

1 NATIONAL INDIAN GAMING COMMISSION
2 CONSULTATION
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8 Pendleton, Oregon
9 September 27, 2012
10 1:00 p.m.
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17 REPORTED BY:

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20 William J. Bridges
21 Certified Reporter No. 91-0244
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1 THE NATIONAL INDIAN GAMING COMMISSION,
2 CONSULTATION, taken on September 27, 2012, commencing
3 at 1:00 p.m. at the WILDHORSE CASINO, Highway 331,
4 Pendleton, Oregon, before WILLIAM J. BRIDGES,
5 Certified Court Reporter, in and for the State of
6 Oregon.

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9 COMMITTEE MEMBERS PRESENT

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12 Daniel Little, Associate Commissioner

13 Sarah Walters, Counselor to Chair

14 Nicole Aspa, Senior Internal Auditor

15 Dawn Houle, Chief of Staff

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17 Mark Phillips, Portland Region Director

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19 Vida Tavera, Compliance Officer
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(The meeting commenced at 1:00 p.m.)

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COMMISSIONER LITTLE: Good afternoon. My name is Daniel Little. I want to welcome you all here this afternoon. I also want to welcome you all here this afternoon. I especially want to thank all of you troopers here that, after spending the whole weekend for the conference, decided to stick around here with us. On behalf of the entire Commission I really appreciate you being here.

Any of you folks, there are a lot of seats here at the table. Feel free to come and be at the table, if you like.

Like I said, I am Dan Little. I am Associate Commissioner here. I was appointed in April of 2010 for a three-year term. So, I'm quickly coming up to the end of my term here next year.

It has been a quick two-and-a-half years, and very exciting and interesting. It's kind of actually fun to be out working on this strategic plan. Because I remember back in my previous employment when I worked for a tribe, and we actually had advocated for Congress to require that NIGC have to work with

1 the tribes and present their strategic plan.

2 So, it is nice to be here as a
3 Commissioner, and meeting with all of you here today.

4 With me here today, we have some staff. To
5 my right is Sarah Walters. She's counselor to the
6 Chair. And to my left we have Dawn Houle of the
7 staff. Nicole Aspa, she is with our Audit Division.
8 In the back of the room, Mark Phillips, who is our
9 Regional Director for the Portland region. And then
10 at the table is Vida Tavera, Compliance Officer.

11 So, I want to thank all of them for being
12 here today.

13 Also I want to thank the Confederated
14 tribes of the Umatilla Indian Reservation for hosting
15 this event. This is an absolutely wonderful facility.
16 And as I drove in this morning from Portland, it was
17 amazing to see this. It kind of reminds me of back
18 home, where I'm from, from Connecticut, actually on
19 the other end of Interstate 84, which ends in
20 Connecticut, when you come out of the middle of
21 nowhere, you come across a beautiful facility.

22 It is actually nice to be out here.

23 I want to send regards on behalf of
24 Chairwoman Stevens and Vice-Chairman Cochran. Neither
25 one of them could be here today, and they send their

1 regards and thank you all for attending today.

2 The purpose of this consultation is to
3 continue basically the way the Commission has been
4 handling itself for the last two-and-a-half years, to
5 be out here and meeting with tribes in accordance with
6 Executive Order 13175. That was actually put out by
7 President Clinton, and reaffirmed by President Bush
8 and President Obama.

9 And it requires us to come and discuss with
10 tribes on important issues and meet with you all prior
11 to making any decisions early on in the process, which
12 we're doing here.

13 Many of you may have attended the
14 regulatory review consultations we've done over the
15 last few years, and we are going to continue to
16 consult in that manner. We're going to come to you,
17 we're going to present drafts, we're going to ask for
18 your input before we go final with anything. So, this
19 is kind of a continuation of that procession.

20 And also like I said, there is a history of
21 the process. Congress in 2006 passed legislation
22 which included, or required the NIGC to comply with
23 GPRA. That's the Government Results & Performance
24 Act.

25 Basically, you know, we have created a

1 strategic plan for four years, right? Four years. As
2 we move forward with the presentations, Dawn and
3 Nicole are going to walk us through a PowerPoint
4 presentation, and they will explain some of these
5 issues in better detail.

6 Next, if possible, if we can go around the
7 room and maybe do some introductions here. Maybe we
8 could start on my right here, and maybe you could
9 introduce yourself and the organization that you
10 represent.

11 DENISE HARVEY: Denise Harvey, Chair of
12 the Confederate Tribes of Grand Ronde.

13 GEOR GENE NELSON: Geor Gene Nelson,
14 Council member of the Klamath Tribe. And member of
15 our Tribe's committee that oversees the gaming
16 regulatory piece.

17 COMMISSIONER LITTLE: Over here?

18 DARLENE ZACHERLE: Darlene Zacherle
19 from the Colville Tribal Business Council.

20 NORMA JEAN LOUIE: Norma Jean Louie,
21 Coeur d'Alene Tribe. I serve on the Gaming Commission
22 and also past council member for nine years with the
23 Coeur d'Alene Tribe.

24 ANDREW MATTERLY: Andrew Matterly,
25 Chairman of the Spokane Tribal Gaming Commission.

1 We've been actively involved.

2 COMMISSIONER LITTLE: Ma'am?

3 JENNIFER REHMEL: Jennifer Rehmel,
4 Compliance Auditor for Wildhorse Resort & Casino.

5 MERLE HANCOCK: Merle Hancock,
6 Compliance Auditor for Wildhorse Resort & Casino.

7 PHIL HARJU: I'm Phil Harju. I'm the
8 Cowlitz General Council Vice-Chair and Tribal Council
9 Chairman, and this is my wife Laudi.

10 KEN BILLINGSLEY: Ken Bilingsley,
11 General Manager for the Indian Head Casino at Warm
12 Springs.

13 LISA GANUELAS: Lisa Ganuelas,
14 Legislative Coordinator, Confederated Tribes of the
15 Umatilla Indian Reservation.

16 COMMISSIONER LITTLE: Okay. Great.
17 Welcome to you all. Oh. I am sorry.

18 LOUIE WILFRED: I am Louie Wilfred. I
19 am Gaming Commissioner for the Colville Tribe.

20 COMMISSIONER LITTLE: Welcome. Before
21 we get started, I know some of you may have some
22 opening statements you might want to make. Now would
23 be a good time to do that. Just keep it in mind that
24 we are here to discuss the strategic plan. This
25 consultation is on the NIGC strategic plan.

