MR. FISHER: Okay. Are we ready okay?

So just as a -- before we get started here, we had a brief conversation while we were gathering about the comments to the October meeting summary. And we concluded that -- that there are people that still want to provide comments, but given the timing it is not going to work out to -- to get them all in and for me to turn the draft around for tomorrow.

So what we thought would be best is people to review it, send the comments to us, we'll turn it around between now and the next meeting, and then we'll put it on the agenda -- the October summary on the agenda for the next meeting.

MS. TAHDOAHNI PPAH: The ones that you just emailed this morning or last night, the 40-page, is that going to get posted on -- online or is it just going to be a summary? Because that will determine comments.

MR. FISHER: I don't know any discussion about that. So those are raw notes.

Okay. So we'll talk tomorrow about timing for getting comments and then turning that draft around for your review in preparation for the December meeting.

We'll also talk a little tomorrow about what
you want to see in the summary for this meeting in light of the transcript.

MR. McGHEE: We also had some changes out of the executive closed session.

MR. FISHER: Okay.

MR. WILSON: So we're prepared to recommend that in the definition of agent for the technical standards --

MR. FISHER: Do you want me to do it up on the screen?

MR. WILSON: We don't have it so if you want to bring it up.

What we're prepared to recommend is that the definition be revised to delete the last sentence which is that this definition permits the use of applications to form the function of an agent; that that be stricken from the definition.

And then the other pieces that determine employee be corrected -- be removed from -- I forget what section.

MR. McGHEE: 547.

MR. PUROHIT: Wherever the reference is in 547.

MR. WILSON: There was a specific one that was --
MR. McGHEE: Where it's an employee and an agent in the whole financial part.

MR. WILSON: So it's wherever there is -- where it says employee or agent, that it's just agent.

MR. FISHER: Did I get that right?

MR. WILSON: Yes.

And then that the last sentence where it says this definition permits, that sentence be stricken.

MR. FISHER: That's this part. So it would be -- right?

Is that it?

MR. WILSON: The use of computer applications to perform functions of an agent. That be stricken.

MR. FISHER: Okay.

That's it?

MR. McGHEE: Yeah.

MR. FISHER: Okay.

So you already tested all that so --

MR. McGHEE: We have not tested it.

MR. FISHER: We'll test if for the record.

Okay. So if you agree with this change that's up on the screen as Tom described it in yellow, raise your hand. Okay. Great.

Okay. So we're still working on the technical standards just to check to see if anybody
had anything else that they want to put before the group.

    MS. HAMEL:  Did you get the 547 changes?

    MR. FISHER:  Yes.

Our informal working group -- we had two informal working groups. One of them came back with proposed language. The other one is still working on it. And that is 547.12.

And so who from that working group wants to explain the -- I put the changes in.

    MR. McGHEE:  I gave him the changes.

    MR. FISHER:  Right.

    MR. McGHEE:  And what we did was number two was identified as procedural in nature so we took it out.

    And then the blanket language that will eventually come forth would cover that problem for anyone else, the actual -- what it was saying.

    Then in number four, what we did, we deleted number four, but we added to number five that it shall not affect game play or the integrity of the counting data. So four, more or less, was combined to be five and the procedural language was taken out.

    And then number six, we added to Class II gaming system must be capable of providing, and then
left I through 6 in place. So we're really just
rewording it to be more technical than procedural.

    MR. FISHER: I'll get the whole thing up on
the screen.

    MR. McGHEE: We didn't want to have to be
able to have to produce a log or anything. Just had
to be that the Class II gaming system could be -- they
could go to it and get it. That it will not be in
some log that was predetermined.

    Anything else anybody else wants to add?

    MR. WILSON: I think we could vote.

    MR. FISHER: Ready to test it?

    If you support the changes to and agree with
the changes in 547.12, some of which is on the
screen --

    MS. HAMEL: Isn't there -- did we already
do B?

    Isn't there more after six?

    MR. FISHER: Yeah, B. We did that yesterday.

