NATIONAL INDIAN GAMING COMMISSION
CONSULTATION MEETING
OKLAHOMA INDIAN GAMING ASSOCIATION
OKLAHOMA CITY, OKLAHOMA
AUGUST 14, 2013

Transcribed by: David Harjo
MR. BRYAN FOSTER: Good afternoon everyone. First off, I would like to thank the National Indian Gaming Commission for holding their consultation during our OIG Conference. It's certainly an honor and a pleasure to have you here, Chairwoman Stevens and Commissioner Little. We really appreciate your time. As we all know, there's many of very interesting goings on in the Indian gaming industry and it's very important for the tribes and our regulatory authority body of the National Indian Gaming Commission to communicate and it's certainly a pleasure to have you here and we want to welcome you and, Chairwoman Stevens, we really appreciate all that you have done. At this time I will turn it over to you. Thank you.

CHAIRWOMAN TRACIE STEVENS: Well, thank you, Chairman. I want to say welcome to everyone. I know we have a number of people trickling in. There are a few things that we need to do before we get started to talk about the subject at hand. So first of all, I'll introduce myself, my name is Tracie Stevens and I'm a member of the Tulalip Tribe of Washington state, and chairwoman of the National Indian Gaming Commission.

I want to apologize for the confusion
about where the room -- where the consultation was
taking place. Apparently the Renaissance manages a
certain number of rooms here so we unfortunately had
a few people going over actually to the Renaissance
looking for Room 8, so my apologies first.

How we usually start these is we do
introductions. And I do want to invite any tribal
leaders and/or their delegates to the table.
Certainly make room for our tribal leaders at the
table with us. And then -- so we'll go around,
we'll do introductions with the attendees first and
then we will introduce the NIGC staff.

If you could please, if we could move
around the room with the microphone and if you could
please tell us your name and what tribe you are
with, and we can start back there and we will move
this way. And you thought sitting in the way, way
back was going to be the way to go. It is not. So
we'll start in the back, if you can say your name
and your tribe, that would be wonderful.

MS. JEZUN YUEN: Yezun Yuen, Wyandotte
Nation.

MR. TUZARI BIGKNIFE, Viejas Band of
Kimmeyzay.
MR. KYLE WILLIAMS: Kyle Williams, Alabama-Coushatta Texas.

MR. PETER LAWSON, Alabama-Coushatta Texas.

MS. LESZA SHAW: Lesza Shaw, Absentee Shawnee Tribe, Special Projects Manager.

MR. JOHN TAHSUDA: John Tahsuda, Navigators Global.


MR. RAYMOND CAMPBELL: Good afternoon, Madam Chair. Ray Campbell, Iowa counsel.

MS. MICHELLE CARR: Michelle Carr representing the Sycuan Gaming Commission.

MR. ED MAGDALENO: Ed Magdaleno, Sycuan Gaming Commission.

MR. SCOTT COLBERT: Scott Colbert, Chickasaw Gaming Commission.

MR. HASKEll ALEXANDER: Haskell Alexander, Deputy Gaming Commissioner for the Chickasaw Nation.

MS. ANGELA APAUTY: I'm Angela Apauty with the Wichita Gaming Commission out of Anadarko.

MS. BETH PARKER: Beth Parker, Wichita Gaming Commission.
MR. JASON NICHOLS: I'm Jason Nichols of the Viejas Gaming Commission.

CHAIRWOMAN TRACIE STEVENS: From this side of the table we'll go around and then we'll introduce our staff.

MR. LLOYD PAPPAN: Lloyd Pappan with the Kaw Nation.


MR. GUY MUNROE: Guy Munroe, Chairman, Kaw Nation.

MR. KEN BELLMARD: Ken Bellmard, Government Relations, Kaw Nation.

MS. DANA DEERE: Dana Deere with the Absentee Shawnee Gaming Commission.

MS. EDWINA BUTLERWOLF: Edwina Butlerwolf, Governor, Absentee Shawnee Tribe.

MS. TERRI PARTON: Terri Parton, President, Wichita Gaming Commission.

MS. LESLIE TANYAN: Leslie Tanyan with the Iowa Tribe of Oklahoma.

CHAIRWOMAN TRACIE STEVENS: Okay. Great. I also want to acknowledge all of the staff that we have here and many others that you don't all get to see that are in other offices or at our headquarters.
in D.C. With us today is Christy Jacobson, she's one of our AA's, administrative assistants. Benise McCoya is also an administrative assistant. We also have Tony Wheeler who I think is manning the booth right now. Bryan Moody, both compliance officers. Dana, who -- I think she's also -- Dana Freeman is managing the booth right now. Our Oklahoma Regional Director is Tom Cunningham, who is right over here with the transcriptionist. Tim Harper who is in the back and also will be manning the microphone.

Also, we have from our General Counsel's office our Acting Associate General Counsel Mike Hoenig, right here; our Acting General Counsel Eric Shepard; with our General Counsel's office Sarah Walters, and Associate Commissioner Dan Little.

I would like to take a moment to turn the mic over to Dan for his opening remarks and then we will get underway.

MR. DAN LITTLE: Good afternoon everybody. I want to thank you all for coming here today and I want to thank the Oklahoma Indian Gaming Association for hosting this event. Chairman Foster, you guys put on a great show and a great trade show and I really enjoy the time here.

I'm really happy that -- I guess I'm just
going to be sharing the last consultation meeting I have with Chairwoman Stevens on this important issue. It's something that I think is near and dear to our hearts. It's something that we have long needed to look at and I can't think of a better place to do our final consultation than in Oklahoma. You guys have done so many great things here with Class II gaming and I'm very happy that we are taking the time to review this, share our thoughts with all of you.

   Basically in line with the way we have been consulting the last few years before we make any major decisions. So I'm looking forward to hearing all of your comments and thank you again for coming.

