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TRANSCRIPT OF  
NATIONAL INDIAN GAMING COMMISSION MEETING  
TAKEN ON MARCH 15, 2013, AT 9:15 A.M.  
AT THE HARD ROCK CASINO IN CATOOSA, OKLAHOMA

Job No. NJ1625150

1           CHAIRWOMAN TRACIE STEVENS: Good  
2 morning, everyone. I want to go ahead and get  
3 started. My name is Tracie Stevens. I'm the  
4 chairwoman of the NIGC. We'll go ahead and get  
5 started with introductions. We have Jamie  
6 Hummingbird from the Cherokee, chair of the  
7 commission; is that correct?

8           JAMIE HUMMINGBIRD: Director.

9           CHAIRWOMAN TRACIE STEVENS: Director.

10          JAMIE HUMMINGBIRD: You gave me a  
11 promotion, but that's okay.

12          CHAIRWOMAN TRACIE STEVENS: So we'll go  
13 ahead and do some introductions. Once Jamie is  
14 done, we'll go ahead and get introductions from  
15 around the room. I do want to remind everybody  
16 that we are being transcribed, and so if you do  
17 have a comment, if you could, please, state your  
18 name and where you're from. That way it makes  
19 it easier for our transcriptionist. So with  
20 that, I want to welcome everybody. Thank you so  
21 much for coming out for the subjects that we're  
22 going to cover today. We really do appreciate  
23 your time for coming out. We cannot make good,  
24 sound decisions without tribal input. So I  
25 appreciate your time and traveling out. So with

1 that, I will hand it over to Jamie Hummingbird,  
2 and he'll do our welcome.

3 JAMIE HUMMINGBIRD: Usually people tell  
4 me I don't need a microphone for them to hear  
5 but, I think just for the purpose of the  
6 transcription, I'll go ahead and use this.  
7 I'm not sure if they tell me I speak clearly and  
8 loudly or they just tell me I have a big mouth.  
9 That was supposed to be funny. Is it that early  
10 in the morning for you guys? Okay. Everybody  
11 should be used to my jokes by now, too, so a  
12 little bit more laughter would be appreciated,  
13 but I do want to welcome everybody to Cherokee  
14 Nation on behalf of Principal Chief Baker. We  
15 are glad to have you in our flagship property,  
16 our Hard Rock property here in Tulsa.

17 Just by being here, I think this is sort of  
18 a testament to what really kind of not started  
19 25 years ago with the passage of the Indian  
20 Gaming Regulatory Act. It happened 30, 45 years  
21 ago with the forethought of our mothers, our  
22 fathers, grandfathers, aunts, uncles that saw an  
23 opportunity for tribes to take charge of their  
24 own destiny, take charge in fulfilling their own  
25 self-determination and providing for their

1 people. They did that by means of a strong  
2 economic engine being Indian gaming, and when  
3 the Indian Gaming Regulatory Act was passed in  
4 1988, we already had that right to game. We  
5 already had that right to perform an economic  
6 service for our people and our communities, and  
7 I don't think really anybody understood or  
8 contemplated when IGRA was passed that we would  
9 be coming to the level of success that we are  
10 here today.

11 It's because of the Indian Gaming Regulatory  
12 Act that we've been able to really kind of  
13 expand our operations, and I'm not saying IGRA  
14 gave us the right. I'm not saying IGRA was the  
15 sole means for us to be here today, but it did  
16 give us the means to proceed without much more  
17 obstacles in the way of our future, and we have  
18 taken that opportunity to where we are now able  
19 to fund things that would otherwise not have  
20 been possible.

21 We have dialysis centers. We have early  
22 start or Head Start childhood education centers.  
23 We have emergent schools where our kids learn  
24 our native languages. We have so many things,  
25 housing, roads, you name it, all because we are

1 able to provide that through the means of Indian  
2 gaming, and it's through the processes that  
3 we're going to go through here today, it's a  
4 continuation of what happened and what started  
5 those many years ago when we had the foresight  
6 to look at the laws and look at the legal  
7 landscape of things that shape into a way that  
8 would benefit us and our people, and I think  
9 it's important that we continue that, that  
10 commission, and we continue down that path to  
11 make our voice heard in the development and  
12 implementation of regulations that affect our  
13 operations.

14 So I encourage everybody's participation  
15 here today. I hope that you would provide some  
16 good, meaningful feedback for Tracie Stevens and  
17 her staff to take back to Washington, D.C., and  
18 use for the betterment of Indian gaming. I want  
19 to welcome you again today. If there's anything  
20 that we can do to make your stay that much  
21 better, it won't cost you any more, but I do  
22 accept tips. It's a joke. We can't accept  
23 tips. You're regulars. Y'all know that. Come  
24 on. Shame on you. Good to see you. I'm glad  
25 to see so many faces. If I don't know you,

1 please come up and introduce yourself. I'd like  
2 to get to know the new faces that I haven't seen  
3 before because you are my friends out in  
4 Oklahoma, and I think it's a good thing for us  
5 to keep our camaraderie going, keep our  
6 fellowship going, and if there's any way that I  
7 can be of assistance to you, just let me know.  
8 With that, I'm going to turn it back over to  
9 Chairwoman Stevens. Thank you.

10 CHAIRWOMAN TRACIE STEVENS: Thank you,  
11 Jamie, and I want to thank the Cherokee Nation  
12 for graciously hosting us for this conference or  
13 this consultation, and one thing I do want to  
14 remind everybody, Tom is back there and he does  
15 have a camera. So if anyone doesn't want to be  
16 in a photograph, please just raise your hand and  
17 he'll steer clear of you if you don't want to be  
18 in a photograph, but this will be for public  
19 relations purposes. It might be on our website,  
20 you know, anything that we might want to do with  
21 that. So just, you know, if you don't want to  
22 be photographed, that's perfectly  
23 understandable.