    So it's the changes to 547.12(a), downloads,
and so I can try to get it up on the screen if you
want me to.

    Okay. So let's test this and then I have an
ASAP request. All right. So if you support the
changes that are up on the screen as proposed by the
working group, to 547.12(a) raise your hand. Good.

Apparently, we have to take a pause here for
a moment and we need the number of sandwiches for
tomorrow's lunch.

(Off the record.)

MR. McGHEE: The conducting of download shall
not -- my suggestion would be just to leave it back.
Originally, we were going to have two sentences and
then thought why don't you combine them into one. It
is download shall not affect the integrity of the
counting data. And the first one --

MR. WHEATLEY: What about if we say the
integrity of game play? Download shall not affect the
integrity of game play or accounting data. Because
that's really what the heart of it was.

MR. FISHER: Okay. So that's it?
That's what you suggested to do?

MR. WHEATLEY: Does that solve the problem?

MR. CULLOO: Remove integrity twice.

MS. LASH: Could I ask for permission for
assistance with the sentence?
Is it okay with us?

MR. McGHEE: We're going to have to undo it.

MR. CULLOO: If it's an error, I don't care.

MS. LASH: Would you speak to that Mr. Green,
please.

MR. GREEN: The reason four is worded like it is is you don't want to stop the game of bingo until you reach your gaming pattern. The purpose of a download is to change game play, but you don't change it during the game till you reach the gaming pattern.

The reason four is in there is because your download can affect the way the game is being played until you reach the game ending pattern.

When you put it over here that the download should not affect the integrity of the game play, that will probably work, but you are still missing the point. You are not supposed to affect the game play by the download until you reach the end of the game.

Thank you.

MR. FISHER: Okay.

So what should we do?

MR. WILSON: Is there --

MR. GREEN: What's why four was worded that way.

MR. McGHEE: I think the one suggestion was download conducted during operational periods shall not affect game play. It wasn't a matter of -- so I think the key word is download conducted during operational periods shall not affect game play.
MR. FISHER: Are you saying make that change to what's now number five or leave it in number four?

MR. McGHEE: My suggestion would be to just put it in number four and leave five as it was originally.

MR. FISHER: So we would take this out of here and --

MR. McGHEE: Can you just project that -- the change in number four?

MR. GREEN: If you put it back to the way it was -- it is procedural. You don't stop a game mid game. It can't affect it until the operational period of that game is over.

MS. HAMEL: Cannot be designed to.

MR. GREEN: If you understand my point, you can word it any way you want.

MR. FISHER: The recommendation -- all right.

MS. HAMEL: It's the process of completing the download.

MR. PUROHIT: Do you want to use the words interrupt game play?

Download shall not be designed to interrupt game play or anything along those lines?

MR. WHEATLEY: That's what it means to me when I read it.
MR. WILSON: Why would you do a download during game play?

MR. WHEATLEY: Say you are downloading a new theme but the rest of your system is still up and operational. You want to still be able to download that theme while your other customers are enjoying the games that are still alive and ready for play.

MR. GREEN: And Rocket and other vendors will play a game as long as three months. Rocket especially, because their prize-ending pattern is really hard to reach. That way they don't have to do the ball drop.

MR. FISHER: Does that get at it?

Okay. So let's just -- we'll just do kind of a add-on check to just see whether this change is acceptable to everybody and becomes a recommendation.

So you're -- if you're in agreement with this change to 547.12(a)(4) and (5), because it changed both provisions, raise your hand. Okay. Good.

All right. So that was -- anybody have anything else in 547?

MR. McGHEE: The definitions.

MR. FISHER: Okay. Okay. So how do you want to do this?

MR. McGHEE: A lot of the changes I was
looking at are just a matter of capitalization. So as we go down we have already fixed agents, which was the first real change.

The second one that has an actual addition to it is called cashless transaction. If you could go to that one. Adds the promotional account to that.

MR. FISHER: This right here, right? Yeah.

MS. HAMEL: If we're removing cashless from the technical standard, it may not be -- it may not need to be a definition because we determined that the definition will include those types of transactions that were part of the system.