   CHAIRWOMAN TRACIE STEVENS: Thank you, Dan. Just some reminders. What we are here for today is the Federal Register Notice that we issued in June and our General Counsel's office will go over the details. There is a copy of the Federal Register Notice available out in front so you should be able to bring one in with you. If you don't have one, certainly raise your hand and we'll get one for you. But that's the subject at hand today of this consultation. We request that -- respectfully
request that we stay on topic. If there are other
issues specific to your tribe or other issues in
general, please feel free to stop any of us after --
after the consultation. If you wish to discuss
other matters, we are certainly open to talking to
you.

A reminder that consultations are for
tribes only and their designated representatives.
No media is allowed, so if you are with the media we
kindly ask that you step out of the room. These
proceedings, I guess this consultation is
transcribed as all of our consultations have been
since we have embarked on our regulatory review and
other processes. We have here, David Harjo, he is
our transcriptionist. If you could, please, when it
comes time to comment, speak your name loud and
clear and who you are with so that he can take your
name down for the transcription, that will be posted
on our website later down the road.

So with that, I'll turn it over to our
General Counsel's office and we'll review the
Federal Register Notice and our look forward to your
comments.

MR. MICHAEL HOENIG: Good afternoon
everybody. Like Tracie said, my name is Michael
Hoenig. I'm with the Office of General Counsel and I thought that we could begin by just giving a little bit of background on the Federal Register Notice that was published on June 25th and what the proposed reinterpretation does exactly.

So just first thing to remind everybody of is, it is a request for comment that was published and so we really do want to see and hear comments, not only today but if you have written comments, please feel free to submit them, and the deadline for that is August 26th, which I believe is a week from next Monday. So if you have written comments that you want to submit, that's the deadline for getting them in.

So by way of background, in 2008 the Metlakatla Tribe of Alaska -- the Metlakatla community in Alaska submitted a game specific ordinance to the National Gaming Commission for review and approval, and in that ordinance they defined Class II gaming to include what we refer to as one-touch bingo. I think everybody here knows what that is, it's just bingo, an electronic bingo game that can be played with one touch of a button instead of two or three.

Chairman Hogan, who was chairman at the
time, reviewed the ordinance and disapproved it on
the grounds that one-touch bingo is not a Class II
game but is a Class III game. The disapproval was
basically laid out three reasons for his decision,
and the first was that definition of bingo did not
include one touch because one touch didn't meet the
necessary element of competition. And I should say,
if you haven't seen the Federal Register Notice yet,
this is all laid out in much more detail there. I'm
just going to kind of give the highlights.

So the first was that it didn't meet the
definition of IGRA, the definition of Class II
gaming under IGRA because it didn't contain the
necessary element of competition.

Second, that it was not a game similar to
bingo because it didn't have that element of
competition.

And lastly, that it -- that one-touch
bingo is a Class III facsimile of a game of chance.

And again it was, all three of these were
basically grounded in the fact that this one touch
didn't have the necessary element of competition.

So after the chairman's decision went out
there was an initial appeal but that appeal was
withdrawn so it was never taken up by the full
commission for -- approved for -- excuse me -- for
decision before the full commission and subsequently
never made it into federal court. It stopped at the
chairman's decision.

So the commissioners have considered
whether that decision issued in 2008 is correct, and
that decision, that reconsideration has come because
a lot of folks in the industry have been asking
questions about, well, we know that this one
decision is out there but what does that mean? Is
one touch a Class III game or is it a Class II game?
So the commissioners have proposed this
reinterpretation and they are asking for folks'
comments on it.

And the reinterpretation basically is, it
addresses the three aspects in the 2008 decision,
and first that one-touch bingo does, in fact, meet
all of the elements that are laid out in IGRA's
definition of bingo, and not only that they play for
prizes, that all of the numbers are covered on the
card when drawn, and that the game is won by the
first person to cover, and that's the only thing
that's required. And so this additional element
that Chairman Hogan spoke about in the 2008
decision, with competition being, I guess for lack
of a better way to put it, competition being implied
from this "first person to cover" language, that
that is not a necessary -- it's not an aspect of the
definition in IGRA and therefore it shouldn't be
grounds for finding one touch to be a Class III
game.

Second, that one-touch bingo is not a
game similar to bingo. We agree with the -- overall
the proposed reinterpretation agrees with the
ultimate conclusion but for different reasons, and
it's not a game similar to bingo because it is
bingo. It doesn't need to meet all those other
aspects.

And lastly, that it is not a facsimile of
a game of chance. It's not a Class III facsimile
because it doesn't incorporate all of the aspects of
the game of bingo, namely that you still have to
have competition, you are still playing someone
else, and also that it meets the exception that's
laid out in Class III facsimile definition for an
electronic bingo game that broadens player
participation by allowing multiple players to play
against a machine. Whether it's one touch or two
touch, that's not changed and therefore it's -- not
only is it not a facsimile but it also meets the
exception.

And lastly, the proposed reinterpretation talks about this just being in line with what Congress intended when they passed IGRA, that tribes should be able and encouraged to take advantage of technological advances that happened in the industry, and that interpreting bingo in Class II gaming this way is more in line with what Congress intended.

So that's it in a nutshell and -- and like I said, the deadline for comments is August 26th, so I'm eager to hear what everybody thinks. Thank you.

CHAIRWOMAN TRACIE STEVENS: Thank you, Mike. And I do want to raise my hands to the Office of General Counsel and others that were integral to the -- this Federal Register Notice and really thoroughly examining this particular issue, the Metlakatla decision, you know, what the law provides, what our regulations provide, and providing this commission with lots of information on the subject, and, you know, from that we were able to, you know, certainly form our decision to publish this Federal Register Notice comment, so I want to thank the General Counsel's office for all
of their hard work on this. It was a very
deliberative process on their part to really, really
closely examine this particular issue. Thank you
very much.

With that, we can open the floor to
questions, to comments, if any of you -- certainly
we understand that there -- you know, it's a
conference, there's a lot of other meetings going
on, a lot of other activities. If there are
individuals that are pressed for time and have a
prepared statement, please feel free to step forward
and make a comment. I just want to remind
everybody, again this is being transcribed and
please state your name and the tribe that you're
with.