24 So while we wait for the computer to  
25 restart, let's go around the room and we'll do

1 introductions. We'll start here at the table  
2 and then, Tom, if you could take that remote mic  
3 and pass it through the audience, that would be  
4 really helpful. So I'll start here to my left,  
5 and if you can take the microphone and introduce  
6 yourself, I would greatly appreciate it.

7 WILLIS DEATHERAGE: My name is Willis  
8 Deatherage representing Seminole Nation of  
9 Oklahoma, gaming commissioner.

10 ROBIN LASH: Robin Lash. Gaming  
11 commissioner, Miami Tribe.

12 JERRY LANKFORD: Jerry Lankford. Gaming  
13 commission for the Miami Nation.

14 NELSON JOHNSON: Nelson Johnson. Gaming  
15 commissioner for the Muscogee Creek Nation.

16 JAMIE HUMMINGBIRD: Jamie Hummingbird.  
17 Director of gaming commission for Cherokee  
18 Nation.

19 ANGELA APAUTY: My name is Angela  
20 Apauty. I'm with the Wichita Gaming Commission  
21 out of Anadarko, Oklahoma.

22 RON AHTONE: Ron Ahtone. Apache Gaming  
23 Commission.

24 AUSTIN KLINEKOLE: Austin Klinekole.  
25 Apache Gaming Commission and commissioner.

1           RODNEY CASTEEL: Rodney Casteel. Sac &  
2 Fox Nation Gaming Commission.

3           DANNY MCCARTER: Danny McCarter. I'm  
4 from United Keetoowah Band, gaming commissioner,  
5 out of Tahlequah, Oklahoma.

6           CHERYL WILLIAMS: Cheryl Williams.  
7 Gaming commission auditor, United Keetoowah.

8           TRACIE BURRIS: Tracie Burris. Gaming  
9 commission, United Keetoowah Band.

10          JUAN RICO: Juan Rico. Under Secretary  
11 of Operations, Chickasaw Nation. Department of  
12 Commerce. I apologize for that. We move  
13 titles.

14          MATTHEW MORGAN: Matthew Morgan. Gaming  
15 commissioner, Chickasaw Nation.

16          TONYA GRAYSON: Tonya Grayson.  
17 Executive director of Peoria Gaming Commission.

18          ERIN ECKHART: Erin Eckhart, deputy  
19 director of Quapaw Tribal Gaming Agency.

20          KYLE NORMAN: Kyle Norman, Choctaw  
21 Gaming Commission.

22          PAULA PENZ: Paula Penz. Choctaw Gaming  
23 Commission.

24          SHEILA MORAGO: Sheila Morago.  
25 Executive director of Oklahoma Indian Gaming



1 Association.

2 MARGARET BELL: Margaret Bell. Wichita  
3 Gaming Commission.

4 BETH PARKER: Beth Parker. Wichita  
5 Gaming Commission.

6 TERRI PARTON: Terri Parton. President  
7 for the Wichita and Affiliated Tribes.

8 ARTHUR ATTOCKNIE: Arthur Attocknie.  
9 Pawnee Nation of Oklahoma.

10 STEVEN BIRD: Steve Bird. Gaming  
11 commission, Pawnee

12 GRANTHUM STEVENS: Granthum Stevens.  
13 Pawnee Nation Gaming Commission director.

14 RAY CAMPBELL: Ray Campbell. Law firm  
15 of Hobbs, Straus, Dean & Walker.

16 SARAH WALTERS: Thank you all for  
17 coming. My name is Sarah Walters. I'm a member  
18 of the Cheyenne River Sioux Tribe, and I'm  
19 counselor to the chairwoman.

20 ALISON GRIGONIS: Good morning. I'm  
21 Alison Grigonis. I'm a member of the Pokagon  
22 Band of Potawatomi Indians from Michigan, and  
23 I'm a staff attorney at the NIGC.

24 CHAIRWOMAN TRACIE STEVENS: Thank you  
25 everyone for the introduction. My name is

1 Tracie Stevens. Again, I'm a member of the  
2 Tulalip Tribes of Washington State, and I'm the  
3 chairwoman. I also want to mention that -- and  
4 you all probably are familiar with Tom  
5 Cunningham who works out of our Oklahoma City  
6 office. He's a regional director who is here  
7 today. Tim Harper who is over here with the  
8 transcriptionist, regional director of Tulsa,  
9 and then Christie Jamison who was out front with  
10 registration. So that's the staff we have with  
11 us today.

12 As we get set up here, you should all have  
13 -- if you don't, let us know. We have packets  
14 so you can follow along, also if you need to  
15 take notes. There we go. So I'll go ahead and  
16 start and then I'm going to pass the microphone  
17 over to Alison who will go through each of the  
18 sections, and as we move along, please feel free  
19 if anyone has any questions to let us know.

20 We'll also open up comments for now if  
21 anyone has a scheduling issue, and if you have  
22 come to read something into the record, please  
23 let us know so that we can accommodate your  
24 schedule if you need to go early. Otherwise,  
25 we'll go along by topic, and today's

1 consultation is just on the proposed -- the  
2 proposed rules that are out and also on the  
3 consultation draft policy.

4 So if there are other topics that you would  
5 like to discuss, please pull us aside after the  
6 consultation. This is intended for the  
7 rule-making process and the subject we have at  
8 hand. If you have individual tribal issues,  
9 we're always happy to help you with those. It's  
10 just -- it may not necessarily be the place here  
11 to discuss that. We certainly want -- we don't  
12 want your specific tribal issues having to be a  
13 part of the record, but we can chat with you if  
14 you have other issues beyond today's subjects  
15 after the consultation.