1 Would anyone wish to make an opening
2 statement?

3 Okay. A couple of housekeeping items I
4 want to go over. We're scheduled to be here from one
5 to four today. We've done one of these consultations
6 so far. We didn't go that long.

7 After we've gone through the presentations,
8 after we have gone through Q and A, if there's no
9 other questions, we will probably end early. That's
10 why, if you have anything you want, any statements you
11 want to make, it would be a good time to get them out
12 of the way early, if you could.

13 As you probably have already observed, we
14 have a transcriptionist here. The meeting will be
15 transcribed. When you do speak, we ask that you state
16 your name and your organization prior to speaking.
17 And then the record will be posted on our website at
18 nigc.gov as soon as they get it to us.

19 Again, this is an official government
20 consultation between the United States Government.
21 That means that you are a tribal government. It's not
22 open to the public or the media. We will be
23 discussing issues on the strategic plan.

24 Any other non-related issues, this is not
25 the format for that.

1 So, the other thing, two quick things.
2 There's going to be two additional consultations. For
3 some reason, next week in Las Vegas, and then in
4 Oklahoma on October 23rd. Comment period for the
5 strategic plan ends on October 31st.

6 The Commission will read any and all of
7 your comments you submit, will review the transcript.
8 So, it is very important that we have ideas, that you
9 forward them to us when you can.

10 Now I am going to turn it over to Dawn
11 Houle who will continue, walk us through the
12 PowerPoint presentation.

13 A couple things. If you would like to wait
14 until the end and make your comments, you are more
15 than welcome to do that. However, as they are going
16 through the presentation, if you have a question you
17 want to ask them on a particular subject, you are more
18 than welcome to do that also. That is just the way
19 we've done it in the past. So, it's up to you, just
20 raise your hand or go grab a mic up here and we will
21 take your questions.

22 DAWN HOULE: Good afternoon. My name
23 is Dawn Houle, and I am a member of the Chippewa Cree
24 Tribe in Box Elder, Montana. And I am currently the
25 Chief of State with the National Indian Gaming

1 Commission. This is my second week in this position.
2 So, I am. . . I was the Deputy Chief of staff, have
3 been for the last two years. So, I am not new to
4 NIGC.

5 I am very pleased to be back at Umatilla.
6 I used to work here in 1992, which is frightening to
7 acknowledge, that it's been that long since I spent
8 the summer as an intern here. So, it's been kind of
9 refreshing to see the Pendleton Woolen Mill and the
10 fresh fish signs along the highway. I am definitely
11 hungry for some salmon again. So, thank you for
12 having us at Umatilla.

13 Like Dan said, this is going to be a pretty
14 quick review, and I do have to apologize in advance,
15 you guys do not have the latest version of the
16 PowerPoint. There are about two or three slides
17 missing. But they are presented here. They are on
18 our website.

19 So, we are trying to make a few copies now.
20 But we will see if that turns out okay.

21 Just as a quick overview, our chair is
22 Tracie Stevens from Tulalip, if you haven't seen her.
23 There she is. And then Steffani Cochran from
24 Chickasaw is our Vice-Chair. And of course our
25 Associate Commissioner, Dan Little.

1 And then as Dan quickly said already,
2 highlighting that these are meetings only between
3 tribal governments and the federal government.

4 And that we are holding this consultation
5 in accordance with the Executive Order 13175. And
6 some of the highlights of that obviously are whenever
7 the government is undertaking any type of policies
8 that have a direct impact or impact to tribes, to
9 consult with us. Instead of reading it to you, Dan
10 did a very good job of highlighting that.

11 So, our commitment is to have a very clear
12 and transparent process. With this Commission I think
13 most of us who have been associated with them over the
14 last two-and-a-half years, clearly know that we truly
15 mean that. And most of the items, actually all of the
16 items are on our website, they are transcribed. And
17 written comments and transcripts are reviewed and
18 considered.

19 So, they do get binders of every comment.
20 And I have seen those review sessions. So, this isn't
21 just, you know, words. They actually do that.

22 So, what is strategic planning? According
23 to the John Bryson's Strategic Planning in Public and
24 Nonprofit Organizations, it is a disciplined effort to
25 produce fundamental decisions and actions that shape

1 and guide what an organization is, what it does, and
2 why it does it for the focus on the future.

3 I think that's the key of all strategic
4 planning. Of course, there is some other information
5 there for your further review.

6 And I'd like to introduce Nicole Aspa.
7 She's is our internal auditor. She was also on the
8 first team that created the first strategic plan.
9 This is only our second time at the apple, of having
10 to do this.

11 And I would like her to go over some of the
12 background of why we have to do it, with the
13 regulations of it, and kind of give us some highlights
14 of that first go-around.

15 NICOLE ASPA: Good afternoon. I am
16 Nicole Aspa, and I am a Navaho, and I am a member of
17 the Colorado River Indian Tribe.

18 What I would like to do this afternoon is
19 go over the various laws that cover GPRA and the
20 performance planning that the NIGC is currently
21 undergoing.

22 The Government Performance and Results Act
23 of 1993 was issued first as a pilot project for the
24 large agencies to become more involved with the
25 strategic planning, their performance planning, their

1 annual performance, tracking, if they are meeting
2 their strategic goals.

3 What it did is it required six years of
4 planning with an update every three years, and an
5 annual performance plan and report that would be
6 issued to the public so the public would know where
7 the agency is, what it did achieve, what it did not
8 achieve, and what it will do in the future to achieve
9 those areas.

10 So, it provided a foundation for
11 performance planning.

12 It did not require a requirement in 1997
13 for these large agencies, but the NIGC was not
14 required to comply with the GPRA of 1993 until May of
15 2006 when they changed the funding structure from NIGC
16 and put in a requirement that the NIGC is to comply
17 with the Government Performance and Results Act.

18 The OMB Circular A-11 is mainly the budget
19 book of what each agency should follow in creating the
20 budget, their performance planning and reporting.

21 It links the strategic plan to the budget,
22 and sets forth administrative guidelines for complying
23 with GPRA and various budget requirements.

24 What it did is that it specifically stated
25 these are what reports that each of the agencies

1 should start reporting on.

