators,
we try to simplify in the finance world, you know,
it's hypothecating additional potential cul-de-sacs
that you need to draft around. And before too long,
the 100-page loan documents balloon into 500-page
loan documents.

And so just appreciate the NIGC's help in
trying to keep these transaction costs a little bit
more reasonable. And also, I just want to thank
NIGC staff. It seems to me they're willing to go
above and beyond the call of duty to get the quick
turns on these declinations and kind of issues that
are collateral to management agreements. But I
think over time -- I mean, I haven't talked to NIGC
staff directly about this, but I would imagine that
over the years that the amount of additional
workload related to collateral determinations is
starting to over-shadow the staff hours spent on
management agreement approvals and background.

So I just wanted to thank the NIGC for the
good work you do, including your help in trying to
keep transaction costs down for Indian Country
borrowers.

CHAIRMAN CHAUDHURI: Well, thank you, Mr.
Wheat. I think I'm joined by my colleagues on the
Commission in finding ourselves extremely fortunate
to be part of such a great team. I think the staff
at NIGC is one of the best staffs in all of -- all
of the federal government. And I'm very thankful
for the work that our general counsel's office does
on these declination letters, but also very thankful
for the work of our finance department, supported by
our chief of staff's office on all the management
agreement reviews. So your comments are very
appreciated. Thank you, sir.

With all due respect to our sister nations, you know, I think we have a different perspective from things right now, regarding this consultation, regarding these proposals. I think the intended -- the intent of IGRA is to promote tribal economic development, self-sufficiency, strong tribal governments. And I think the agency proposal is contrary to all those. I think that there's paternalism that's being exhibited that I could somewhat understand because of the responsibility, a fiduciary responsibility, why it's come in place. But as I stated previously, there's a fine line between paternalism and protection, and I think these regulations are over-stepping that line.

I think it's well into the paternalism and with self-governance, self-sufficiency, I think that's a step backwards. I think a lot of these are far overreaching and it's taking us back to, like, the '50's, you know. It's a step backwards in self-sufficiency.

I think the Kootenai Tribe through our
council, through our gaming commission, we're the
best suited to determine -- we're the best suited to
determine the suitability of the management team.
We find the right people, and as a sovereign nation,
we find the right people we want to work with.

Our current management agreement -- we've
been working with them for 30-plus years, over 30
years. We have some of our council members that are
grow younger than our friendship with the management team
we have. And so, you know, to have our great white
grandfather tell us what we need to do is actually
condescending. It's found to be, you know, a bit
insulting. You know, it's taken us back to the old
days of that paternalism. And with self-governance,
we're trying to move forward, we're trying to move
forward. And we've exhibited success, you know, in
many realms. Many realms what we do, ecosystems to
gaming to being community partners.

You know, we're one of the number one
leaders of economic growth and drivers of jobs in
our community. You know, we're successful. And so
that protection is, you know, for us is we've --
it's confusing. It's like what are you trying to
protect us from? A good deal? You know, I mean,
it's a beautiful deal for us. We've got great
friendships. We have 155 members in our nation, 
154, excuse me. Half of them are under the age of 
18. In order to have -- to take on the management 
responsibilities the way of the team does it, we 
would have to develop infrastructure. We'd have to 
basically make half of our nation that's underage do 
the jobs that are being held and done right now by 
our team. And we control that team. That team is 
under our mandates, under our -- what we tell them, 
under our direction. You know, they're just simply a 
part of our team that we're able to put forward and 
do what we want done with it.

So essentially, we don't need the federal 
government to tell us how long we should use a 
management team. If we decide not to do all the 
actions ourselves, it's because we decided that's 
what best suits us as our tribe. You know, that's 
what fits us, you know. As a sovereign nation, I 
think that needs to be respected, you know, it's -- 
tribal oversight and guidance of the management team 
is -- is the management. That's our management, you 
know, but we have someone else do it as well.