16 So what we're going to do is we're going to  
17 have Alison act like Vanna White. Oh. We might  
18 have it. Okay. So now that we have our  
19 technology mastered, so welcome. This is a  
20 tribal consultation. Tribal consultations are  
21 meetings between tribal governments and the  
22 federal government. Only tribes or their  
23 designees can attend and participate in these  
24 meetings. These meetings are not open to the  
25 public or a press, and this is along the lines

1 of the Executive Order 13175 that was supported  
2 again through President Barack Obama, and  
3 President Bush and President Clinton prior to  
4 President Obama.

5 The section on policy making with tribes  
6 talks about whether or not standards need to be  
7 developed, that we should be having discussions  
8 with tribes prior to making those changes. So  
9 our commitment is that every comment will be  
10 reviewed and considered. The commission is  
11 committed to a clear and transparent process,  
12 and as I said, we will be -- we are being  
13 recorded, and this will be transcribed. All  
14 comments will be posted on the website, and this  
15 transcript will also be posted on the website as  
16 has been the practice of the commission for the  
17 past two years. So with that, I'll hand it over  
18 to Alison, and she'll go over the rest of the  
19 agenda, and I might grab another mic.

20 ALISON GRIGONIS: Good morning again.  
21 So we're going to go through 543 first. I'm  
22 sure you remember that back in September we had  
23 kind of revamped 543, and we had introduced  
24 controls for kiosks, and so we're just kind of  
25 going back through and realizing there's some

1 gaps that we left, and we're going to try to  
2 fill those gaps in and mirror the standards that  
3 we introduced for both the, you know, drop and  
4 count, surveillance, and make sure they mirror  
5 card games and player interfaces.

6 So this comment was -- or this proposal  
7 we're making was introduced on February 20th.  
8 The comment period closes on April 22, 2013. So  
9 the first proposed rule that we have is a  
10 definition for currency cassette. It's a locked  
11 compartment that contains a specified  
12 denomination of currency. Currency cassettes  
13 are inserted into kiosks, allowing them to  
14 dispense currency.

15 We include this definition because we  
16 referred to currency cassettes in 543 in the  
17 drop and count section. So it's pretty basic.  
18 We just want to make sure that we're covering  
19 everything and filling that gap in.

20 So the next proposed rule we have is for  
21 drop and count. These additional standards,  
22 again, they mirror those that we already have  
23 for our card games and player interfaces, and we  
24 have a few kiosk-specific provisions. First,  
25 the control and procedures to be established

1 must also include the fill process. Three  
2 agents have to be involved in the kiosk drop.  
3 Redeemed vouchers and pulltabs, if your kiosk,  
4 you know, takes pulltabs, will be collected from  
5 the kiosk drop and have to be secured and  
6 delivered to the appropriate department for  
7 reconciliation.

8 So the next rule that we proposed for drop  
9 and count is that you have to run a report prior  
10 to the kiosk processing any transactions every  
11 time the currency cassettes or the financial  
12 instrument storage components are accessed, and  
13 if you guys have any comments or questions, feel  
14 free to jump in here. I feel like everyone is  
15 going along with me here.

16 So every time the kiosk runs a report, the  
17 kiosk has to include a number of factors: The  
18 date and time, the unique asset ID of the kiosk,  
19 the unique ID of each financial instrument  
20 storage component in the kiosk, the total amount  
21 of currency dispensed, the total number of bills  
22 dispensed by denomination, the total dollar  
23 amount of vouchers accepted, and the total  
24 number of vouchers accepted.

25 The next rule that we have is regarding

1 cameras. Anybody remember this rule from 543?  
2 Cameras with sufficient clarity are required for  
3 kiosks. So the actual rule says "The  
4 surveillance system must monitor and record a  
5 general overview of activities occurring at each  
6 kiosk with sufficient clarity to identify the  
7 activity and the individuals performing it,  
8 including maintenance, drops or fills, and  
9 redemption of wagering vouchers or credits." So  
10 that's 543. We're going to move on to 547  
11 unless anybody has any comments or questions.  
12 Yes, sir?

13 WILLIS DEATHERAGE: On that kiosk  
14 situation --

15 ALISON GRIGONIS: Sorry. Can you  
16 identify yourself?

17 WILLIS DEATHERAGE: Yes, ma'am.

18 ALISON GRIGONIS: And towards the mic.

19 WILLIS DEATHERAGE: My name is Willis  
20 Deatherage. Seminole Nation of Oklahoma. On a  
21 daily basis, how many times will a kiosk be  
22 activated or this --

23 ALISON GRIGONIS: You're talking about  
24 the report?

25 WILLIS DEATHERAGE: One more time.

1 ALISON GRIGONIS: Are you talking about  
2 the report, each time you run a report?

3 WILLIS DEATHERAGE: Yes.

4 ALISON GRIGONIS: Any time it's  
5 accessed. So that would probably be in your  
6 TICS how many times you go through it.