2 And it also required that it start
3 reporting on a more frequent basis, as well as become
4 more public with the information, put it on the
5 website, reduce paperwork. So, those are those
6 requirements in particular.

7 GPRA Modernization Act of 2010 is a recent
8 change to the Government Performance and Result Act of
9 1993. It was enacted in January of 2011.

10 And what it did is it modernized the Act of
11 1993. It stated that the goals and objectives that
12 you once had, we are going to change those to be more
13 concise and be more clear to the public of exactly
14 what the agency is going to do, what they are going to
15 achieve.

16 So, what it did is it set those goals and
17 objectives on a limited number of priorities.

18 What are the highest priorities of your
19 agency? And then set your goals and objectives to
20 those. And then from those goals and objectives,
21 that's how you are going to perform. What are your
22 annual performance plans, as well as what are you
23 going to do to show your progress?

24 So, what it also did is that the plan must
25 be available on the agency website, and anything you

1 do with regards to your strategic planning, your
2 annual performance plan, your annual performance
3 report, which all relates to your budget
4 justification, all of those should be available on the
5 agency website, which if you look at the nigc.govern,
6 we have placed the draft strategic plan on there.
7 We've also placed this presentation on there, as well.

8 So, anything in regards to those issues on
9 the strategic planning are placed on the website,
10 become more public, and so the public knows what is
11 happening within the agency.

12 The plan also required, it lessened it from
13 six years, to cover four years, at least four years of
14 strategic planning. So, what the NIGC did was we are
15 covering from 2014 to 2018. So, we changed that.

16 The background of our existing strategic
17 plan, the strategic plan we have currently goes to
18 2014. So, we are replacing that existing plan with
19 this draft strategic plan that we are going to be
20 going over today.

21 The reason being, is because the
22 environment as well as the GPRA Modernization Act of
23 2010, which, we have to go through our process once
24 again, and go through what are our highest priorities
25 and how are we going to achieve those.

1 If you look at our old plan that we did
2 have, it had the three strategic goals: Increase
3 compliance, increase service, and maximize use of
4 Commission resources. Those were very generalized
5 goals.

6 And it also contains six objectives under
7 those goals.

8 Well, what the GPRA Modernization Act does
9 is those objectives that you have listed under your
10 goals are actually your new strategic goals. So, your
11 objectives become your strategic goals. Because the
12 objectives were more concise, more clear of what
13 actually the agency is going to do.

14 So, that's what this new plan does. It
15 does away with completely what the objectives were, it
16 makes those strategic goals into a more precise area
17 of what the agency is going to achieve.

18 And Dawn will go through those as we go
19 through each one of the goals that we had set up with
20 the agency.

21 We have a comparison of what the old plan
22 is and what our draft strategic plan is. So, we will
23 be going through those, and you can specifically see,
24 especially when we go through the strategy, of how we
25 will achieve those goals, and it specifically says,

1 what did you achieve? Well, we achieved that, so this
2 is areas that will become more concise.

3 And we will go through that as we go
4 through the goal part of it.

5 I will pass it back to Dawn.

6 DAWN HOULE: Our current strategic
7 planning efforts have four priorities. And these are
8 what the Commission has publicly said over and over
9 and over, and it does tie in directly to what the
10 strategic plan aims to do.

11 One. Consulting and relationship building
12 with tribal governments.

13 Two. Provide technical assistance and
14 training.

15 Three. Continue regulatory review.

16 And, four. Review agency internal
17 operations.

18 So, if you've ever heard the Chairwoman,
19 Vice-Chairwoman or Associate Commissioner talk, they
20 have kept reinforcing, these are our priorities.

21 We develop strategies to achieve actual
22 results, as the law requires. What are the outcomes?
23 How did we get there?

24 We identify the key performance measures.
25 What are the highest priorities for the agency?

1 Our outreach to stakeholders is a key part
2 of this process. That's why we're here today, to
3 gather input and support collaborative effort.

4 The development process steps that we took
5 to get us through here today was:

6 An internal Strategic Planning Working
7 Group met to develop all of the requirements of the
8 law that Nicole outlined;

9 And we developed ad hoc meetings obviously,
10 and communications throughout that project period;

11 And we presented agency-wide planning by
12 senior management;

13 And here we are with a draft document.

14 So, with the government to government
15 consultations, it is now your turn to be involved in
16 the process and provide your input and commenting
17 through the end of this month -- or October, I guess.

18 So, real quickly, the mission comparison
19 from the previous, and this is the flier you guys do
20 not have. So, I apologize for that.

21 The previous mission basically was pretty
22 broad. It highlighted IGRA.

23 What the new Commission statement
24 highlighted is NIGC will work with GPRA, the framework
25 of GPRA, and outline those goals, the four goals that

1 I mentioned, promotion -- or the four goals of GPRA:

2 Promoting tribal development, self-
3 sufficiency, strong government;

4 Maintaining the integrity of the Indian
5 gaming industry;

6 And ensure the tribes are the primary
7 benefactors of gaming activities.

8 So, this is a good example of that
9 outcome-driving process, versus just broad-based.

10 So, further, the vision statement that we
11 came up with, the previous one, you know, again, it's
12 broad, but it is specific. We got into even more
13 specifics.

14 In the vision statement that we proposed
15 are:

16 To adhere her to the principles of good
17 government, including transparency and agency
18 accountability;

19 To promote fiscal responsibility;

20 To operate with consistency and clarity to
21 ensure fairness in the administration of GPRA;

22 And respect the capabilities and
23 responsibilities of each sovereign tribal nation in
24 order to fully promote tribal economic development,
25 self-sufficiency and strong tribal governments.

1 Again, making it more specific.

2 Am I going too fast? I'm trying to avoid
3 reading to you. Just giving you the highlights of all
4 of this.

5 The proposed strategic plan for 2013
6 through '18 includes five strategic goals. One being
7 the ACE: The assistance, compliance and enforcement
8 initiative. And hopefully you have all heard of that.

9 Number two. Improve technical assistance
10 and training for stakeholders.

11 Three. Improve and update NIGC's
12 regulations, which I'm sure if you've attended any of
13 our tribal consultations, that's what we've been doing
14 for the last 18 months. So, you definitely should be
15 aware of what NIGC's been doing on this goal.