MR. McGHEE: Cashless transaction is mentioned in circuit boards.

MS. HAMEL: I think the suggestion was to remove it from all the documents.

MR. WHEATLEY: I think we removed cashless system, not necessarily transaction.

MR. McGHEE: Cashless transaction is also under credit.

MR. WHEATLEY: It was under the testing requirements this morning.

MR. FISHER: Do you want me to go back and show you what you did?

MR. McGHEE: Can you do a search for cashless
transactions? Cashless will do it. If you just search that and see how many there are.

MR. FISHER: Twenty. So system includes the term transactions. This is the non cashable credit. That is in Section -- that's 547.9.

MR. MCGHEE: So it's in a few different other places.

MR. FISHER: Right. Cashless transactions is.

MS. HAMEL: Can you search cashless systems?

MR. FISHER: That is in 547.11. 547.11 is the minimum technical standards for money and that is in -- okay. I'm going back up to the definitions.

MR. MCGHEE: If there is no comment on cashless transaction, the addition of promotional account, we'll move to the next change. All right.

So do you want --

MR. FISHER: Daniel, do you want to test these one by one or do it as a package on the definitions?

How do you want to do it?

MR. MCGHEE: I don't know because it's -- I would hate to -- I guess do them one by one because she may have something wrong with one definition and you may have another on another definition and it's
slowing up the whole process. So one by one.

MR. FISHER: Okay.

So if you agree with this change to the definition of cashless transaction, raise your hand.

Okay. We're not quite there.

MS. TAHDOAHNIPPAH: What's the change?

MR. FISHER: So to change the phrase at the end.

MR. McGHEE: You are trying to say if you are okay with what TGWG added.

MR. FISHER: Okay. So for those of you that --

MR. CULLOO: What's the purpose of putting examples down? Like the examples promotional account. Why even put anything after the comma? Why is that even necessary?

MR. FISHER: Oh, you mean why don't we put the period after another?

MR. CULLOO: Yeah. I am curious why we put the examples. Doesn't that limit us -- I am just wondering.

Maybe someone has something on why.

MR. McGHEE: Well, the part that said to or from a patron deposit account was already in what they proposed. And then when we were looking at it we
said, well, it also relates to a promotional account
so we added --

    MR. CULLOO: Who proposed the first part?

    It's like giving an example. Let the
statement stand on its own.

    MR. McGHEE: I don't think there is an answer
to why, but we can just take it out.

    MR. FISHER: So what you are suggesting is
just put a period after another and remove the rest?
Okay. So that's the suggestion.

    You want to test that?

    Okay. So if you support that change to the
definition, raise your hand. Okay. That got
everybody.

    Okay. So continuing to move down to the next
definition.

    MR. McGHEE: Class II. It really was -- it
was more just reworded to say that it shall have the
meaning as defined in 25 USC something. It's just
reworded but it says the same thing.

    MR. FISHER: Okay. Everybody with us?

    If you support this change to Class II
definition, raise your hand -- class II game
definition, raise your hand.

    Okay. That got everybody.
MR. McGHEE: The next one was electromagnetic interference removed from the definition but yesterday it was actually put back in the technical standards so you may want to restate it. It originally wasn't in the technical standards.

MR. FISHER: Okay, Tom?

MR. WILSON: I had a question. I apologize for going back. On the definition for Class II gaming systems.

MR. McGHEE: It wasn't a TGWG change.

MR. WILSON: No. It's not the change, it's the wording that seems a little confusing to me.

MR. FISHER: You're in the systems definitions.

MR. WILSON: You guys went past that right?

MR. McGHEE: Yeah.

MR. WILSON: Well, what -- I have read through this now several times and there is something that seems confusing where it says all components, whether or not technologic aids.

There is a quite a focus on the technologic aids.

MR. PUROHIT: Why the focus?

MR. WILSON: Well, I guess, you know, all components, whether or not technologic. It aids in
electronic -- there is like a word missing there or something. That aids in, you know -- that aids in technologic.