7 WILLIS DEATHERAGE: And, again, on an  
8 average, how many times a day do you think that  
9 would be?

10 ALISON GRIGONIS: You know, I'm not --  
11 you know, this is all unique to the gaming  
12 operation.

13 WILLIS DEATHERAGE: Right.

14 ALISON GRIGONIS: So, you know, how many  
15 times you guys decide to access the kiosk on a  
16 daily basis. I don't know --

17 WILLIS DEATHERAGE: But a report has to  
18 be run each and every time?

19 ALISON GRIGONIS: Uh-huh.

20 GRANTHUM STEVENS: Granthum Stevens.  
21 Pawnee Nation gaming director. My main question  
22 is as far as the report being ran, why the  
23 threshold of three? Because we currently don't  
24 have any kiosks set up in our operations. We're  
25 proposing operations that have a kiosk, and at



1 this time because of a new location and the  
2 money going in there, we're not going to have  
3 three agents on this facility. We're looking at  
4 having a small establishment of starting off  
5 with 40 games. So we're going to be lucky if we  
6 have two because this kiosk is actually taking  
7 the place of a cashier.

8 So the way that I approached it and looking  
9 at it when 543 came out was actually utilizing  
10 this like a cashier in a money regging situation  
11 where we would run an end-of-the-shift report  
12 every time it came out. So I can understand  
13 that, but putting three on us is not going to  
14 work.

15 I believe it should go to a tiered level  
16 just as drop and count does because there's no  
17 way that I'm going to have somebody drive 40  
18 miles to go down there just for maybe a 10 or 20  
19 minute event. Operations, that's going to be a  
20 strain on them, and as far as the gaming  
21 commission, it's going to hurt us as well.

22 ALISON GRIGONIS: Well --

23 GRANTHUM STEVENS: And --

24 ALISON GRIGONIS: I'm sorry. I didn't  
25 mean to interrupt you.

1           GRANTHUM STEVENS: And the purpose of  
2 the reporting aspect of it, I mean, I understand  
3 it, but, like I said, I believe all of these can  
4 be achieved by the tribal gaming regulatories.  
5 I think we should set that threshold on this  
6 matter. I think this is one of the areas  
7 because all our operations aren't going to be  
8 the same. I come here to Cherokee Nation, and I  
9 see, like, Jamie and them, they have monitored  
10 their kiosk. I mean, they have establishments  
11 in there. So we rely heavily on other  
12 jurisdictions that already have it in place.

13           So my big example of this is that being a  
14 smaller operation, some of the criterias that  
15 are being set are really going to hamper us.  
16 Sufficient clarity in the situation is what  
17 exactly do you consider sufficient clarity? And  
18 general overview is, like I said, I'm  
19 approaching it the same as I do as my cashier  
20 stands. As long as I have an identifying  
21 picture of the person who is coming to the kiosk  
22 and I can, like you said, see, then I'm good.

23           However, that always is open for  
24 interpretation by the auditors that come out who  
25 say this is not a sufficient clarity situation,

1 but in the games, in our eyes for gaming  
2 regulatory for the tribe, it is.

3 ALISON GRIGONIS: So as to your first  
4 point, the three -- the requirement for three  
5 agents, you know, this is just a proposed rule,  
6 so it's open to components like yours. I think  
7 we will take that to heart and consider it when  
8 we are, you know, putting together the final  
9 rule. I think some of the thoughts behind the  
10 drafting of three was that a kiosk is very  
11 sensitive. It's more sensitive than a player  
12 who seems to have a lot of currency. It is  
13 acting like your cage, and so that's why the  
14 three was there, but obviously for smaller  
15 operations -- oh. And I'll also note that for  
16 543, there is a limit. It doesn't apply to  
17 gaming operations under \$3 million.

18 SARAH WALTERS: The other thing about  
19 the standards is that there is a provision in  
20 543 under which you can apply to use an  
21 alternate standard in which if your operation  
22 can show that it is using a different method to  
23 achieve the same purpose, which is to protect  
24 your kiosks, that you could use that in lieu of  
25 the minimum internal controls that are in 543.

1 So that's an option also if you find that it  
2 doesn't work for your operation.

3 CHAIRWOMAN TRACIE STEVENS: And we do  
4 appreciate your comments. It's good to hear, as  
5 you mentioned, varying size operations have  
6 different capabilities, and we're trying to  
7 accommodate all of those differences, and so we  
8 certainly will take your comment and consider  
9 how we might be able to address the particular  
10 concern for Pawnee. Good point. Thank you.

11 ALISON GRIGONIS: I think we had talked  
12 about that back in the rules that were  
13 promulgated in September, and sufficient clarity  
14 is going to be the same definition that we used  
15 back then, and I think it was 20 frames per  
16 second is the -- were equivalent. Anyone else?  
17 All right. Move on to 547.

18 So 547 is really straightforward. We had  
19 just kind of noticed that it was a little  
20 inconsistent with the rules that we just  
21 published back in September. There was a tribal  
22 gaming threshold set at \$1 million incorrectly,  
23 and we went back and looked over that, and it  
24 should be set at \$3 million. So that's the  
25 proposed rule for 547. And, again, comments are

1 due on that one April 8th. So coming up here  
2 pretty quickly. So that's going to conclude the  
3 543 and 547 portion. If anyone has any  
4 lingering questions or comments, I can address  
5 them now or we'll move on to the consultation  
6 policy.

7 Okay. So the consultation policy -- the  
8 consultation policy is -- it's a reworking of  
9 the one that we introduced back in 2011, and  
10 it's meant to streamline both what we introduced  
11 in 2011 and also make it compatible with DOI's  
12 policy that they promulgated back in 2011,  
13 December 2011.

14 We recognize you guys have a lot of  
15 standards from various federal agencies kind of  
16 always floating around. We wanted to make  
17 ourselves consistent with what the DOI put out,  
18 you know, but we made a couple of changes that  
19 kind of recognize the NIGC's unique role as  
20 regards to tribe, and we kind of -- the DOI  
21 policy was meant to be a little bit more general  
22 to all DOI agencies. We wanted to tailor it  
23 down to what the NIGC really does, make sure  
24 that we're representing how our agency actually  
25 works. So you'll see that throughout the

1 policy.