16 Number four. Improve consultation,
17 communication and relationship building with tribal,
18 federal and state regulatory authorities and agencies.

19 We do have a draft tribal consultation
20 policy coming out soon, and that will be our next
21 go-around with tribal consultations. So, we were
22 trying to have it ready for this meeting, but it just
23 didn't get there. So, be prepared for that.

24 And then the fifth is increase efficiency
25 and transparency and accountability.

1 So, after we have established the
2 strategies, we focused on how are we going to reach
3 those goals, what are the priorities, how are we going
4 to implement the vision, what are the immediate issues
5 that we've heard from tribes.

6 We have had tribal consultations or written
7 comments, or just internally when we're doing the
8 internal reviews.

9 We identified four agency processes for
10 improving those as well.

11 So, we outlined 12 strategic -- or 12
12 strategies, sorry, to represent critical links between
13 the planning and implementation. And we also
14 described how we're going to achieve each one of those
15 goals.

16 So, the strategic plan identifies key
17 performances. Again, aligning with the regulations.
18 What's the highest priority?

19 Well, what's meaningful.

20 What's measurable, that we can report back,
21 not only to the tribe but the government that we have
22 to report back to.

23 How do we routinely collect that data?

24 And is it useful?

25 That is the basic strategic planning. We

1 don't want to do stuff that's not meaningful to
2 anybody, nor is it useful to anybody.

3 We also focus on key measures to help guide
4 the success, not only short-term but long-term.

5 So, when this Commission is gone, you know,
6 hopefully this strategic plan, the efforts that we're
7 putting into it now, will continue. That's one of the
8 goals there.

9 Goal 1. Continue with the ACE initiative.
10 ACE is the assistance, compliance and enforcement
11 initiative.

12 This helps increase availability of
13 technical assistance and that's provided to tribes,
14 gaming commissions and gaming operations. I think the
15 majority of the people in this room have received some
16 form of training or technical assistance. If not, you
17 are scheduled to. This is something that we would
18 like to continue, and provide you the assistance so
19 that you are maintaining compliance.

20 Let's provide you timely responses on audit
21 findings to allow adequate time for corrective action.
22 Try to stop those long delays after we have been
23 on-site.

24 Conduct site visits, audits and
25 evaluations, with particular focus on improvements in

1 tribal internal control systems to maintain the
2 integrity of the gaming industry.

3 And hopefully the Gaming Commission, the
4 tribes that are here, have seen that from our officers
5 they're helping you maintain and improve those
6 internal control systems, so that you are staying
7 within compliance.

8 So, real quickly, the goal of the first
9 strategic plan goal, if you see a blank spot, and I
10 apologize, the key is missing on here, we don't have a
11 copy of this one, if it is blank on the left side --
12 right side, I am sorry, that means we have achieved
13 that or it's in the process or already been done.

14 So, blank means it's not part of the
15 current draft. So, it says, ensure that tribes meet
16 prerequisite to gaming under IGRA. You guys are doing
17 that. So, it's part of the thread of what we do. So
18 we don't necessarily emphasize that.

19 Goal 2, under the existing plan, conduct
20 uniform and consistent monitoring activities. We
21 expanded that to conduct site visits, audits,
22 evaluations, with particular focus on improvements in
23 tribal internal control systems. So, again, moving
24 from broad statements to more specific.

25 Under the existing plan, 1.1.3, perform

1 regulatory enforcement actions. That is now 8.
2 That's why it's blank. It's something that we're
3 doing. It's been put together. We are already doing.

4 Under the old plan, perform formal and
5 informal guidance. Well, under the new plan, we're
6 proposing increase the availability of technical
7 assistance that's available and provided to tribes,
8 gaming commissions and gaming operations. Again,
9 making it more specific.

10 Under the old plan, under 2.2.2, improve
11 external submission response time at headquarters. We
12 expanded that to say, provide timely responses on
13 audits to allow adequate time for corrective action.
14 So, again, expanding the language to be a little more
15 specific.

16 So, Goal 2 is to improve technical
17 assistance and training for stakeholders.

18 How are we going to do that? We are going
19 to provide you guidance and technical assistance, to
20 prevent and respond to, and recover from weaknesses in
21 internal controls and violations of IGRA and NIGC
22 regulations, as well as provide opportunities for
23 tribes to participate in training. And hopefully you
24 guys have noticed when we go out across the region,
25 we've tried to hit every place possible we can, even

1 if it's very remote.

2 Nicole we sent here, quite a journey to get
3 to the tribe. We're trying to reach out. This is
4 something we have to do. We are trying to accommodate
5 the many, many requests, now that we are responding to
6 Indian country. It is not always along I-5. But we
7 are trying to get -- make opportunities available to
8 everybody, not just those in populated areas.

9 So, under the goal plan, the strategy was
10 to provide formal and informal guidance. Well, what
11 did that mean? We expanded it to say provide
12 guidance, technical assistance, training and other
13 forms of assistance to tribes to build and sustain the
14 capability to prevent, respond to and recover from
15 weaknesses.

16 So, again, making it going from broad to
17 very specific things that we can measure and be
18 accountable for. And that's useful.

19 So, under the existing plan, Goal 2 talked
20 about establish and implement training programs.

21 Well, over the course of the four years
22 that has already passed and we are currently in, we've
23 done that. We've implementing a training program.
24 So, that's why it's blank. We are constantly
25 providing opportunities to participate in training

1 programs. So, that's been done. We're doing it.

2 Under the old plan, or the current plan, it
3 says provide applicant background information to
4 tribal gaming agencies. I skipped this. We're
5 providing agencies opportunities to receive training
6 anywhere. That's an extension of that. We have
7 developed the training program.

8 I am sorry. 2.2.3, provide applicant
9 background information to tribal gaming agencies.
10 That's what we've done. We have electronic programs,
11 gaming commissions can go in and log on. If you're
12 not familiar with that program, Steffani can get that
13 for you. So, that's why it's blank. We've done it.

14 So, Goal 3, improve and update NIGC's
15 regulations. Like I say, for the last 18 months this
16 has been the life and breath of the agency: Getting
17 those updated and finalized. So, as we continue with
18 the strategic plan, we are going to have to continue
19 to finalize ACE, implement new and revised regulations
20 as we go through that review process.