MR. PUROHIT: The technologic was referring to the nature of the components so it's saying that all components -- if you just take out the word technologic -- whether or not they aid in electronic, computer, mechanical, like that. So it's just describing the nature of the actual components themselves.

Why they chose that word, I have no idea. But that's what that definition is actually referring to as far as the technologic. It's not something after technologic. It's referring to the nature of the components.

Does that make sense?

MR. WILSON: Well, I guess. To me all components is all components. Whether or not they are technological component or not, they are part of all components. I don't know. It may just be me. It just seemed odd to me when we say all components are part of the gaming system.

MR. McGHEE: I think if we say all components that function together as the same thing as all that stuff being mentioned. I think maybe it was mentioned
for some kind of clarity because technological aids --

MR. WILSON: I guess there is such an emphasis on this technologic aid piece and it's okay --

Would people not know I guess is my question. Is all components. Would people not know that that includes all components?

MR. PUROHIT: Right.

I think if you look at the preamble part of it, as well -- I know there is a couple people here -- and you can correct me if I am wrong -- but the way I read the preamble and everything else, the reasons why they are choosing that word as well because there were two original companion pieces, I guess, if you may, when these technical standards were introduced. The first part was, what's Class II and what's not. The second part was, if it's Class II and by the way we're referring to only stuff that is technological here. So I think it's a stay over from that part.

MS. TAHDIOAHNIPPAH: That's how it's defined. It's just really restating it. I am fine with that. I think it's just strengthening that. We're not -- we're not getting away from the real definition of Class II.

MR. WILSON: Well, if it's defined that way
then that's the definition.

MR. FISHER: Leo?

MR. CULLOO: I have a question. I am confused. So where it says the function and aid the play of one or more Class II games, how can you have a system that has only one Class II game?

MR. McGehee: I think a game can be several systems.

MR. CULLOO: So theme really does not apply?

MR. McGehee: Yeah.

MR. FISHER: Okay. So we ready to move off the Class II system definition?

Sounds like we got it worked around just leaving it as is. All right.

So now we're down to electrostatic discharge.

MR. McGehee: It was originally removed because it was never referenced in the standard at all. So -- but yesterday it was put back in.

So the question is, to leave it, omit it, or put it back in. But also what was put back in were three or four other things. All of those other things that aren't going to be defined either. So those four or five areas may need to be defined or made a note of along with this being reinstated along with the four other components that had to be tested.
MR. PUROHIT: Radio frequency and all of those in the hardware section.

MR. McGHEE: Yeah.

MR. PUROHIT: You put it in testing, right?

MS. HAMEL: Testing.

Took it out of --

MR. PUROHIT: There was a definition -- I think the committee adopted the language from the Washington State Jurisdiction, right?

I think it was -- there were some definitions in the Arizona ones, as well, where they actually did it and they also have the testing requirements. So I think you can probably take some of the definition piece from there and just put that into the definition section up there.

MR. McGHEE: Yeah. I would just say reinstate that definition and add definitions for the other things that were added to the submission testing section. I didn't write them down.

MR. FISHER: I can go back and figure out what they are. Okay.

So did that capture it?

The definition of electromagnetic interference would be as in the current regulations. Because the TGWG suggested striking it, this would
leave it as is. And then add the definitions for the
other items, radio frequency, those things that are
listed in the submission.

Why don't we say --

MR. PUROHIT: I'll just put a word of caution
for you to consider too. You just want the
definitions, not the testing criteria? The tests
criteria is generally captured in the testing section.
Because the one that we copied and pasted from the
Arizona appendix, that actually had specific ways to
test the range for the electr -- electrostatic testing
and all that stuff so --

MR. McGHEE: Just define it.

MR. FISHER: Everybody see this?

Does that capture it?

Okay. Ready to -- anybody have any
questions?

Ready to test it?

So if you agree with this change in yellow
raise your hand, please. Okay. I got everybody.

Okay. Daniel, do I have another definition?