2 So I'm just going to go over this section by  
3 section. We're going to start with the  
4 "Preamble" section. You know, it just  
5 introduces some of the concepts and the purpose  
6 of consultation, and why we think it's  
7 important, and the first is where does  
8 consultation come from? Where do we have that  
9 responsibility as a federal agency to consult on  
10 a government-to-government basis with tribes?

11 Well, that comes from, you know, the  
12 U.S. constitution, federal treaties, statutes,  
13 executive orders and policies, and, again, as  
14 Tracie had mentioned earlier this morning, it  
15 references that Executive Order 13175, and, of  
16 course, it recognizes the tribal right to  
17 self-governance and sovereignty. So we want to  
18 just make sure that's a basis for what we're  
19 considering when we put together this policy.

20 So in the next section we have our "Guiding  
21 Principles," kind of what we want to achieve  
22 through consultation, and also how we envision  
23 the process going. So we have our objectives  
24 for the process, and then our overall kind of  
25 objectives for the outcome of consultation.

1           So as far as the process goes, we hope that  
2 the process is able to demonstrate meaningful  
3 commitment and ensures continuity from our point  
4 of view. Emphasizes our trust, respect and  
5 shared responsibility between tribes and the  
6 agency is open and transparent in terms of  
7 communication and conducted in good faith.

8           In terms of what we hope to achieve as a  
9 result of consultation, we're hoping that it's  
10 going to lead to effective and efficient  
11 commission operations and governance practices,  
12 and we hope that it ensures that federal action  
13 is achievable, it's comprehensive, it's  
14 long-lasting and it reflects your tribal input.

15           So moving on to the next section, the  
16 "Definitions" section, generally the definitions  
17 in those are pretty standard, but I just wanted  
18 to highlight, you know, what triggers  
19 consultation, and you can find that in this  
20 "Definitions" section. It's considered a  
21 "Commission action with tribal implications" and  
22 that's really any commission regulation,  
23 rulemaking policy, guidance, legislative  
24 proposal, or operational activity that's going  
25 to have a substantial direct effect on an Indian

1 tribe on matters including, but not limited to  
2 the ability of an Indian tribe to regulate its  
3 Indian gaming, an Indian tribe's formal  
4 relationship with the commission, or the  
5 consideration of the commission's trust  
6 responsibilities with regards to Indian tribes.  
7 This is similar to the draft 2011 policy that we  
8 have that we had already consulted on.

9       However, when we're talking about commission  
10 action with tribal implications, this isn't  
11 going to include enforcement actions, when we're  
12 involved in active litigation or have settlement  
13 negotiations going on when there's some really  
14 sensitive, really private things or a court has  
15 ordered us that we can't talk about certain  
16 aspects. So it's important to note that  
17 limitation.

18       In terms of the "Accounting and Reporting"  
19 section, this, again, will kind of codify what  
20 we talked about while Tracie was giving her  
21 introduction, what we've been doing all long  
22 with consultation. And you guys are probably  
23 really familiar with our process now and how we,  
24 you know, have a transcriber taking down every  
25 word that we're saying. We post that up to the



1 website. Everybody that submits comments, that  
2 goes onto the website, and when we finally do a  
3 final rule, we put that up on the website as  
4 well, and so we try to create a lot of  
5 transparency throughout our process.

6 We think it's been working well over the  
7 last couple of years. We just hope to put that  
8 down in writing and codify what we've already  
9 been doing and seen it working well.

10 So moving on into the "Training" section.  
11 This is really training for NIGC employees.  
12 This is a responsibility we're taking on  
13 ourselves. So the commission has plans to  
14 develop its own training for NIGC employees, and  
15 the training is going to hopefully promote  
16 consultation, communication, collaboration and  
17 other interactions with tribes. It's going to  
18 outline and reinforce the commission's duties  
19 concerning tribal gaming, and it's going to  
20 describe the legal trust obligation of the  
21 federal-tribal relationship, and highlight and  
22 provide the knowledge, skills and tools  
23 necessary for a collaborative engagement between  
24 tribal representatives and commission staff  
25 engaged in the consultative process with the

1 attention to the unique distinctions within  
2 Indian Country.

3 You know, I think the commission does a  
4 really great job of hiring people that have  
5 knowledge of tribes already, but sometimes we  
6 pool people have great skills in other areas,  
7 but not necessarily knowledge of tribes always,  
8 and so we want to make sure that we're, you  
9 know, helping them to develop a knowledge of  
10 tribal people and, you know, Indian gaming and  
11 the federal responsibilities in regards to  
12 Indian gaming. So that's what's going to help  
13 this portion is speaking to that.

14 And the next section is "Innovative and  
15 Effective Consultation Practices," and it really  
16 talks about how does the commission envision  
17 capturing tribal input. Like what are the  
18 different ways we're going to reach out to you?  
19 So we plan to host regular meetings between the  
20 commission and Indian tribes. I mean, you've  
21 probably seen over the last couple of years,  
22 you've been really good about asking for your  
23 input and getting it together in various  
24 settings.

25 So we hope to communicate through regular

1 gatherings of Indian tribes and discuss  
2 improving consultation practices and procedures,  
3 and we hope to solicit recommendations from  
4 Indian tribes for the initial development of  
5 performance measures, and thereafter for the  
6 evaluation of consultation practices themselves.

7 And in the "Consultation Guidelines"  
8 section, I just wanted to touch on what does the  
9 actual process look like? What are the various  
10 stages of consultation as we see them? You  
11 know, when we're considering commission action  
12 with tribal implications, how does it all  
13 unfold?