Yes, sir.

MR. KEN BELLMARD: Yes. My name is Ken
Bellmard with the Kaw Nation and I have a couple of
comments. The first comment would be related to,
Has there been any consideration of the unintended
consequences of this, particularly in Oklahoma? And
if you will just follow my line of thinking here for
a minute.

In Oklahoma we enjoy somewhat of an
exclusive as far as our gaming goes. In exchange
for this exclusive we pay the state revenues from
Class II. We have some concern that because of the
blurring of the line, because this is a fast game.
The difference between this game and what used to be
considered Class III, they are very close. They are
very close games. And our concern is is that
because we are in an exclusive type state, that if
you can replace Class III with these type of
machines then there will be no compact revenues to
share with the state and in turn the state won't
allow us to continue to have an exclusive. That's a
concern to us. And we were wondering if that
unintended potential consequence was something that
had been considered by the commission. So that's I
guess a comment and a question.

The second thing is, I know for years --
and I have been involved in this situation or I have
represented tribes and I submitted the first compact
request on the part of the tribe that I represented
in 1989, so I've seen a lot of change from when the
U.S. attorney said, "If you plug it in the wall it's
a gaming device and you are all going to jail," and
as things have evolved, but it always seemed that
one of the critical elements of bingo was always the
daubing, the claiming the two touch. And I was
wondering -- I guess this is more of a question than a comment. I understood what the gentleman said and I've read this, but I'm trying to get a better handle on that determination or that decision that it didn't take a daub and a claim, that just having, I guess, the algorithm based on a bingo card was essentially enough for it to constitute bingo.

Thank you.

CHAIRWOMAN TRACIE STEVENS: Well, certainly we -- thank you for your comment -- we thought about a number of, you know, potential consequences and certainly I don't think anyone can know all consequences. What we would suggest is that you provide some comments to us in writing. This may be sufficient for us to examine that in your verbal comments. I will turn it over to OGC to freely talk about your question about the daubbing versus claiming question, and that versus a one-touch element.

MR. MICHAEL HOENIG: Yeah, we certainly took that into consideration. And basically it's still being done, it's being assisted by the machine, so the machine is electronically assisting the player in covering the numbers and calling bingo. Like you said, it does happen fast but it
also happens fast with two touch. It's not I don't think a significant difference, but more importantly is -- is that it's still, I think, is in line with what -- how IGRA defines bingo and the definition of Class II gaming.

So it's still -- there's competing against one another, there's still a ball draw, there's still a covering of a card, and there's still one of the player terminals calling out, "I have bingo" or "I have four corners" or whatever the game is for the prize.

MR. STEVE YORK: Steve York, consultant with the Kaw Nation. My question is this, is that, you know, you talk about the facsimile definition. The facsimile definition has been amended three times by the commission over the period of time the commission existed, but in the definition you guys really haven't taken consideration to fully define what the difference between Class II and III is. I mean, the only missing piece of the puzzle that's left is to define what constitutes a Class III lottery in electronic format. That is still a missing piece of the puzzle, so that hasn't been defined.

And then, also, how are you going to
address 2721? Which is the last part of IGRA.

2721, 2701 through 2721, but somebody needs to look at 2721 because I think that's the reason that they took on that one touch deal, I mean with Hogan's initial limited ability, in his limited ability and knowledge of gaming, that's what he put out to that tribe on -- on not saying that you could have a one-touch game. But like I say, because you don't -- the NIGC has never fully defined what constitutes a Class III lottery under the 2721, I don't know how we can proceed forward without addressing that issue.

And the other things, I mean, there's others things that the NIGC really needs to do underneath IGRA, is clarify what constitutes a management contract, besides the 3040 stuff that's taken into place, but there's three items in IGRA that has never been fully addressed by any commission. I mean, they have tried to address just parts of it but still IGRA needs to be looked at as a whole and not amended. I mean, that's the key to the whole thing.

But I agree with Ken that we might be facing some exclusivity problems, you know, that we currently enjoy because Class II is the only
leverage that we do have with the states with
compacts. I mean, even currently if you go to
different states, even Nebraska, which I used to be
the former superintendent in Kansas and worked with
the tribe that was situated out of Nebraska, and
they can't play Keno up there but even here in
Oklahoma we were playing -- we were playing Keno
games even though it's not allowable underneath the
Cherokee Games Act because, you know, we've got
independent test sites that say, well, that's an
instant game, you know, an instant bingo game, and
by far it ain't an instant bingo game, it's a Keno
game; otherwise, you guys would have different
things in your minutes that wouldn't address Keno.

So like I say, it's a thought process,
and you don't take on one piece of IGRA and then say
we can fix it and not look at the total consequences
that a tribe has to maybe face in the long run. I
mean, that's the only thing I'm saying to you.

CHAIRWOMAN TRACIE STEVENS: Okay. Thank
you very much and we look forward to the Kaw
Nation's comments and, you know, potential, from
your prospective, consequences and how we may
improve this interpretation.

Do we have other comments with tribal
leaders that want to make comments?

Yes, sir. Move that microphone over,

Jamie, thank you.

MR. RONNIE THOMAS: Ron Thomas,
Alabama-Coushatta Tribe of Texas. First of all,
Chairwoman Stevens, we want to thank you for the
opportunity to have you put this tribal consultation
together in regard to this one-touch bingo issue
that's at hand.

The Alabama-Coushatta Tribe of Texas is
pleased that the NIGC is considering the
reinterpretation, you know, of its recent position
regarding the one-touch and two-touch bingo. The
tribe agrees that the terms of IGRA should mean what
they say, and the tribe is pleased that the NIGC
will take a reasonable and principle approach in the
interpretation of our regulations.

You know, according to IGRA, bingo has
the three elements that were addressed in the
June 25th Federal Register Notice and the tribe is
glad to see that the NIGC has seized upon these
elements and we do support, you know, their common
sense approach in the interpretation of the regs.