So I think we need less federal and 
colonial involvement and less paternalism. So we 
just urge you as NIGC to move away from attempting
to increase the power and control and return to the path of decolonization and reconciliation between our governments, with all due respect, that's the Kootenai Tribe stance on this.

CHAIRMAN CHAUDHURI: Thank you so much for those comments, Chairman. You know, we absolutely welcome and recognize the diversity of historical experiences, diversity of perspectives in Indian Country, and that's where consultation begins. This is a place for us all to hear each other's perspectives. So those comments are very, very appreciated.

And if I could just share, finding that balance between faithfully administering the law that we're supposed to -- you know, the agencies -- the agency was committed -- or created to administer on one end, and doing it in a way that supports sovereignty, self-governance, self-sufficiency and decision making for Indian Country on the other end, that's what we strive to hear input on as much as possible. Because as we're often on the record of saying that IGRA in no way was perfect, and in many ways IGRA restricted tribal authority, restricted inherent sovereignty. And we recognize that in trying to develop a sensible regulatory approach, we
do strive to apply IGRA in the most -- you know, in the healthiest way possible that supports tribal decision making. But how you do that, that's where the detail -- I mean the details are critical. And so this input is very, very appreciated and we're grateful for it. I don't know if anybody else wants to weigh in, but that perspective is greatly appreciated.

COMMISSIONER SIMERMeyer: I appreciate your comments as well. I think one of the challenges in looking at this, and why we're kind of bringing this for discussion in Indian Country, is the -- what the Chairman said, I just also want to echo, is that there's a statutory requirement that exists. And so part of how this is being presented is looking at and acknowledging that responsibility that the agency has when the Chairman makes a determination on the management contracts, which are required by IGRA, and making sure that what the agency is requiring to assist in making that determination isn't overly burdensome. Because being overly burdensome without justification for it, I agree, is paternalistic, and it's contrary to what the principles of self-determination call for.

VICE CHAIR ISOM-CLAUSE: I echo that and
just, you know, absolutely thank you for your comments. We are always open to criticism. You know, I very much appreciate to hear all perspectives on it. So thank you very much for that.

You know, I think we do strive to uphold the same principles that you're talking about, tribal self-determination, self-governance. And, you know, that's how we approach it. I think as Chairman said it and Commissioner Simermeyer said it, always a fine line to walk. So how can we fulfill our legal requirements and promote uplifting tribes, uplifting self-governance and getting out of tribe's way also.

So, you know, just as we think about it, we really appreciate if you have any -- any other more specific comments you want to send in. If you have anything you see in the regulations or your team sees something we could improve on, we really appreciate that global perspective. But if you do see specific recommendations, we're very open to hearing those as well.

**MR. AITKEN:** Gary Aitken, Jr., Kootenai Tribe. I think part of that is interpretation as well. I mean, I think some of those interpretations,
we might interpret it differently, you know, the requirements. Some of it is cut-and-dry, some of it is more open to interpretation and I believe we have a lot of different interpretations. And we'll definitely send in more written -- more detailed comments, and we'll get it in in the time frame.

It's -- I must say, it's odd to us how much work we do, how much collaboration we do with so many entities from so many different federal agencies. So many are so respectful of the sovereignty, the treaty rights of just the entity that is the tribe. So we work with them in a very respectful manner and the respect is returned.

It's hard to have -- to deal with the perspective that we're starting to get that some of the federal agencies that deal the most -- some that are directly designed to deal with Indian Country are some of the most paternalistic, some of the most -- you know with the most boundaries. And that's frustrating, that's frustrating because we work with some that have nothing to do with it but work with us and it's such a different relationship. And some of the most frustrating moments we have are with some of the agencies that are designed to be for us. And, you know, that's -- I mean, I think that's
something to take into consideration. I mean, it's out there, and it's -- I don't know -- I can't call it, but it's a shame sometimes. But I do appreciate the time and the opportunity to be able to speak. Thank you.