14 Well, there's the initial planning stage,  
15 and that's where we give notice to you guys that  
16 we want to meet on a certain topic, and we hope  
17 to give you enough notice to plan your  
18 schedules, and then when we move into the  
19 proposal development stage, we're going to give  
20 consideration to some of those national  
21 conferences that are already taking place, NCAI,  
22 NIGA. I think we try to time a lot of our  
23 consultations in with those national meetings  
24 to, you know, just be sensitive to tribal  
25 resources, limited tribal resources to travel.

1 We want to make sure we're there where you guys  
2 are already, where you guys have overlapping  
3 responsibilities.

4 So that just kind of talks about, you know,  
5 the relative processes for capturing tribal  
6 input. We have negotiated rulemaking, series of  
7 open tribal meetings, tribal advisory  
8 committees, single meetings. So it talks about  
9 some of the ways, even when we were doing 543,  
10 how we'll capture tribal input.

11 And then the final stage is the  
12 implementation process. Once we've decided on a  
13 specific course, you know, how are we going to  
14 implement that working with our regional  
15 directors and stuff, and that is where the  
16 commission is going to consider, you know, if  
17 you guys need training. If you need training on  
18 our regulations, how to help interpret them, you  
19 know you can always reach out to us and we're  
20 going to consider that.

21 And finally, you know, this is just speaking  
22 to limitations that I mentioned earlier under  
23 the definition of, you know, commission action  
24 with tribal implications. There's just a couple  
25 of limitations, and I just really -- because the

1 NIGC has a role as a regulator first and  
2 foremost, and so we need you to kind of  
3 recognize that it isn't always going to include,  
4 you know, enforcement actions, matters under  
5 litigation, administrative appeals in front of  
6 the commission. So I just want to highlight  
7 that.

8 So that's really all that I have on the  
9 consultation policy. If you guys have any  
10 questions or comments, I'm happy to hear what  
11 you have to say. Yes, sir?

12 STEVEN BIRD: Steven Bird, Pawnee. We  
13 have an organization of TGRA Oklahoma we started  
14 so we can network amongst the tribes. It sure  
15 would be nice if maybe once every half year or  
16 something if NIGC would come. I don't want you  
17 to think that if you came, you'd just be a chew  
18 toy, but, you know, maybe you'd hear things that  
19 we need to talk about or whatever or about  
20 getting information to us, but I know I can't  
21 speak for the whole group, but it would sure be  
22 nice if you could come.

23 CHAIRWOMAN TRACIE STEVENS: That's a  
24 great suggestion, and, you know, I was just  
25 talking to Jamie before the meeting started

1 about how NIGC is coordinating with NTGCR - and  
2 it's taken me three years to manage that  
3 acronym. I finally got it right - which is  
4 taking place next week in Palm Springs, and we  
5 do want to partner with the tribal organizations  
6 that exist already, again, as a way to maximize  
7 your resources and bring NIGC to the tribes. So  
8 we certainly will consider that, and we know  
9 Sheila. So we certainly can reach out to Sheila  
10 as we would with any of the organizations for an  
11 opportunity just -- not just to collaborate and  
12 provide training, but to make ourselves  
13 available to answer any questions you might  
14 have.

15 ROBIN LASH: Robin Lash, Miami Tribe.  
16 And I know, Steven, our agenda has not come out  
17 yet for the spring conference on TGRA, but we  
18 have invited the NIGC to come, and they have  
19 accepted and they're sending Rest West, and I  
20 know that Nimish was going to come, and he's no  
21 longer -- he won't be with you, and I don't know  
22 who else might come, but our request was  
23 specifically for NIGC to come and discuss the  
24 new regulations, 543 and 547, and try to get the  
25 tribes some details on the specific changes that

1 we need to address, so we appreciate that.

2 CHAIRWOMAN TRACIE STEVENS: Oh, yeah.

3 STEVEN BIRD: Well, ignore my previous  
4 comment.

5 CHAIRWOMAN TRACIE STEVENS: No, no.  
6 That's all right.

7 STEVEN BIRD: Sorry, Robin.

8 CHAIRWOMAN TRACIE STEVENS: That  
9 encourages us to reach out to the other  
10 organizations as well, so I'm happy to hear that  
11 we are planning a visit with OTGCR -- or OTG --  
12 now I'm getting them mixed up. Oklahoma Indian  
13 gaming regulators here in Oklahoma. So we will  
14 have someone else coming out instead of Nimish.  
15 Nimish did move on to another career and  
16 advancement opportunity, which I wish him well.  
17 He served us very well and did a lot of training  
18 for the tribes, but we do have other staff  
19 members that we can send, and if you want anyone  
20 else to come out, if you want a commissioner to  
21 come out, please just let us know. If there are  
22 other issues, we're always happy to come out.  
23 Yes, sir?

24 WILLIS DEATHERAGE: Again, my name is  
25 Willis Deatherage. Seminole Nation of Oklahoma.

1 I just wanted to make certain that the Pawnee  
2 Nation didn't feel like they were the only ones  
3 that had a concern about the number of agents  
4 that are required on the kiosk drop. Seminole  
5 Nation has that very same concern, you know. It  
6 needs to be maybe tier based as opposed to just  
7 having a standard three-agent type situation.

8 CHAIRWOMAN TRACIE STEVENS: Okay.  
9 That's good to know. Thank you for supporting  
10 that comment. So as you said it's demonstrated  
11 to us that there's more than one tribe with that  
12 concern.