21 DEB LOUIE: This is Deb from the
22 Colville Tribe. I wanted to ask, on your strategic
23 plan that you're all doing now, I haven't heard you
24 mention the new phase that's going to be coming to the
25 tribe, internet gaming.

1 Are you guys going to be a part of that
2 system or not? Are you going to be overseeing the
3 rules and regulations and all of that? Because that
4 is coming. It's going to be coming fast. And you're
5 talking small time million-dollar operations, people
6 are already in the process and working on that right
7 now. And the tribes are supposed to be a part of
8 that, especially the big tribes that have the money to
9 invest in it.

10 So, is that going to fall under you guys,
11 too? Then if it is, then that ought to be part of
12 your plan, rules and regulations, and work within our
13 tribes, versus state.

14 Because it's already legalized in some
15 states, and there's already laws going into place in
16 Congress right now to legalize it. So, it's coming,
17 and it's going to come fast. So, is that going to be
18 part of your strategic plan to oversee the tribes that
19 get into this aspect of gaming?

20 COMMISSIONER LITTLE: That's a very
21 good question, and I appreciate you asking that.

22 It is a big issue. It's discussed at every
23 single tribal gaming and non-gaming gathering. It's
24 on everybody' radar.

25 I mean, I'm glad to see that. Because it's

1 nice to see tribes out in front on a lot of these
2 major issues that could majorly affect your
3 reservations.

4 A couple things. I believe under Goal 3,
5 that whatever Congress decides, because ultimately it
6 would require Congressional action. Currently any of
7 the forms that have been introduced in Congress does
8 not include NIGC.

9 Now, I know there are some draft bills out
10 there in the Senate that have some minimal roles that
11 the NIGC would play. We are monitoring them. We are
12 watching them.

13 As the chairman has stated in her testimony
14 before the Senate Affairs Committee, we're watching
15 this issue. We're the only federal regulatory agency
16 that has gaming experience. We know we've got some
17 expert staff that we have discussed this issue with.

18 Ultimately we have to do what Congress
19 instructs us to do in legislation.

20 I believe under Goal 3 is, where we will
21 monitor and update our regulations, which we would
22 have to do if Congress did decide to include us in the
23 language, that would be covered.

24 DEB LOUIE: The reason I would be
25 concerned, if I was, say, one of the big money tribes,

1 say, like out of California, one of the tribes that
2 brings in multi-millions of dollars, and they are
3 ready to rock and roll, they already have it set up,
4 they have an agreement or whatever set up, and all of
5 a sudden you people are supposed to come in and
6 monitor it, and you're not ready. You know, then
7 you're costing tribes. You say you will help.

8 Then you are blocking because you're not
9 prepared when these tribes are ready to start.

10 I mean, there's a lot of issues that have
11 to be brought up before that happens. I realize that
12 at the tribes, when the people came over here on the
13 boat or whatever, we lost a lot of our land through
14 treaties and everything else, we lost our land. But
15 I don't think the tribe gave up their right to air,
16 space.

17 There's a lot of issues that are still
18 going to be fought out here yet, when it happens.

19 But this has come up in a lot of the tribal
20 meetings, everywhere we go. It's happening, tribes
21 are getting ready to move fast.

22 This is already a success in Canada. So,
23 they're looking at that. I just want to make sure
24 that if this falls under your realm, that you guys are
25 ready, when the tribes are ready to roll.

1 COMMISSIONER LITTLE: We're monitoring
2 it. I appreciate that comment. Can Dawn continue?

3 DAWN HOULE: Goal 3, improve and
4 update regulations as necessary.

5 We're proposing under the new strategic
6 plan to finalize and implement new and revised
7 regulations developed through the regulatory review
8 process.

9 To expand on what Dan said, we are
10 constantly looking at how the regulations should be
11 improved, and the first attempt was a mighty one, and
12 there's going to continue to be changes.

13 Goal 4. Improve consultation,
14 communication and relationship building with tribal,
15 federal and state regulatory authorities and our
16 agencies.

17 And like we're doing today, we conduct
18 consultations with tribes on NIGC proposals for
19 regulations, rule-making, legislation, guidance,
20 policy formulation or actions that may have a
21 substantial, direct effect on one or more tribes, on
22 the relationship between tribes and the federal
23 government, or on the distribution of power and
24 responsibilities between the tribes and the federal
25 government.

1 To implement these responsibilities under
2 the Open Government Initiative as defined by the
3 Office and Management Budget Open Government Directive
4 of 2009, and improve the NIGC website to provide
5 information about other agency and its work.

6 And then 3. Coordinate and collaborate
7 with tribal, federal, and state regulatory authorities
8 and agencies using a variety of mechanisms.

9 So, in comparison, the existing strategy
10 states, improve the government to government
11 consultation process. We're proposing under the new
12 plan to conduct consultations with tribes on NIGC
13 proposals for regulations, like I read just
14 previously. And then we expand that, it takes into
15 account the existing goal is to improve expanded
16 external communications, we expanded it to include
17 open government initiatives as well as coordinate
18 collaboration with tribes and federal and state
19 regulatory authorities.

20 So, again, broad statement in the current,
21 get into the more specific, what the strategy would
22 look like.

23 Goal 5. Increase efficiency, transparency
24 and accountability. We are proposing that this goal
25 would update and further develop policies that enhance

1 agency employees' ability to perform their jobs
2 effectively.

3 Implement and monitor a performance
4 measurement system to enhance employee performance.

5 Develop and maintain more integrated
6 information systems and processes that support the
7 NIGC staff and functions.

8 So, in comparison, the existing plan talks
9 about enhanced fiscal discipline and transparency to
10 stakeholders. So, we're doing this. So, it's going
11 to be an ongoing activity that we do.

12 Improve and expand internal communication.
13 We're doing that. Our website and our meeting with
14 you, that will be something that's ongoing.

15 Develop and implement technology resources.

16 Well, how? So, we expanded, under the
17 current plan, under the new proposed strategic
18 strategy we are talking about developing and
19 maintaining more integrated information systems and
20 processes that support the NIGC staff and functions.

21 So, one of the things I have highlighted in
22 the later consultation is we are trying to partner
23 with the existing federal agencies, and utilizing the
24 best resources that we can.

25 NOI just spent millions and millions of

1 dollars updating their infrastructure for IT. And as
2 an independent agency, we can partner with them to
3 expand the type of resources that are available to us.