I think we got to get ready for some flights, but I appreciate the time. Thank you.

CHAIRMAN CHAUDHURI: Thank you, Chairman.

Additional comments, concerns, questions?

As I mentioned, there will be a catch-all opportunity at the end of our discussion. Even if you think of something about this topic 20 minutes from now, I want folks to have that the opportunity to weigh in, even beyond today, share their perspectives.

So if there aren't any additional questions or comments on this topic, I think we can move forward on the next topic.

But, you know, before we move on, again, thank you so much for those comments. A paternalistic approach is not what we're shooting for and so we will take those comments to heart and continue to do what we can to weigh all perspectives, so thank you Chairman.

Any additional comments before we move on?
Okay. With that there is an audit submissions topic. We have our chief of staff, Christina Thomas, here to -- oh, I'm sorry, Dan Catchpole and he'll be working with --

**MS. THOMAS:** No, Dan's going to do the topic.

**CHAIRMAN CHAUDHURI:** Okay. We'll move forward with audit submissions, our Auditing Director, Dan Catchpole.

**MR. CATCHPOLE:** Thank you, Mr. Chairman. Under IGRA and current NIGC regulations, gaming operations regardless of income are required to submit an annual audited financial statement, completed by a certified public accountant to the Commission within 120 days of their fiscal year end. These audits may be encompassed within existing independent tribal audit systems.

Submission of the annual audit report is critical to the NIGC's mission to protect the integrity of Indian gaming and provides a certain level of assurance as to the safekeeping of tribal gaming revenues. The audit report prepared and submitted on a timely basis is evidence of, among other things, the integrity of the gaming operation and more specifically, of the adequacy of the books.
and records, the functioning of the internal financial controls, and the disclosure of information having a bearing on the financial statements.

The Commission, however, recognizes that small or charitable gaming operations often struggle with the cost of these requirements. With this in mind, the Commission is seeking feedback and recommendations on whether changes are needed to the audit regulations. Specifically, we want input on what level or levels of audits should be required for smaller gaming operations or charitable operations. To benefit this consultation, I will briefly provide some background information before turning it over to the Commission to lead the conversation.

So a gaming operation earning less than $2 million in gross gaming revenue annually can request from the Commission to submit a CPA-reviewed financial statement, if it has submitted an audited financial statement for three consecutive years. A reviewed financial statement must be completed by an independent CPA and conform to statements on standards for accounting and review services of the gaming operation.
In fiscal year 2016, only 80 operations earned less than $2 million in gross gaming revenue. Of those 80, only six submitted the lesser financial statement review. Smaller charitable gaming operations often produce less than $100,000 in gross gaming revenue annually, some less than $10,000. Contracting a CPA firm to perform an annual audit can prove cost prohibitive, and as a result, may deter tribes from pursuing these gaming opportunities.

NIGC-reviewed statutes and regulations from a number of jurisdictions and agencies concerned with financial entities, including the State of Nevada, the Federal Deposit Insurance Corporation and the Department of Interior. We found no consistency in the audit requirements. For example, Nevada regulations require audits of financial statements for operations grossing more than $5 million, but maintain the right to require audits, compiled statements, or reviews of financial statements of those operations whose gross revenue is less than $5 million. Interior exempts non-federal entities from their audit requirements if the entity expends less than $750,000 per year.

As NIGC considers altering its own
regulations, it recognizes that there are currently 95 tribal operations that produce less than $3 million in gross gaming revenue. Further, the Commission is aware that tribal operations comply with the most regulations from their own governments as well as state and federal entities.

Our hope through this consultation session is to discuss opportunities or receive feedback and recommendations on how to amend this regulation while still ensuring we are supporting financial stability and maintaining a high level of protection of tribal gaming operations. Thank you for listening. With that, I will hand the floor back over to the Commission to lead the discussion.