You know, currently there's no provision
within IGRA that requires multiple touches or daubs.
You know, such a position has the effect of stifling the technological advances in gaming. You know, for those tribes with access only to Class II gaming (and resulting economic benefits) any limitation by the NIGC on Class II gaming technological aids should be taken only after serious consideration of the legal basis for the limitation and its potential negative economic consequences. It is not any secret that the amount of revenue generated by Class II gaming operations, you know, is significantly less than Class III gaming. You know, any agency decisions about Class II gaming limitations should not be made in a vacuum.

You know, limiting the decisions, you know, will have its real life consequences. For example, the Kickapoo Tribe of Texas worked for years to obtain a Class III gaming compact with the state of Texas, but to no avail.

In the wake of the Seminole decision, the amount of leverage Indian tribes have in encouraging a state to enter into a good faith tribal-state gaming compact negotiations have been significantly reduced. You know, we would encourage the NIGC to act within the statutory limits of IGRA while still recognizing the principle purposes of IGRA and
Federal Indian Policy which are to promote tribal economic development, tribal self-sufficiency and strong tribal government.

In 2007, and in response to the state of Texas' refusal to compact with the Kickapoo Tribe of Texas, the Department of Interior issued Secretarial Procedures that would have allowed the Kickapoo Tribe of Texas to conduct Class III gaming. You know, however these procedures were invalidated by the 5th Circuit. The Kickapoo Tribe is now left only with Class II gaming. Should the Alabama-Coushatta Tribe of Texas have the opportunity to take advantage of the opportunities of Class II gaming in the future, we would hope that there would be continued value in Class II which would allow the tribe to generate significant revenue to support our government, our people and to undertake the economic development for the benefit of our membership.

The Alabama-Coushatta Tribe strongly supports the efforts of the NIGC to reverse course on the interpretation of the IGRA and definition of bingo. You know, we do look forward to submitting our comments in support of your efforts.

CHAIRWOMAN TRACIE STEVENS: Thank you
very much, sir.

Do we have other comments? Any questions?

MR. ED MAGDALENA: Good afternoon. Ed Magdalena, Sycuan Gaming Commission. Back in 2009 the gaming commission put together a fact finding hearing on this very matter. We invited different professionals to our hearing and got a lot of testimony and evidence in regards to this. As a matter of fact, I could probably fill this table here, but we have condensed it and I have it here to introduce as, not only our comments but an incredible resource on this matter.

CHAIRWOMAN TRACIE STEVENS: Okay. Hand that to Sarah, she'll take that.

Thank you.

Jamie.

MR. JAMIE HUMMINGBIRD: Jamie Hummingbird, Cherokee Nation. As Ed had mentioned, a few years ago I was able to take part in that fact finding mission that Sycuan was so gracious to hold for this issue, and the very arguments and the very statements and reasoning that we put forward during that fact finding mission, I'm glad to hear is also being voiced by the NIGC, recognizing the
information and the hard work and diligence that went into fighting for development and protected future development of Class II games.

So I do want to say that the reinterpretation I believe is a positive step. I think it is one that has been a long time coming. I appreciate the work that you, Chairwoman Stevens in the commission role that you have done and the staff have done in reexamining this issue, because I think it's one that we have had out there for probably seven, eight, ten plus years, and for that to be recognizing to be made into a policy I think is a very positive step for Indian gaming. Thank you.

CHAIRWOMAN TRACIE STEVENS: Thank you, Jamie.

Other comments? Questions?

Yes.

MS. LESLIE TANYAN: Leslie Tanyan with the Iowa Tribe of Oklahoma, Tribal Secretary. I would just like to say that the Iowa Tribe of Oklahoma applauds your efforts in defining one-touch bingo. We are a small tribe and like most small tribes we rely on our Class II gaming as well as Class III, so by you making that step forward that does help with the regulations, it does help with
smaller tribes as well as any tribe in Oklahoma. So we look forward to submitting our comments by the deadline. And, again, we thank you for holding these consultations today.

CHAIRWOMAN TRACIE STEVENS: Thank you very much. We look forward to your comments.

Yes, sir.

MR. WILLIAM NORMAN: William Norman with Hobbs, Straus, Dean and Walker. We represent a number of tribes, both inside the state and outside the state of Oklahoma where Class II is extremely important. I just want to echo the comments supporting the commission's effort to consider examining this issue. We appreciate the proposal that's in the Federal Register and we expect that a number of our clients will be submitting comments supportive of the analysis. This is extremely important. This has been mentioned in the state of Oklahoma where the tribes began with Class II and really sort of defined the Class II historically and the need to have the flexibility for viable Class II activities in the future as we get further down the line with our gaming compacts. So thank you for your effort.

CHAIRWOMAN TRACIE STEVENS: Thank you.
Yes.

MS. ROBIN LASH: Robin Lash, Miami Tribe. The Miami Tribe would like to thank you also for being here and providing the tribe with this opportunity to comment, and the Miami Tribe would like to respectfully submit that this is not actually a review, a reinterpretation, that it seems that Chairman Hogan drew his conclusions from his own review, and it was like a review of the ordinance, so the Miami Tribe would like to submit that this action that you're taking today is actually an initial interpretation and we appreciate this opportunity. Thank you.

CHAIRWOMAN TRACIE STEVENS: Will Miami be providing comments that will further explain?

MS. ROBIN LASH: Yes, ma'am, we will be.

CHAIRWOMAN TRACIE STEVENS: Okay. Great.

Thank you.

MS. BARBARA COLLIER: Good afternoon. I'm not going to bore you with all of my comments, but I would like to read -- paraphrase from a couple of paragraphs and then we have our comments to submit to you.

Barbara Collier with the Quapaw Tribal Gaming Agency.
Of course, on behalf of we thank you for your reinterpretation. I don't want to have a conflict of interest there with Robin but that's what our comments say.

Under IGRA, however, the game of bingo is bingo so long as the game meets the statutory elements, the possibility that more than one player can simultaneously hit bingo does not turn a Class II bingo game into a Class III game, nor does the fact that a button is pressed only once transform the game of bingo into a Class III electronic facsimile.