4 And one of them is they have a webinar, or
5 a DOI learning system that many tribes are already
6 using in their school system. And we could teach some
7 of the training classes without expending your
8 resources, reach a larger audience, and hopefully get
9 it for a lesser cost and as an independent agency,
10 going and doing it on our own.

11 So, we're looking at doing those types of
12 partnerships.

13 We are trying to develop different support
14 systems, as well as getting updated equipment and
15 software. We do have quite old stuff internally.

16 So, under the Commission plan it talks
17 about develop and implement policies and procedures to
18 include internal compliance programs, as well as
19 establish employee development programs.

20 What we're proposing is update our policies
21 that enhance agency employees' ability to perform
22 their job effectively. We are also proposing to
23 implement and monitor a performance measurement to
24 enhance the employee performance.

25 The last, under the existing strategy it

1 talks about encourage native American culture
2 awareness.

3 Well, we currently do awareness of all
4 cultures on a monthly or very frequent basis. We
5 highlight every national holiday that there is.

6 So, we hold cultural awareness events for
7 every culture, as well as emphasizing the Native
8 American culture, too.

9 On our website, one of the other examples
10 is every event that we hold, we try to include the
11 regional activities that are going on.

12 So, if there's something going on in Mark's
13 region or the other seven regions, we send out a
14 little blast so that they could be involved.
15 Headquarters gets a lot of them. Oklahoma City, Rapid
16 City. Not as many happening culturally.

17 So, we try to provide at least one or two
18 little events, so that all of staff is getting
19 cultural awareness, not just headquarters staff.

20 So, what are the next steps? We have three
21 more -- two more consultations. Next Thursday,
22 October 4th in Las Vegas at G2E. And then following
23 that is in Joplin, Missouri, on October 23rd.

24 Once the comment period is done, and at the
25 end of this month, or end of October, I am sorry, I am

1 trying to rush into October apparently, we'll revise
2 the plan, they send your guys' comments, and what we
3 receive from the general public.

4 One of the things I didn't mention already
5 is the general public can make comments on this as
6 well as tribes. They'll have their own opportunity
7 via the website. We don't obviously have consultation
8 with the general public. But they can provide
9 comments to this plan.

10 Next we have to finalize the plan and
11 submit to OMB by the end of December.

12 And then come January, OMB does take the
13 liberty of providing you comments, saying to do this
14 or do that. So, we will spend January doing that.

15 And in February, then, we finalize it and
16 submit the plan to Congress.

17 So, it is pretty fast turn around. But a
18 lot of it is outside of our control clearly. The
19 timelines are already pre-set.

20 We will continue to develop action steps to
21 implement this plan. We will develop agency annual
22 performance plans. Those are some of the benefits of
23 having a strategic plan.

24 We will also review and make progress
25 reports in our annual budget justification. So, those

1 are things that will be after the plan is finalized.
2 Those are the responsibilities that we have to do.

3 Regardless of what it says, we have to
4 still do those.

5 Like Dawn said, our comment period closes
6 October 31st. You don't even have to wear a costume
7 if you don't want to. But I did say, I already got
8 mine, so I am ready to go. And we do accept any type
9 of submission, whether you guys want to submit it via
10 e-mail, there is an e-mail address, or you can give us
11 a call, send it via any which way you want.

12 So, with that, there's our address. We
13 appreciate your attention. We look forward to your
14 questions.

15 COMMISSIONER LITTLE: Okay. Thank
16 you, Dawn, and Nicole.

17 I note there is a lot of information, and
18 some of it is sometimes hard to go through. But this
19 is something that the Commission has taken very
20 seriously.

21 As you can see, we've been working on this
22 since almost the beginning of the year. We want to
23 make sure we do this correctly, we continue in the
24 format that we have done with our regulations, when
25 we're out discussing it with you in draft form before

1 we go through any formal process. It's what we've
2 heard from you, not simply on the Commission, but this
3 whole Commission prior to, we all work for tribes, so
4 we understand the challenges that many of you all
5 face.

6 We want to make sure that, you know,
7 whatever we come up with, we finalize, you're
8 comfortable with that.

9 While you may not get everything in there
10 you want, you've had input, and we respected you in
11 your role, you are a sovereign government.

12 So, with that, I know there is a question,
13 we will open up this to some questions.

14 State your name and organization, please.

15 DARLENE ZACHERTE: My name is Darlene
16 Zacherty. I am with the Colville Confederated Tribes
17 Business Council.

18 And I have attended some of the Washington
19 Indian Gaming Association meetings, and I just really
20 wanted to kind of follow up on what Mr. Louie has
21 stated.

22 I do know that there has been proposals in
23 the past, and they failed. And I can't remember the
24 Congressman's name. But I was informed that he will
25 probably be introduce his legislation during the lame

1 duck session concerning the internet poker.

2 And I wanted to know if your agency did
3 have some scenarios in place, in case this does
4 happen, so that you are prepared for it, if it
5 happens. Thank you.

6 COMMISSIONER LITTLE: The consultation
7 phase here is on the strategic plan. Okay? This is
8 sort of off the record -- I mean, it's not off the
9 subject here.

10 However, I can really only say what I have
11 stated prior, and what the Chairwoman has said.

12 We're going to do what Congress instructs
13 us to do. We're a regulatory agency. We implement
14 the laws Congress passes. And we implement that.

15 We can't tell what Congress to do. We
16 don't know what they are going to do.

17 So, we are following the issue. You know,
18 I think we've learned a lot over the last couple years
19 through our regulatory review process. And whatever
20 takes place, we are going to move on.

21 And I have said this many times, one of the
22 greatest -- great things about the NIGC is our staff.
23 We've got professionals in the industry. We moved
24 through the part 543 amendment and the 547, and I
25 think we did that in a very good manner.

1 While all tribes are not happy with
2 everything, we've got a good regulation that went
3 final last week. We did that in a little over a year.
4 That was a major rule.

5 I'm not going to say that internet gaming
6 will be any similar, I don't know. There are so many
7 variables there. We've got just not NIGC and tribal
8 governments, you've got state sovereign governments,
9 compacts. It is very complicated.

10 We don't know what Congress is going to do.
11 All I can tell you is we are the only federal agency
12 that has experience regulating gaming, and we've got
13 great staff, and we will work with the tribes however
14 Congress instructs us to do.