**COMMISSIONER SIMERMEYER:** Thank you, Mr. Catchpole. I just wanted to begin the discussion by saying that like our topic we just looked at, you know, what's being proposed here is looking at what's required under that statute in terms of audit submissions, and looking at how -- what takes place practically on the ground, and how we can be sure that we are not, as an agency, creating undue burdens.

One of the things that Mr. Catchpole mentioned was the lesser review standard. And
what's particularly helpful is to hear thoughts about how to -- whether it's through the revenue threshold, whether it's through other ideas that folks might have about how to promote and help tribes take better advantage of that.

It's also helpful to hear about for tribes who are under lesser review standard how much -- what's the incentive for doing that on your part. Is there a substantial enough incentive to be doing that. But in general, the audit requirements, it's essentially required. One of the things it does was to increase and improve the capacity that tribes themselves have for conducting these types of reviews and these types of oversight. So that is a positive thing that should continue and be encouraged as well as the requirement of financial stability within IGRA.

VICE CHAIR ISOM-CLAUSE: I'll just speak briefly on this. This topic grew out of our conversations on how we can help -- how we can better be of service to smaller and rural operations. So this one is a little bit more open-ended because we do have a lot of constraints, there's only so many things that we can do. But we really appreciate hearing from you on ways that we
can be less burdensome, how tribes can take advantage of the provisions that Commissioner Simermeyer was noting. And if there's -- you know, would trainings be beneficial? Would other ideas help? You know, just really looking for more open-ended suggestions on that.

**CHAIRMAN CHAUDHURI:** Thank you. Just to join my colleagues, so we mentioned the focus on protecting gamesmanship is one of our tent-peg initiatives. We have four of them. The second one is rural outreach. As Vice Chair mentioned, supporting small and rural operations, new operations. We see that as providing yielding benefits for the entire Indian gaming industry. So we're looking at any and every way to support smaller operations, recognizing that compliance issues with one facility have the potential for affecting all tribal facilities. So we're all in it together. Compliance is important across Indian Country and we want to support rural outreach.

So these -- now looking at what can we do on the auditing side is important to rural outreach because we recognize a lot of operations are in many case jobs -- job programs. Some of them barely make payroll. And when you're thinking about charitable
operations, small operations, very rural operations, you want to do what you can to ensure integrity, but also you don't want to create roadblocks to economic development when that economic development may be primarily, you know, tribal employment or employment of the local community. And so finding that balance is what we're here to talk to you about today.

We have this proposed language that we threw out there as possible suggestions, but if there are other ideas, we want to hear that as well. So we're going to turn it over to the floor for comments, question, concerns.

I know audits are the most exciting thing to talk about on the very last day of ATNI, and the last afternoon, but it's important stuff.

Chairman.

MR. IYALL: Yes, thank you, Chair, and staff. I think as we heard earlier, there's concerns about paternalism versus trust responsibility, that's a fine line you walk, but I do believe this is viewed as a step in the right direction. So hopefully people will see that initiative is clearly a part of your mission so I thank you for that.

CHAIRMAN CHAUDHURI: Thank you so much, Chair.
MR. WHEAT: Scott Wheat on behalf of the Spokane Tribe. The Spokane Tribe does have one of those remote rural operations that's really a provider of employment, and certainly not a generator of general funds for the tribal government. So I appreciate the NIGC's sensitivity to those marginal operations and how difficult it is. You know, when you got an operation that struggles to barely run in the black every year, you know, these outside audit requirements can just be debilitating. I mean for my client, we have more than gaming operation so that, you know, the more successful one kind of carries the whole weight for the marginal one, but I can only imagine if that was your one operation, not being able to piggy-back on outside audits that you're otherwise required to do could be very onerous. So I appreciate NIGC's efforts in that regard. I mean, given the statute that you have to work with that I think is kind if inherently a little paternalistic, that you guys are doing the best to work with the mandates that you're charged with fulfilling.