Moreover, the number of potential winners is not an element of the game of bingo, neither is a manual cover requirement an appropriate criteria for classification. In fact, none of these criterias represent appropriate legal elements determinative of the class of a game under IGRA.

In spite of this, the 2008 letter improperly focused its game classification analysis on the number of times a button was pushed.

And then I will skip on to the closing. We applaud the NIGC for proposing a reinterpretation of IGRA that will assure tribal governments the full benefit of the law. As recognized in the proposal
and reflected in the legislative history of IGRA, Congress not only anticipated but in fact intended
to facilitate the use of modern technology of in the play of Class II games.

In enacting IGRA, Congress is well aware that Class II gaming technology would continue to advance and that the industry would likewise evolve to keep up with the emerging technologies.

We therefore strongly agree with the NIGC's position that the commission should give consideration to the interpretation of bingo that embraces rather than stifles technological advances in gaming.

For the reasons set forth above, we urge the NIGC to adopt this proposal to reinterpret its position on one-touch bingo. We welcome this proposed change and believe that it will bring much needed clarity, certainty and stability in relation to the law pertaining to Class II gaming. And I have this to submit to you.

I would also like to take just a few seconds and thank you for your time. We will miss you even though we didn't always see eye to eye, it has been a joy to have someone in the position that you have held to stand up for tribes and Native
Americans, and I love you.

CHAIRWOMAN TRACIE STEVENS: Well, thank you very much. Those are very kind words, and, you know, we didn't always agree but I was brought up from my own upbringing just because we don't agree doesn't mean we have to be disagreeable, we can still be respectful and we can still move on with business. So thank you very much.

I do want to mention that, you know, there were certainly a number of options that we could have -- you know, paths, I should say, that we could have taken to take a look at this because there were so many questions from the industry about this particular subject, and in keeping with the Executive Order 13175, when it came to policy changes, and also in making sure the tribes and the public had an opportunity to comment, we chose to go through this request for comment on an agency, you know, interpretation of its governing statute, and to be transparent about this process.

So we certainly want everyone's comments, and, you know, as we have always done with our consultation for improvement, from maybe something we didn't see or something we didn't consider, so please do comment.
But thank you, Barbara.

Others? I'm sorry there is not enough seats. I know you are all standing back there. You can certainly join us at the table. I feel like I'm at an auction. I feel like I should say, going once, going twice?

Yes.

MS. EDWINA BUTLERWOLF: Good afternoon. I'm Edwina Butlerwolf, Absentee Shawnee Tribe, Governor, newly elected Governor, and as well we will be making our comments to this particular topic, so I just wanted to let you know that. And as well as anybody knows, once you get into office and as a newly elected official, you've got a lot of reading to do. So I know there's a lot of experience in this room and I need to get up to par here to educate myself on this. As well, we will be making comments on behalf of the Absentee Shawnee Tribe.

CHAIRWOMAN TRACIE STEVENS: Thank you very much, and welcome to your new office and we look forward to seeing comments from the Absentee Shawnee.

Other comments? Questions? Might start that again. Going once?
Well, if we don't have other comments at this time I strongly, strongly encourage you to bring this information back to your tribe, consider what has been said today. I know that when we get our comments we try to get them up onto our website as quickly as we can so that others may see them, and certainly as we have always done, we will consider all comments that come in.

If you have any questions about this, you can always call our office and talk to either Sarah or Mike. If you need clarification, we're always happy to help.

I would like to turn it over to Dan for a moment for some closing comments.

MR. DAN LITTLE: Well, I've got to tell you, this has been the easiest Oklahoma consultation I have ever --

CHAIRWOMAN TRACIE STEVENS: Yeah, it's funner that way.

MR. DAN LITTLE: You know, sitting here and listening to some of the comments with Robin and Barbara, you know, we have gone through, we started off with taking a look at the Class II mixed and the technical standards, and we spent a lot of time working on this whole subject matter, and it was --
I don't want to say a tough process but it was an informative process, and it only worked because of the support and the feedback that we got from the tribal community. So I want to thank all of you.

I think, like it was mentioned, everybody didn't get everything they wanted, but we got something that worked, and I think we have got good regulations on the book. I think this process here goes to kind of clarifying an issue that's still out there that needed to be reviewed.

So I want to thank you all for not just the support and not just the feedback on this issue but on everything we have done in our Class II regulatory review, so I want to thank you again. I want to thank OIGA for hosting this great event. I want to thank our staff. Still, I believe our staff is the single greatest asset of the commission. We could not do your job if we could not have the experts, and I can say that for this commission, future commissions and past commissions. You know, we're here for a short period of time but they remain and they continue to provide great service to the commission and to the communities. So I want to thank all of the staff.

And then finally, I must have to thank
Chairwoman Stevens. This will be the last consultation that I have the honor to sit next to her and I'm very sad that she's leaving but I understand her reasons and what she's doing. Tracie and I have been friends for a long time, long before coming on the commission. We joke around that we kind of got our feet wet standing behind some of the great Indian advocates like Jess Green and others throwing rocks, but we got to stand behind them. Well, now we're on the receiving end of those rocks and it's kind of fun, but we learned from folks before us, and it's been an honor to work with Tracie as a friend, as a colleague and, you know, instrumentally our great leader here in the NIGC. We have had a very busy three years. It could not have been done without her leadership. Got a couple of dents in the back of my head from her smacking me around but we made great progress through the regulatory reviews, sticking on message, you know, the way we do consultation, being respectful and listening before we make decisions. Could never have been done without Tracie. So I want to thank her and I wish her much luck, but also tell her that she's going to be greatly missed.

