

## Tribal Gaming Regulators 'Stay In Our Lane'

26TH SEP 2016 | WRITTEN BY: TONY BATT

There is no love lost between the tribal gaming industry and Republican presidential nominee Donald Trump, but the National Indian Gaming Commission (NIGC) is determined to stay above the fray of election year politics.

No matter who wins the presidential election on November 8, Jonodev Chaudhuri of the Muscogee Creek Tribe will remain NIGC chairman until at least 2018.

Kathryn Isom-Clause, the vice chair and a member of the Taos Pueblo Tribe, began a three-year term in March.

Associate commissioner E. Sequoyah Simermeyer of the Coharie Tribe began his three-year term last November.

"One of the strengths of the agency is that it's a non-partisan agency," Chaudhuri said during an interview last week with GamblingCompliance in his office. Isom-Clause and Simermeyer also participated in the interview.

"I'm not going to address any Donald Trump questions," Chaudhuri said.

Nevertheless, the NIGC chairman made it clear what he does not want from the new President of the United States.

"I would have concerns about any perspective that doesn't understand the distinct nature of Indian gaming as opposed to other types of commercial gaming," Chaudhuri said.

When he owned casinos in Atlantic City in the 1990s, Trump viewed tribal gaming operations only as competition that must be crushed.

For example, Trump was forced to pay a \$250,000 fine after admitting he spent more than \$1m in 2000 on an advertising campaign accusing the St. Regis Mohawks of being cocaine peddlers controlled by the mob.

The adverts appeared when the tribe sought to open a casino at a track in the [Catskill Mountains](#) of New York.

In addition to steering clear of presidential politics, the NIGC keeps its distance from tribal lobbying efforts, such as the campaign to exempt Indian casinos from the [National Labor Relations Act](#).

"We always stay in our lane in terms of any potential legislative action pending before Congress," Chaudhuri said.

That does not mean the NIGC is unwilling to address controversial issues affecting Indian gaming operations.

Isom-Clause, the vice-chair, told an audience at a National Indian Gaming Association (NIGA) event [in June](#) that human trafficking is occurring at some tribal casinos.

"I've seen tribes, in certain areas, bring this up as something they're looking at and they're concerned about. So, because we're also operating in that space, we want to support those efforts," Isom-Clause told GamblingCompliance.

The human trafficking issue came up at a recent conference in California, Isom-Clause said.

There also have been reports of Native American women and girls from Minnesota and South Dakota being lured to a casino on the Fort Berthold Indian Reservation in North Dakota for sex, according to the Bismarck Tribune.

"I'm hesitant to even talk about it because I think we're still working with our partners and talking to tribes about to what extent — and I think still even whether — we should be involved in this," Isom-Clause said.

"But I think it's something that's such a human issue that I think if it's going on, and Indian tribes are concerned about it, we want to help address it," she said.

The NIGC also is concerned about gamesmanship, or the manipulation of Indian gaming operations by non-tribal business interests.

"Whenever you're dealing in the business world, there are always good actors and bad actors," Chaudhuri said. "I take very seriously our ability to nip things in the bud."

The NIGC issued a notice of violation in 2011 against Bettor Racing and its owner, J. Randy Gallo, for receiving between 72 percent and 80 percent of net gaming revenue from the Royal River Casino in South Dakota from 2005 through 2008.

The Indian Gaming Regulatory Act requires non-tribal partners to receive up to 40 percent of an Indian casino's revenue.

As a result, a tribal court ruled in 2015 that Gallo owed the Flandreau Santee Sioux Tribe, which owned the casino, \$7.6m.

Gamesmanship is not rampant, Chaudhuri said, but the NIGC wants to make sure that both gaming tribes and their business partners “are on notice” that revenue from Indian casinos must be used for the benefit of Native Americans.

Simermeyer, the associate commissioner, said gamesmanship presents the NIGC with “an opportunity ... to underscore all the different tools that we have within our commission and with our partners” to regulate Indian gaming effectively.

**Geography:** UNITED STATES

**Sectors:** TRIBAL GAMING

**Content:** REGULATORY NEWS