13 WILLIS DEATHERAGE: Right.

14 SARAH WALTERS: If you keep thinking  
15 about this after you go home and you want to put  
16 in comments, you can always do that up until our  
17 closing date for comments on the proposed rule,  
18 which is April 22nd, to our reg review e-mail  
19 address. It's right up there. You can send  
20 them by mail, also fax. They come right to my  
21 e-mail address, so I read every single one of  
22 them, and our attorneys read every single one of  
23 them, and we're sure to read every single  
24 comment that we receive. Matt, did you have a  
25 comment?



1           MATTHEW MORGAN: Yes. Matthew Morgan.  
2 I'm the gaming commissioner of the Chickasaw  
3 Nation. On your first slide on page 3 of your  
4 handout, you make a statement that says "Upon  
5 review, additional standards are needed for  
6 kiosks." How did you arrive at that? Was there  
7 an incident or what precipitated this change is  
8 needed?

9           ALISON GRIGONIS: I think we just looked  
10 at -- you know, we had some standards set for  
11 card games and for player interfaces, and we  
12 realized we just didn't carry them forward to  
13 kiosks.

14           MATTHEW MORGAN: So there hasn't been  
15 any problems we've seen? No investigations?  
16 Nothing prompted it? Just spitballing around a  
17 conference table?

18           SARAH WALTERS: We wanted to be  
19 consistent. Part of our job as regulators is to  
20 identify areas of risk, and kiosks carry a lot  
21 of cash and are an area of risk on a gaming  
22 floor. So our auditors were concerned about it,  
23 and we wanted to be consistent throughout our  
24 regulation with surveillance of areas of risk  
25 that include large amounts of cash. So to be

1 consistent with our cage, vault, we included  
2 kiosks in that same sort of category for  
3 surveillance.

4 CHAIRWOMAN TRACIE STEVENS: Did you  
5 have, Matt, any particular concerns or comments  
6 or suggestions about that particular section you  
7 mentioned? Just a question you had?

8 MATTHEW MORGAN: Well, I was wondering,  
9 you know, as a regulator myself, you know, any  
10 time a subject matter comes up, you know, you do  
11 like you do here and take it to consultation.  
12 Usually an event happens that precipitates you  
13 arriving at some new rule to be placed on  
14 somebody, and I was trying to figure out what  
15 that event was that happened to kind of cause a  
16 new rule to be under consideration. Generally  
17 older rules, just my usual statement, they seem  
18 really restrictive, you know. Probably could be  
19 a whole lot broader and allow the TGRAs to  
20 implement some of the very specific rules.

21 SARAH WALTERS: So you are echoing  
22 Mr. Stevens' comment that do more providing for  
23 TGRA TICS as opposed to including the rules in  
24 the mix?

25 MATTHEW MORGAN: Yes, ma'am.

1           JAMIE HUMMINGBIRD: I would kind of echo  
2 what Matt and Granthum just said as simply when  
3 we were looking at the provisions for the kiosk,  
4 we were wondering why we had to have three  
5 people there where we have two on other types of  
6 similar activities, and with it not being based  
7 on a tiered structure, are we putting a little  
8 bit more resources into that activity than are  
9 absolutely necessary? I think if we were able  
10 to look at that particular sequence of events  
11 for our individual circumstances, it would be  
12 much better for us to be able to apply a  
13 standard that's more appropriate for a facility  
14 like this versus a smaller facility where the  
15 resources aren't going to be as great or as  
16 available.

17           NANCY MCALISTER-GREEN: Good morning. I  
18 would echo Mr. Morgan's sentiments about --

19           SARAH WALTERS: Could you identify  
20 yourself for the transcriptionist?

21           NANCY MCALISTER-GREEN: Nancy Green.  
22 Green Law Firm. I would be curious to know if  
23 in formulating these rules that you identified  
24 specific rules. We know that kiosks obviously  
25 carry a lot of cash, but, you know, it might be

1 helpful to have a more specific goal in mind  
2 that you are protecting against with the  
3 regulation, and I'm also interested to know if  
4 there are any specific events where you know  
5 that there's some method that somebody has used  
6 to maybe enter a kiosk when it's unattended. Is  
7 there something out there going on that we are  
8 not aware of?

9 SARAH WALTERS: Those are really good  
10 questions. I can't identify any specific  
11 issues. Our auditors have said that they know  
12 of incidents where the wrong cassette was put  
13 into the kiosk and the denomination of currency  
14 instead of spitting out 20's was spitting out  
15 100 dollar bills, and without controls, it's  
16 hard to know where that money was lost or to  
17 prevent that from happening. So there aren't  
18 any specific incidents that I can point to, but  
19 we've heard stories like that, and we're trying  
20 -- just trying to prevent harm in areas of risk.  
21 Jamie, did you have something?

22 JAMIE HUMMINGBIRD: Yeah. Jamie  
23 Hummingbird with Cherokee Nation. Whenever we  
24 started introducing these boxes, if you will,  
25 into our gaming facilities, much like we

1 introduced ATMs, we put controls into place  
2 ourself that prescribed a number of people that  
3 were needed to fill the canisters, how it was  
4 supposed to be certified and by whom, how fills  
5 and drops were supposed to be done in case there  
6 was a problem with the machine. So all these  
7 various aspects around the protection of those  
8 funds, we took it upon ourselves as we  
9 identified that need and we tailored it.

10 So if there was a new process or something  
11 new that came into our facilities, and there  
12 wasn't an NIGC standard or there wasn't  
13 something in our compact that spoke to it, we  
14 came up with what we felt and we determined to  
15 be the best solution to that issue. So I'm not  
16 sure if we're putting the cart before the horse  
17 a little bit on this. Since that, you know, now  
18 we already have regulations that we've  
19 identified and adopted through our respective  
20 commissions, we might have to go back now and  
21 revise all those regulations based on what new  
22 proposed rules are out there.