CHAIRMAN CHAUDHURI: Thank you, Mr. Wheat. Thank you. Additional comments, questions, concerns?
As we always say, there's never any crime in finishing early so we'll just move on to the next topic. So here to talk about management and sole proprietary interest definitions, we have Ms. Esther Dittler, regional attorney for the Portland regional.

I do want to kind of clarify the record. I may have misstated a job title earlier, but the point is we're all here as subject matter experts. I really appreciate our auditor Dan Catchpole's role in this, as well as Esther Dittler's role as regional attorney.

So Esther.

**MS. DITTLER:** As previously discussed, IGRA provides that a tribal gaming operation owned by the tribe may either be managed by a tribe or by a management contractor subject to a management contract approved by the NIGC Chair. This applies to any arrangement in which a contractor manages all or a part of a gaming operation. To provide better clarity, the Commission is considering developing regulations clearly setting out its standards for what constitutes management as well as criteria for evaluating when a sole proprietary interest violation has occurred. With this in mind, I'll
provide some brief background information of these terms and then pass it back to the Commission to open the floor for questions and discussion.

To assist the tribes in determining whether an activity constitutes management, NIGC published Bulletin Number 94-5, which explains the terms that encompasses activities such as planning, organizing, directing, coordinating, and controlling all or part of a gaming operation. In addition, the NIGC Office of General Counsel issued an opinion letter expanding on these terms by providing examples of management activities.

However, to date, the Commission has not issued a regulation formally defining management. The Commission believes that in consultation with tribes, developing a regulatory definition consistent with past interpretations would help provide greater certainty to the tribal gaming commission regarding what constitutes management. The Commission recognizes that the Seventh Circuit has also recommended that the Commission provide more certain guidance.

A stated purpose of IGRA is to ensure that the Indian tribe is the primary beneficiary of the gaming operation. Seeking to serve this purpose,
IGRA requires that the tribal gaming ordinances provide that tribes have the sole proprietary interest and responsibility for the conduct of any gaming activity, unless the gaming activity is individually owned.

To determine whether a third party has received a proprietary interest in a tribal gaming operation in violation of the sole proprietary interest mandate, the NIGC considers the term of the relationship, the amount of revenue paid to a third party, and the right of control over the gaming activity provided to the third party.

The Commission has previously consulted on developing guidance or regulations concerning sole proprietary interest in 2008 and 2010. Courts have had the opportunity to consider and discuss the issue in the intervening years, noting and upholding NIGC's formulation of criteria to evaluate for such violations. The Commission believes that a regulation consistent with past NIGC enforcement actions and litigation would provide greater clarity and certainty to the tribal gaming industry regarding what constitutes a violation of the sole proprietary interest mandate.

The draft regulations we have provided you
today as a handout incorporate these interpretations for consideration as an addition to the Commission's compliance regulation.

I would like to now turn it back over to the Commission to lead the discussion.

**COMMISSIONER SIMERMEYER:** Thanks, Ms. Dittler.

As was mentioned, there's been guidance opinions internally from legal counsel as well Courts that have provided some interpretation of these issues. As a member of the Commission who would review decisions or actions taken by the agency that rest on these definitions of management or sole proprietary interests, we have these additional interpretations to kind of capture a lot of what the discussion has been over the years would be beneficial. At the same time, too, there's a hope that we're looking at, what the right tool or vehicle is to do that.

It was mentioned earlier, too, that there's increasing costs associated with reviewing — with, like, declination letter reviews, for example, and looking to see if this type of articulation through regulations would help to provide some stability or certainty in that area as
well. So just in general, this topic, I think, strikes on a number of ways for us to kind of improve our approach of striving for good governance and clarity and transparency and how things are looked at. I would really appreciate during this discussion and future discussions more feedback in terms of what the appropriate vehicle to do that, and if the vehicle that's being proposed here has an impact on the partnership arrangements that you, the tribes, are making, that you have the authority to make in your own right too, whether it's too broad or too narrow, so thank you.