15 DARLENE ZACHERLE: Thank you.

16 PHILIP HARJU: I have a mic here.
17 Again, Phillip Harju from the Cowlitz Indian Tribe.

18 I first want to thank Commissioner Little
19 for coming out, and your staff for this. Please
20 extend our courtesies to Chairwoman Stevens and
21 Vice-Chairman Cochran.

22 COMMISSIONER LITTLE: I will, thank
23 you.

24 PHILIP HARJU: You guys have always
25 been attentive and we are glad to see you come to the

1 Great Northwest.

2 I have just a couple quick comments on your
3 Goal 4, when you talk about consultation.

4 I'll be consistent, the same thing I
5 testified to with the BIA.

6 The Executive Order uses the term
7 meaningful consultations. So, I would ask that under
8 your Goal 4, when you talk about consultation, please
9 insert the wording of the Executive Order, that it's
10 meaningful consultation.

11 I think that means something to the tribes.
12 And it's not been a problem with the NIGC, but it has
13 been a problem with many federal agencies.
14 Consultation does not mean proposing a rule and
15 sending a notice to the tribe.

16 Meaningful consultation means you come and
17 talk to the tribe ahead of time before you get to that
18 stage. So, I would ask that you make that change.

19 And also I notice in your vision statement,
20 I applaud you for using the term sovereign nation in
21 the vision statement. I would also ask that you
22 include in the mission statement, the term sovereignty
23 or sovereignty for the tribes.

24 So, your mission statement, when you talk
25 about that, I can propose some language to you. I

1 know you have enough lawyers working for you. But
2 there has to be some acknowledgement in your mission
3 statement about the sovereignty of Indian tribes in
4 your mission.

5 And, again, the Indian Gaming Regulatory
6 Act was a response to the Cabizon case which allowed,
7 which the Supreme Court said that it was within the
8 sovereignty of the Indian Nations to do gaming on
9 their Reservations.

10 So, I think in your mission statement, I
11 would ask that you use the word sovereignty or
12 sovereign nation somehow, which mirrors your mission
13 statement when you use sovereign nations.

14 And, again, there's the age old problem,
15 and I don't know whether it's in your strategic plan
16 or not, but the tribes would certainly I think need
17 the NIGC, when you are talking about ACE, and
18 compliance, and training, the tribes I think, the
19 sovereign nations would like help from your agency
20 with the other federal agencies that don't seem to
21 recognize state -- tribal sovereignty when they come
22 onto the gaming facilities.

23 And I won't mention some of the federal
24 agencies. I think we all know who show up, OSHA and
25 some of those that feel that they don't have to give

1 notice and they can show up.

2 The tribes that have gaming compacts and
3 that regulate their facilities, I think the NIGC has a
4 role to help promote tribal sovereignty and protect
5 the integrity of tribal gaming. Thank you very much.

6 COMMISSIONER LITTLE: Those are good
7 comments.

8 Meaningful consultation, I know our
9 Chairwoman, everyone she speaks with, she actually
10 says that. That's very helpful.

11 And we will also look at the mission
12 statement again and see how that can be changed. If
13 you have suggested language, that is perfect. We want
14 to hear your input. Please send that in to us, if you
15 like.

16 As far as how other federal agencies work
17 with tribes, that's a challenge. This administration
18 has been very forthcoming, and right from the top,
19 from the President, you know.

20 PHILIP HARJU: Thank you.

21 COMMISSIONER LITTLE: Yes, sir?

22 KEN BILLINGSLEY: I don't think I need
23 the mic. Listening to the preparation --

24 COMMISSIONER LITTLE: Would you state
25 your name?

1 KEN BILLINGSLEY: Kim Billingsley from
2 Standing Rock, working for the Warm Springs
3 Confederated tribes.

4 In the presentation here, the Modernization
5 Act of 2010 changed a few things.

6 But I didn't see, or it changed the
7 requirements of the NIGC following the 2009 to 2014,
8 where there was an annual report to be written.

9 Have those reports been written?

10 NICOLE ASPA: What the NIGC does, is
11 they include the annual performance plan and the
12 annual performance report and gives the NIGC budget
13 justification that is published each year.

14 If you look in there, and as you go
15 through, right before the budget area, it covers what
16 they plan to do the following year, and what they did
17 in the past year. So, it goes through the
18 achievements they have made or what they're planning
19 to achieve the next year.

20 COMMISSIONER LITTLE: It is in the
21 green book.

22 KEN BILLINGSLEY: I know what the green
23 book is. Does everybody else in here know what the
24 green book is?

25 I am a former Region Director for the NIGC.

1 The reason I asked these questions is
2 because it was never put on the website, with the
3 transparency that continues to be talked about. If
4 it's in the budget justification, how many people in
5 the room know on the website where this document is
6 located?

7 COMMISSIONER LITTLE: Are you
8 referring to the green book?

9 KEN BILLINGSLEY: No, no. The GPRA
10 plan. It's a very, very hard find. It's not real
11 transparent in finding that document. It's not --
12 it's under a very obscure heading on the website.

13 It is too bad we don't have internet, you
14 could show the people in here where it is located.
15 Because I just looked at it the other day. Because I
16 know where it is.

17 So, if the Modernization Act, if it is
18 included in the budget justification, I'll look at it.
19 I've never seen it, I've never been told, working for
20 14 years, that that's included in there. So, if it's
21 included in there.

22 But I get an annual report, I look at it as
23 a separate report. It doesn't say in here that it was
24 technically -- I didn't see that it goes into the
25 budget justification.

1 So, an annual report that this particular
2 administration inherited with this GPRA plan. I was
3 part of the GPRA plan. That's why I know quite a bit
4 about it.

5 So, the report, if it's not been taken away
6 by the Modernization Act, it would be nice to see the
7 transparency, to get the report, just by itself, out
8 to the tribe, because personally I'd like to see, it's
9 been stated up here, certain things have been done.

10 Outlining those things and telling the
11 tribes how they have been accomplished, such as the
12 TIMs, the PAT, all of these programs, verbally you
13 have said, oh, they've been accomplished. So, we're
14 not putting them into the next strategic plan.

15 My question would be, what things have been
16 put in place so that the tribes know when their money
17 is sent in through the budget, paying fees to make up
18 the budget, what things are in place within the TIM
19 system that benefits the tribes out there.