23 SARAH WALTERS: That's a good question  
24 -- I mean, that's a good point. Excuse me.  
25 And we'd be interested to know what commissions

1 have already done if they are similar or the  
2 same as the -- as this rule -- this proposed  
3 rule or if they're different and what works. We  
4 also would like to know and acknowledge when  
5 these are not truly minimums as it seems like  
6 you're suggesting because these are meant to be  
7 minimum internal control standards above and  
8 beyond which your Tribal Gaming Regulatory  
9 Authorities may choose to implement TICS at a  
10 higher standard or an equivalent standard. So  
11 we are interested to hear comments like that,  
12 and to know like what Granthum, Matt and Jamie,  
13 and Mr. Willis of the Seminole Nation have all  
14 stated, when they don't feel like something is  
15 minimum, that's something that we will  
16 definitely take into consideration and consider.  
17 Yes?

18 TRACIE BURRIS: Tracie Burris, UKB. The  
19 question I have is that I know the majority of  
20 those kiosks are operating inhouse now, but what  
21 about those that are contracted out that we have  
22 no control over that services come in, still  
23 fill those machines out? Other than your  
24 scheduled -- usually you provide some evidence  
25 to them. So how does that affect those that are

1 contracted?

2 SARAH WALTERS: That's a very good  
3 question. I don't have a good answer for it  
4 right now, but we definitely will think about it  
5 and get an answer to you.

6 CHAIRWOMAN TRACIE STEVENS: Do we have  
7 any other comments? These have all been really  
8 helpful comments, and this will certainly help  
9 inform, you know, the next steps in our  
10 rulemaking process, and I'm glad that we're also  
11 talking about our consultation policy, our draft  
12 consultation policy as well. This is a great  
13 demonstration of, as Matt had said, you know,  
14 people sitting around a table writing something  
15 out at a desk in D.C. or somewhere else and then  
16 hearing how this will affect tribes in a  
17 practical day-to-day fashion. So, you know,  
18 we've heard all of your comments with regard to  
19 the two notices of proposed rule. I do want to  
20 say that with regard to the consultation policy,  
21 please do review it and send in comments for  
22 that as well.

23 We were participating in the previously --  
24 the Department of Interior actually, when I  
25 worked over there several years ago, had

1 initiated their advisory committee to develop  
2 the department's consultation policy in 2009 and  
3 2010, and we joined in that process, and their  
4 -- in their tribal advisory committee, they had  
5 changed the direction that they were going with  
6 regard to the department's policy and made major  
7 changes to it, and that's why we put this on the  
8 back burner until we could see where they were  
9 going with it.

10 Now, the NIGC is an independent regulatory  
11 authority under the department. We are not part  
12 of their manual. We are not subject to their  
13 secretarial orders. So when they issued their  
14 consultation policy, that does not necessarily  
15 apply to us. They push that policy down to all  
16 other bureaus, but because of our unique  
17 situation, you know, we don't -- we did not  
18 adopt it whole cloth. Because, you know, we  
19 have particular regulatory oversight and  
20 enforcement responsibilities, it just wasn't  
21 going to fit, and then there's some reporting  
22 requirements through to the secretary that are  
23 not applicable to us, but it did -- their policy  
24 did streamline quite a bit, and made it much  
25 simpler, easier to read, easier to follow, and



1 that's what we eventually did with our policy,  
2 but tailored it to what we specifically have  
3 been doing in action for these past two years,  
4 two and a half years.

5 So it is a little bit different than the DOI  
6 policy, but we think it works for what we do and  
7 how we have certain responsibilities to tribes.  
8 As you all know, there are, you know, three  
9 layers of regulation going on here so we have to  
10 collaborate.

11 So if there are no more comments on either  
12 of the parts or on the consultation policy, I do  
13 want to let everybody go early if everybody has  
14 other things they need to do today. Please do  
15 write in, e-mail. If you have any questions at  
16 all, Sarah can field your calls, your e-mails.  
17 Anything that you might need, we are available.  
18 I want to thank you for taking time with us  
19 today. We will have another consultation on  
20 this same material for anyone who is going to be  
21 at the National Indian Gaming Association  
22 Conference and Trade Show in Phoenix. That will  
23 take place on Wednesday, March 27th. That's in  
24 the next two weeks, two weeks from now, right  
25 after the conference. So, again, thank you all

1 and hands up to you for participating in this  
2 very important process that affects your tribes.  
3 Thank you and safe travels and then, Jamie, I'll  
4 let you close.

5 JAMIE HUMMINGBIRD: I also want to thank  
6 everybody for coming here today for  
7 participating. I encourage you to, if you have  
8 comments that you did not voice today, if you  
9 think of something after you leave, I would like  
10 to say please put them down because the more  
11 comments they hear, the better regulation I  
12 think we can expect out of the office. So  
13 please take time to submit your comments if you  
14 haven't already.

15 Since it's about ten after 10:00, you may  
16 still be able to catch breakfast or if you want  
17 to stick around for lunch, maybe play some  
18 machines while you're waiting. I do wish  
19 everybody safe travels back home. I hope to see  
20 a number of you, if not all of you, at the  
21 National Tribal Gaming Commissioner's meeting,  
22 which is going to be in Palm Springs as the  
23 chairwoman said. We're starting next Tuesday,  
24 Wednesday and Thursday. So if you have not made  
25 plans to go, there's still time. If you start

1 in your car today, you might get there by Monday  
2 or Tuesday. We wish you guys safe travels. See  
3 you next time. Thank you.

4 (Concluded at 10:08 a.m.)

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CERTIFICATE

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23 CSR No. 1841  
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