VICE CHAIR ISOM-CLAUSE: I would certainly echo Commissioner Simermeyer's comments on that. We didn't intend to introduce any new requirements or any changes with this. This is really just an effort to bring more clarity and certainty to the industry that we hoped would be reflected later in efficiencies down the road by just having these financial regulations. But, you know, we're very interested in hearing is that the appropriate way we move forward. If so, is this the right language. Just because we have it set down on paper, that's just a basis maybe to start with. So we are in no way committed to what we have down. We just want to
have something out there for discussion and hear from you all, what your thoughts are.

**CHAIRMAN CHAUDHURI:** Thank you. The only thing I would add to that, and I fully agree with everything my fellow commissioners mentioned, I think the process of issuing declination letters was brought up earlier today, and declination letters are a service the agency provides through our Office of General Counsel. That process was mentioned. That process isn't something that grows out of IGRA.

After a pretty significant case, the Lake of the Torches case, finance companies have worked with tribes to get weigh-in from NIGC before entering into certain finance agreements, wanting the assurance from NIGC that certain agreements don't constitute management agreements, because management agreements have to be approved by the Chair.

And so if nothing else, if there's a benefit to bringing clarity in that finance process, bringing clarity in the front end so that each and every agreement doesn't have to read the tea leaves about how the agency would define something like management, that in itself we see as a benefit.

So the hope is the tribes, in working with
lenders, have some baseline regulatory language, nothing new, but stuff that kind of codifies what's already been issued. The hope is, at least on the financing side of things, that will help streamline at least one very important step.

Same thing with sole proprietary interest. While there are pieces of authorities and our guidance and cases, we believe there will be a benefit to the industry to kind of bring all that together in one place so people don't have to hunt and peck in a million different places to see what the different parts of the definition is.

So, again, you know, we're putting this out there for discussion purposes in the hopes of trying to take the best crack that we could take, based on all the discussions that we've had through consultation. But we're not -- we're not, you know, we're definitely not predecisional. We haven't made any decision on these -- this language. We very welcome questions, comments, and concerns. So with that, we'll turn it over to everyone in the room.

Yes, sir.

MR. IYALL: If I may, again, I'm Jerry Iyall with the Cowlitz Gaming Commission. We support this initiative. What we ask that you do
with the regulation is to provide some clarity and some definition and some details of what sole proprietary interests means, but also management. And you mentioned gamesmanship a little bit earlier, and I think a well-written regulation could even reduce gamesmanship. So that's our input, thank you.

CHAIRMAN CHAUDHURI: Thank you, sir. From our perspective, this definitely ties to the gamesmanship initiative that we have. Thank you.

MR. WHEAT: Scott Wheat, for the record, on behalf of Coos, Lower Umpqua and Suislaw and Spokane.

Also support the initiative and just wanted to give a real brief example of why there's a need for clarity on sole proprietary interest. I'm reading -- I'm going to read to y'all just a couple sentences from correspondence that the Spokane Tribe recently received from the Washington State Lottery. Washington State Lottery has this, you know, great business deal that they proposed to tribes, which is, you know, let us sell your lottery tickets on your Indian lands and we'll give you a five percent of the cut.

And, of course, Spokane is -- you know,
we're IGRA and we're going -- we've read, you know, the City of Duluth decisions and we're scratching our head going, we don't understand how five percent of the cut could possibly be IGRA compliant, but who knew that the State of Washington has some really smart lawyers who have figured out how this is IGRA compliant.

So I'm going to share the wisdom of the Washington Attorney General with NIGC council and this group, briefly, today.

Jurisdictional powers. This is a quote.