20 Because there are some tribes who don't
21 know what those two systems are even, and how limited
22 information or what information is on there.

23 So, describing that in an annual report
24 will give us a true reflection, and we are able to
25 evaluate NIGC and what really has been accomplished.

1 Just by leaving it blank on the screen
2 doesn't tell us too much.

3 So, I'm real curious about the report. I
4 will look to see that it is in the budget
5 justifications.

6 The one part that was talking about the
7 cultural awareness. Well, I worked for the agency for
8 14 years. When cultural awareness is done, we don't
9 get notified out in the regions. Everything seems to
10 be done in-house.

11 One of the things that's not on that screen
12 is about the development of understanding of tribal
13 government at the NIGC. That was in that original
14 document. It's not on the screen. That's a key to
15 this.

16 Because the majority of people who work for
17 the NIGC have not ever stepped foot on an Indian
18 Reservation to begin with. They're very
19 unknowledgeable about how tribal governments work.
20 And each government is unique and different in its own
21 right.

22 And I will use the Navajos as an example.
23 It took me about 14 years, and I still don't
24 understand the Navajo form of government. And I
25 tried. And I asked questions.

1 So, each tribal government is unique and
2 different. And when we send people who are
3 unknowledgeable out into the field to deal with this,
4 or, you are dealing in the gaming arena, you have to
5 understand how tribal government functions. That
6 needs to be taught, in my opinion. That's why it was
7 in there. But all that it covers is encourage Native
8 American cultural awareness.

9 Well, there is another section in there
10 that it looks like it was dropped in its entirety.

11 And then I know there were some things done
12 about trying to get more Native Americans into NIGC.
13 Hell, you've got less Indians now than you did when
14 you inherited your administration. That's a fact.

15 So, I just want some, transparency is
16 important. It's been said since this administration
17 has come in. If there is a report, an annual report
18 that should be -- that is required to be written,
19 write it as an annual report, put it on the website so
20 that everybody can read it, so we can evaluate what
21 NIGC has accomplished, instead of just having it left
22 off on a presentation such as this.

23 And I would like to get a copy of these
24 missing slides before we leave here today, if I may.

25 So, again, those are my comments. The

1 strategy is great. But there's been two years of this
2 administration, and being within the system, I have
3 some issues that I don't think a lot of those are met,
4 until I can see it on paper, because I was in there.
5 So, those are my comments, in short. I've got a whole
6 page here, but I will restrain it to that. Thank you.

7 COMMISSIONER LITTLE: Thanks for those
8 comments.

9 You know, that's the purpose of this
10 meeting. It is a draft. You make some very
11 interesting suggests as recommendations. We will take
12 a look at those.

13 I urge you, if you have others, please
14 forward those to us. Because it is helpful. You did
15 work for the agency for a long time.

16 We are kind of moving from a strategic plan
17 that was created, actually it was the first one by the
18 last Commission, updating it.

19 So, it's a work in progress as we go along
20 here. You make very good comments. I appreciate
21 that.

22 KEN BILLINGSLEY: Just to follow up.
23 Here is an example. I printed this off yesterday.
24 This is the training catalog the NIGC, they list all
25 the trainings they provide. August 2011, this catalog

1 is currently under construction. Please keep checking
2 back for it, citing new classes in the future.

3 That was over a year ago. There's nothing
4 new to this. In fact, if you turn to page 7, this is
5 how we don't keep our website updated, my name still
6 exists in here, as well as another Region Director
7 who's not worked for the NIGC for about 10 months
8 either.

9 Current is critical. Keep the people
10 up-to-date.

11 COMMISSIONER LITTLE: Good point.
12 Thank you.

13 GEOR GENE NELSON: Geor Nelson. I am a
14 Tribal Council, and I'm huge on the Tribal Council.
15 And first let me just thank you for coming out and
16 meeting with us and making time. It is appreciated.

17 I'm a former tax preparer, H & R Block
18 Corporation. I have also worked in banking for Wells
19 Fargo Bank.

20 That's why I sit on the oversight committee
21 for the Game and Regulatory Commission for our tribe.

22 I've been trying to catch up with some very
23 unique rules about gaming so that I can sort of get an
24 idea of what a Gaming Regulatory Commission should
25 really look like.

1 We're going through some growth. We're
2 going through some growing pains right now as a new
3 Tribal Council, basically. And I just wanted to say
4 that I understand that the NIGC is funded primarily
5 with tribal funds. So, therefore it kind of more or
6 less basically is owned by the tribes.

7 And I understand that you're also a part of
8 the federal system, and you have your duties and
9 obligations to that government as well.

10 Wording is critical, though, in Indian
11 country. And sometimes you're working with people who
12 aren't graduate level reading and comprehension and
13 understanding. So, I feel that a lot of the worrying,
14 especially on the government side, that belongs to
15 tribal people, should be simple and understandable.

16 And I feel that use of visual aids would be
17 most appropriate. It's also educational to the
18 non-tribal person who goes onto your website. It
19 helps aid the tribes in educating the non-tribal
20 public as to why we exist, and the importance of why
21 we do exist. But you're just not another federal
22 agency, but you are also funded with tribal funds.

23 I'm familiar with your website. It's not
24 really user friendly.

25 COMMISSIONER LITTLE: We know that.

1 STATE OF OREGON)
) ss.
2 County of Umatilla)
3

4 I, William J. Bridges, do hereby certify that
5 at the time and place heretofore mentioned in the
6 caption of the foregoing matter, I was a Certified
7 Shorthand Reporter for the State of Oregon; that at
8 said time and place I reported in stenotype all
9 testimony adduced and proceedings had in the foregoing
10 matter; that thereafter my notes were reduced to
11 typewriting and that the foregoing transcript
12 consisting of 52 typewritten pages is a true and
13 correct transcript of all such testimony adduced and
14 proceedings had and of the whole thereof.

15 Witness my hand at Pendleton, Oregon, on
16 this _____ day of October, 2012.
17
18
19
20

21 _____
William J. Bridges
Certified Shorthand Reporter
22 Certificate No. 91-0244
My certificate expires: 10-31-12
23
24
25

&	5	actively 7:1	aims 17:10
& 5:23 7:4,6 49:17	5 25:6 31:23	activities 19:7 23:20	air 29:15
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