(Applause.)
CHAIRWOMAN TRACIE STEVENS: Well, those are very kind words, Dan, thank you very much. And I want to echo his comments about our staff. It was really great coming into the NIGC and finding this like gold mine of great employees that helped inform us with what we needed to do and set a direction, and then implement it. You know, more than just going through these regulatory changes and changing words on paper and in our regulations is the actual implementation that's going to have to happen over the next couple of years that we have already started, and it's -- you know, we cannot do that without our staff, you know, which we relied upon. So I want to, you know, in, you know, my culture is my hands up to the staff that has worked with us all these years and helped us keep the momentum going with our very aggressive agenda. We -- I want to say that people laughed at us when we told them what our core missions were; we were like, "You are never going to get that done."

I'm like, "Oh, yeah? Well, watch."

We're going to get this done and we're going to do it in a manner that's respectful to tribes. We're going to talk, and we're going to talk, and we're going to talk some more. We're
going to go through draft after draft after draft, and we did and we read and read and read lots and lots of comments, drafts, just so that we could have a very well-informed process, because we get hung up on processes it's really hard to talk about the substance.

I really enjoyed my time. It -- you know, I came to this position, not trying to get to this position but I sort of ended up in this position and -- because I used to stand behind Jess Green and egg him on and give him rocks. You know, and he gave me pointers on my aim. Now I'm on the other side and I have developed my dodging skills, so, you know, it has last helped to be from the tribal community, it has helped me to come from a reservation, it has helped me to come from an operation, and it's also going to help me as I move into my future on what is meant to be part of the administration, how these decisions are made, how things look from this side of the table.

And I do want to finally, you know, thank -- well, before I finally thank Dan who has been my friend for a very long time and sometimes we fight like brothers and sisters, but we, you know how it is if you have kids, but, you know, we
always, you know, make up and move on, but, you
know, I couldn't have done this without a really
helpful set of commissioners to move the massive
amount of work that we generated, and these guys and
the guys that our staff know that we generated and
still had to do their day-to-day jobs. So thank you
very much, Dan.

But I want to thank all of you because
understandably you all had come -- the first speech,
real speech that I made was at OIGA in 2010. It was
a long speech, and it was during the dinner, during
the awards, and somebody had told me, I think it was
Chairman Qualls, that said everybody was just sort
of sitting, waiting to see what we were going to do.
And we laid this whole thing out on what we were
going to do. I had Jess Green taking notes
everywhere I went, and said, "You said this three
times, you know, and if you said it three times,
then I expect you to do it." And if he were here
today, I would hope that he would say to me, "You
did everything that you said you were going to do,"
and kept my word.

But I want to -- we couldn't have done
this without your participation. It was a lot to
ask because we had a very aggressive agenda with a
long schedule and even if you couldn't make it you
called us, you e-mailed us, you wrote in comments,
and those affected our decisions. When we thought
we, you know, had it right, we were like, oh, well,
we didn't think of that, and it helped inform the
final process, that in the end our goal was to
protect the industry like you want to. We're not
necessarily that different. We're all trying to do
the same thing.

So I appreciate your steadfast
participation. Sometime we didn't get along and
sometimes we didn't agree, and that's okay. But we
moved on, and I think we found a path forward that
led us to some really good decisions and tools for
all of you to continue protecting your -- your
revenues and your facilities. So my hands up to all
of you and all the tribes that participated. I
didn't want say much more. I don't want to get
all clint -- which I don't do normally because I'm,
you know, not a big cryer, but I thank you very much
and I'm sure it won't be the last you see of me,
but, again, please do comment, good or bad, on this
Federal Register Notice as we always encourage
everyone to do when we have a notice out.

So thank you very much. Please have safe
travels home to wherever you are going and, you
know, peace be with you. Thank you.

(Applause.)
CERTIFICATE

I, David Harjo, Certified Shorthand Reporter, do hereby certify that the foregoing proceeding was by me taken in shorthand and thereafter transcribed; and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22nd day of August 2013.

___________________________
David Harjo, CSR RPR
| Page 5 |
|---|---|

| Inside 25:10 |
| Instrumentally 33:14 |
| Integral 13:16 |
| Intended 13:4,9 |
| Interest 27:3 |
| Interested 39:7 |
| Interesting 2:8 |
| Intro 22:6 |

| Join 30:4 |
| Joke 33:6 |
| Joy 28:24 |
| June 7:19,9:4 20:20 |

| k |
| Kansas 19:4 |
| Kaw 5:7,11,13 14:18 |
| Keep 28:8 34:16 |
| Keeping 29:14 |
| Ken 5:12,12 14:17 |
| Keno 19:6,7,12,14 |
| Kept 36:22 |
| Key 18:21 |
| Kickapoo 21:16 22:5 |
| 22:7,10 |
| Kids 35:25 |
| Kimmeyzay 3:25 |
| Kind 10:10 29:3 |
| 32:9 33:7,11 34:2 |
| Kindly 8:10 |
| Know 2:7,18 11:9 |
| 13:19,22,23 14:7 |
| 15:16 16:11,13 |
| 17:14 18:11,24 19:9 |
| 19:11,22 20:12,18 |
| 20:22,24 21:1,2,10 |
| 21:11,14,15,23 22:9 |
| 22:23 29:4,9,11,19 |
| 29:22 30:3,12,15 |
| 31:4,20,22 32:20 |
| 33:13,19 34:7,12,13 |
| 34:14,14 35:8,11,14 |
| 35:21,24,25 36:1,2 |
| 36:5,18 37:4,20 |
| 38:2 |
| Knowledge 18:6 |
| Knows 9:21 30:13 |
| Kyle 4:1,1 |