"The confusion about gaming profits appears to come from misunderstandings around jurisdictional powers. The gaming profits referred to in IGRA applied to tribal controlled, in bold, gaming on Indian land, both Class II and Class III. Lottery is considered Class III. When the tribe waives sovereignty for the purpose of granting the State Lottery full legal jurisdiction over ticket sales, IGRA does not apply because the ticket sales are not tribal controlled. All tribes currently licensed have these issues -- have had these issues reviewed by their tribal attorneys, and have acknowledged the State Lottery compensation requirements without conflict with IGRA."
So I just -- you know, who knew that somebody who has been practicing IGRA for two decades, that all you have to do was to get the tribe to waive sovereignty and then just anybody, I mean, not just the State of Washington, we're assuming organized crime could just move in and engage in Class II and Class III gaming because the tribe has disavowed any jurisdiction over the activity.

So I think -- I mean, you have some well-intended folks north of the Columbia, you know, who honestly believe that that's the way to get around the primary beneficiary and sole proprietary interest requirements. So I do think there's a real need to clarify these issues.

CHAIRMAN CHAUDHURI: Well, without opining on the validity of that statement, thank you very, very much, Mr. Wheat. We appreciate it.

Other questions, comments, concerns?

Okay. With that, before we move to just a catch-all portion of the discussion, I'm going to check with my colleagues.

Anything you want to weigh in on before we --

COMMISSIONER SIMERMeyer: Just to remind
folks that we appreciate folks being here today and these comments are all being captured and helping to inform our thinking process and the discussions going on in the next few weeks. But, you know, please -- hopefully you'll take a chance to look at -- if you have anything to send in, please be sure to send in specific requirements as you look closer at how some of those definitions, particularly, or if there might be anything else. Thank you.

CHAIRMAN CHAUDHURI: So before we close as promised, we want to take every opportunity whenever we're here meeting face-to-face to hear any ideas about how we can be doing our jobs better. So I don't want us to be tied to solely the topics that we've discussed. But since we're all here in the room, does anybody have anything else that they want to share before we close?

Chair.

MR. IYALL: If I could, the Attorney General's opinion from the State, that is paternalistic.

CHAIRMAN CHAUDHURI: Thank you, sir. So let me kind of forecast the next few months here. So again, I think this part has already been framed. We're in no way moving forward without fully hearing
from and working with our partners. When we talk
about consultation, we truly mean what we say. We
believe in active, engaged, meaningful consultation.
And so we're always very careful not to move forward
without dialogue, collaboration, discussion.

That said, we have a pretty aggressive
time frame that we're working under, and I know
we've already addressed this but let me kind of
restate it. Our hope is to move forward with
closing the comment period by the end of February,
at which point we're considering doing a virtual
update to Indian Country that will kind of give an
overview of all the comments received. From there,
we do anticipate taking a hard look to see at what
deliverables we can move forward on to get as much
done in the coming months as possible.

Again, as Vice Chair and my fellow
Commissioner mentioned, just because there may be
changes in the Commission on the horizon, one thing
that we pride ourselves in, from top to bottom, is
stability and a consistent path moving forward. So
while my term may be ending, I don't want to suggest
that major -- I mean that good work won't be just a
continuing hallmark and a trademark -- no, I'm sorry
-- a continuing hallmark of what we do at NIGC.
That said, we do want to run through the tape and get as much done as we can while we have the full commission, recognizing there have been periods where we haven't had a full commission. So we're trying to get everything done as quickly as possible, and we appreciate your understanding of our time frames. We're not trying to pull a fast one by any means, but that's why we're under such an aggressive time frame. So with that, again, any final comments from anyone in the room?

With that, I think we'll close. Again our deepest gratitude for being allowed into the homelands of the nations of this region. And we wish you safe travels and many blessings on your continued journeys. Thank you for today's consultation.

(Whereupon, meeting concluded at 2:47 p.m.)
CERTIFICATE

I, Pamela Hamilton, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel for any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 31st day of January, 2018.

Pamela Hamilton