| Lack 11:25 |
| Laid 10:4,9 11:18 |
| 12:20 36:15 |

<p>| Language 12:2 |
| Lash 26:2,2,16 |
| Lastly 10:18 12:14 |
| 13:2 |
| Laughed 34:18 |
| Law 13:19 27:25 |
| 28:19 |
| Lawson 4:3 |
| Leader 33:14 |
| Leaders 3:8,9 20:1 |
| Leadership 33:16 |
| Learned 33:11 |
| Leaving 33:3 |
| Led 37:14 |
| Left 17:21 22:10 |
| Legal 21:7 27:17 |
| Legislative 28:1 |
| Leslie 5:20,20 24:18 |
| 24:18 |
| Lesza 4:5,5 |
| Letter 27:19 |
| Leverage 19:1 21:20 |
| Life 21:15 |
| Likewise 28:7 |
| Limitation 21:4,7 |
| Limitations 21:12 |
| Limited 18:5,5 |
| Limiting 21:14 |
| Limits 21:24 |
| Line 7:11 13:3,8 |
| 14:22 15:3 17:3 |
| 25:23 |
| Listening 31:21 |
| 33:21 |
| Little 2:6 6:1,5,19 9:3 |
| 31:15,20 |
| Lloyd 5:6,6 |
| Long 7:4 19:18 24:6 |
| 27:6 33:5,5 35:23 |
| 36:11 37:1 |
| Look 7:5 8:22 18:2 |
| 19:17,21 22:23 25:2 |
| 25:6 29:12 30:22 |
| 31:23 35:20 |</p>
<table>
<thead>
<tr>
<th>looked</th>
<th>18:20</th>
</tr>
</thead>
<tbody>
<tr>
<td>looking</td>
<td>3:5</td>
</tr>
<tr>
<td>lot</td>
<td>11:8</td>
</tr>
<tr>
<td>lots</td>
<td>13:21</td>
</tr>
<tr>
<td>lottery</td>
<td>17:22</td>
</tr>
<tr>
<td>loud</td>
<td>8:16</td>
</tr>
<tr>
<td>love</td>
<td>29:1</td>
</tr>
<tr>
<td>luck</td>
<td>33:23</td>
</tr>
</tbody>
</table>

| met         | 12:19,25 |
| member      | 2:22   |
| membership  | 22:19  |
| mention     | 29:9   |
| mentioned   | 23:19  |
| message     | 33:19  |
| metlakatla  | 9:16,16|
| miami       | 26:2,3,5,10 |
| mic         | 6:17   |
| michael     | 8:24,25|
| mike        | 6:12,13,15,31:11 |
| mine        | 34:5   |
| minute      | 14:23  |
| minutes     | 19:14  |
| missed      | 33:24  |
| missing     | 17:20,23 |
| mission     | 23:21,24 |
| missions    | 34:19  |
| mixed       | 31:23  |
| modern      | 28:3   |
| moment      | 6:16,31:14 |
| momentum    | 34:16  |
| monday      | 9:12   |
| moody       | 6:5    |
| move        | 3:13,16,20:2 |
| moved       | 37:13  |
| multiple    | 12:22,20:25 |
| munroe      | 5:10,10 |

| nation's    | 19:22  |
| national    | 1:10,2:3,11,2:23,9:18 |
| native      | 28:25  |
| navigators  | 4:8    |
| near        | 7:3    |
| nebraska    | 19:3,5 |
| necessarily | 37:8   |
| necessary   | 10:7,14,10:22,12:3 |
| need        | 2:19,12:12,25:21,30:16,31:11 |
| negotiated  | 21:22  |
| neither     | 27:14  |
| never       | 10:25,11:3,18:9,18,33:21,34:19 |
| new         | 30:21  |
| newly       | 30:10,14 |
| nichols     | 5:1,1  |
| nije        | 3:12,18:9,14 |
| nije's      | 28:10  |
| normally    | 37:19  |
| norman      | 25:8,8 |
| notes       | 36:16  |
| notice      | 7:18,21,8:22,9:4,10:8,13:17,24,20:20,37:23,24 |
| number      | 2:18,3:3 |
| 16:11,25:10,16,27:13,21,29:10 |
| numbers     | 11:20,16:24 |
| nutshell    | 13:10  |
| obtain      | 21:17  |
| office      | 6:12,14,7:19,8:21,9:13:15,25 |
| officers    | 6:5    |
| official    | 30:14,39:11 |
| ogc         | 16:16  |
| oh          | 34:21,37:4 |
| oig         | 2:4    |
| oiga        | 32:15,36:10 |
| ok          | 5:22,19:20,23:14,26:17,37:12 |
| once        | 27:10,30:6,13,30:25 |
| open        | 8:5,14:5 |
| opening     | 6:17   |
| operation   | 35:17  |
| operations  | 21:10  |
| opportunities | 22:13 |
| opportunity | 20:7,22:13,26:5,13,29:17 |
| options     | 29:10  |
| order       | 29:15  |
| ordinance   | 9:18,19,10:1,26:10 |
| outside     | 25:10  |
| overall     | 12:8   |

| p           |         |
| paper       | 34:9    |
| pappan      | 5:6,6   |
| par         | 30:16   |
| paragraphs  | 26:22   |
| paraphrase  | 26:21   |
| parker      | 4:24,24 |
| part        | 14:2,15,19,18:1,23:20,35:18 |
| participated | 37:17 |
| participation | 12:22 |
| 36:24,37:11 |
| particular  | 13:18   |
| 14:3,29:14,30:11 |
respectfully 7:25
   26:6
response 22:4
resulting 21:4
revenue 21:9 22:17
revenues 15:1,9
   37:16
reverse 22:21
review 7:9 8:13,21
   9:19 26:7,9,9 32:14
reviewed 10:1 32:10
reviews 33:19
right 6:5,7,8,13 37:4
road 8:19
robin 26:2,2,16 27:3
   31:21
rocks 33:9,10 35:11
role 24:8
ron 20:4
ronnie 20:4
room 3:1,5,9,14
   8:10 30:16
rooms 3:3
rpr 39:22
run 19:18

s
sad 33:3
safe 37:25
sarah 6:14 23:15
   31:10
saying 18:7 19:19
schedule 37:1
scott 4:17,17
seal 39:11
seats 30:3
second 10:15 12:7
   15:16
seconds 28:22
secret 21:9
secretarial 22:6
secretary 24:19
see 5:25 9:8 20:21
   28:23 29:24 31:6
   36:14 37:21
seeing 30:22
seen 10:8 15:20
seized 20:21
self 22:2
seminole 21:19
sense 20:23
serious 21:6
service 32:22
set 28:14 34:6 36:3
   39:10
seven 24:11
share 7:9 15:10
sharing 7:1
shaw 4:5,5
shawnee 4:6 5:15,17
   30:9,18,23
she' ll 23:15
shepard 6:14
short 32:21
shorthand 39:3,5
show 6:23,24
side 5:4 35:13,20
significant 17:2
   22:16
significantly 21:10
   21:22
sill 5:8
similar 10:15 12:8
   12:11
simultaneously 27:8
single 32:17
sir 14:16 20:2 23:1
   25:7
sisters 35:24
sit 33:2
sites 19:10
sitting 3:17 31:20
   36:14
situated 19:5
situation 15:17
skills 35:13
skip 27:22
smacking 33:17
small 24:22,22
smaller 25:1
somebody 18:2
   36:12
somewhat 14:24
sorry 30:2
sort 25:20 35:9
   36:13
speak 8:16
special 4:6
specific 8:2 9:17
speech 36:9,10,11
spent 31:24
spicer 4:9,10
spite 27:19
spoke 11:24
stability 28:18
staff 3:12 5:5,23
   24:8 32:16,16,24
   34:3,13,15 36:5
stand 28:25 33:9
   35:10
standards 31:24
standing 30:3 33:7
start 3:6,16,19
   30:24
started 2:20 31:22
   34:12
state 2:23 14:14
   15:1,7,10,10 21:18
   21:21,21 22:4 25:10
   25:11,18
statement 14:11
statements 23:23
states 19:1,3
statute 29:19
statutory 21:24 27:6
stay 8:1
steadfast 37:10
step 8:10 14:11 24:5
   24:13,24
steve 5:8,8 17:12,12
stevens 2:6,13,16,22
   5:3,22 7:2,16 13:14
   16:9 19:20 20:6
   22:25 23:14 24:7,14
   25:5,25 26:14,17
   29:2 30:20 31:18
   33:1 34:1
sticking 33:19
stifles 28:12
stifling 21:1
stop 8:3
stopped 11:3
straus 25:9
strong 22:3
strongly 22:20 28:9
   31:2,2
stuff 18:16
subject 2:20 7:24
   13:22 29:14 31:25
submit 9:10,13 26:6
   26:10,23 28:20
submitted 9:17
   15:18
submitting 22:23
   25:2,16
subsequently 11:2
substance 35:6
sufficiency 22:2
sufficient 16:15
suggest 16:13
superintendent 19:4
support 20:22 22:17
   22:24 32:3,12
supporting 25:13
supportive 25:17
supports 22:21
sure 29:16 37:21
sycuan 4:14,15 23:5
   23:21

Veritext/NJ Reporting Company
800-227-8440 973-410-4040
<table>
<thead>
<tr>
<th>Term</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>wanted</td>
<td>30:12, 32:6</td>
</tr>
<tr>
<td>washington</td>
<td>2:23</td>
</tr>
<tr>
<td>watch</td>
<td>34:21</td>
</tr>
<tr>
<td>way</td>
<td>3:17, 17, 17, 18, 7:11, 9:15, 12:1, 13:8, 31:19, 33:20</td>
</tr>
<tr>
<td>we've</td>
<td>19:9</td>
</tr>
<tr>
<td>website</td>
<td>8:19, 31:5</td>
</tr>
<tr>
<td>week</td>
<td>9:12</td>
</tr>
<tr>
<td>welcome</td>
<td>2:13, 17, 28:16, 30:21</td>
</tr>
<tr>
<td>went</td>
<td>10:23, 24:2, 36:17</td>
</tr>
<tr>
<td>wet</td>
<td>33:7</td>
</tr>
<tr>
<td>wheeler</td>
<td>6:4</td>
</tr>
<tr>
<td>whereof</td>
<td>39:10</td>
</tr>
<tr>
<td>wichita</td>
<td>4:23, 24, 5:19</td>
</tr>
<tr>
<td>william</td>
<td>25:8, 8</td>
</tr>
<tr>
<td>williams</td>
<td>4:1, 1</td>
</tr>
<tr>
<td>winners</td>
<td>27:13</td>
</tr>
<tr>
<td>wish</td>
<td>8:4, 33:23</td>
</tr>
<tr>
<td>withdrawn</td>
<td>10:25</td>
</tr>
<tr>
<td>witness</td>
<td>39:10</td>
</tr>
<tr>
<td>won</td>
<td>11:21</td>
</tr>
<tr>
<td>wonderful</td>
<td>3:20</td>
</tr>
<tr>
<td>wondering</td>
<td>15:12, 16:1</td>
</tr>
<tr>
<td>word</td>
<td>36:22</td>
</tr>
<tr>
<td>words</td>
<td>29:3, 34:2, 9</td>
</tr>
<tr>
<td>work</td>
<td>14:1, 24:1, 7, 33:12, 36:4</td>
</tr>
<tr>
<td>worked</td>
<td>19:4, 21:16, 32:2, 7, 34:15</td>
</tr>
<tr>
<td>working</td>
<td>31:25</td>
</tr>
<tr>
<td>writing</td>
<td>16:14</td>
</tr>
<tr>
<td>written</td>
<td>9:9, 12</td>
</tr>
<tr>
<td>wrote</td>
<td>37:2</td>
</tr>
<tr>
<td>wyandotte</td>
<td>3:22</td>
</tr>
<tr>
<td>yeah</td>
<td>16:20, 31:18, 34:21</td>
</tr>
<tr>
<td>years</td>
<td>7:12, 15:16, 21:17, 23:20, 24:11, 33:15, 34:11, 16</td>
</tr>
<tr>
<td>yezun</td>
<td>3:22</td>
</tr>
<tr>
<td>york</td>
<td>5:8, 8, 17:12, 12</td>
</tr>
<tr>
<td>yuen</td>
<td>3:22, 22</td>
</tr>
</tbody>
</table>