MR. McGHEE: The financial instrument
acceptor. Actually, these three, the financial
acceptor, dispenser, and components which are the
three definitions together, all that does is add an
example to add clarity because some people were saying, well, what exactly is a financial instrument. Such as what? And that was why -- such as the drop box was put out there because drop box was the more common terminology used for it. But it's not used anywhere in the standards. So they wanted people to realize that a financial instrument storage component was actually a drop box.

MR. FISHER: Right.

Did you want that on the record?

MR. LITTLE: No.

MR. FISHER: Okay.

So do you want to test the changes to those three?

MR. McGHEE: Yeah. They either agree with all of them or they don't.

MR. FISHER: Yes, because they do the same thing.

Okay. If you support the changes to these three definitions, financial instrument acceptor, financial instrument dispenser, and financial instrument storage component, raise your hand. Okay. That worked.

Okay. Next Daniel?

MR. McGHEE: Patron. There was a definition
added to the definitions.

    MS. HAMEL: Are we using patron in the
document?

    MR. PUROHIT: I didn't find it anywhere.

    MR. FISHER: Do you want me to look for it?

    MR. MORGAN: I think --

    MR. FISHER: It's right there. It's right
there.

    MS. HAMEL: That's the only place it is.

    MR. PUROHIT: There is four right here.

There is a total of nine.

    MR. MCGHEE: Go find all of them.

    MR. FISHER: Four of them are in these
definitions right here. That is what we added.
That's our thing, not the machines. And that's in an
explanation. But that's the definition of account
access component.

    MS. HAMEL: So it's just patron dispute?

    MR. FISHER: The next one -- it's only in the
definitions. So it's only in the definitions. It is
a term that's used and the term is used in the
definitions.

    MS. HAMEL: And we never saw patron deposit
account in the technical?

    MR. FISHER: Yes. It was there but we
deleted it. It was in the cashless transaction
definition and we deleted it.

    MR. LITTLE: Matthew, you started to talk
about -- you tried to standardize.
    Do you still believe that's a good idea?
    MR. MORGAN: I never attributed it to my
idea. I was telling you what the grouped wanted to
do.

    MR. LITTLE: You opened your mouth.
    MR. MORGAN: For the record.

    I was just trying to tell you some of the
decisions made and why they were made and one of the
decisions was definitions consistent from both
documents.

    MR. McGHEE: If it wasn't used.

    Originally patron was used in the definitions
so you defined what patron was. But since it was
removed --

    MR. PUROHIT: Did you -- TGWG also removed a
definition that wasn't used in this document would be
electromagnetic interference, right? I mean they did
do that as well. So if nothing was used then you take
it out?

    MR. McGHEE: So we're deleting both the --

    MR. LITTLE: Do you guys want to make a
recommendation that you pull out all the definitions that have no reference in the regulation? Then you could kind of skip doing all of the hand raising.

MR. FISHER: So that would -- something like that?

Okay. So before we test that, Tom has his card up.

MR. WILSON: I hate to keep going backwards, but my mind is working slow after lunch. On the -- I just want to be clear, in my mind financial instruments includes players rewards. And is that -- is that a correct assumption?

And if it is, is there any consequences of that in the definitions of financial instruments or the standards surrounding it?

Because when I look at the definition of a financial instrument, any tangible item of value, player rewards have value. And I just want to make sure that that was part of the discussion when these definitions came out. Or if it wasn't, is there anything hanging out there that could be a problem with player rewards in terms of technical standards.

MR. McGHEE: Player rewards like what, points?

MR. CULLOO: It says, but not limited to.
MS. HAMEL: And does that go into the financial instrument exception?

MR. WILSON: Well --

MR. McGHEE: That's not a financial instrument.

MR. MORGAN: Could you read the definition of cash equivalents, because it interplays with the definition of financial instrument. And it may not be in the technical standards. It may be a definition in the MICS.

MR. McGHEE: You're reading financial instrument, the definition?

MR. WILSON: Yes.

I guess my -- that's my question because I don't know if in the Class II world that player rewards are different or treated different or used differently than in the Class III.

MR. McGHEE: It's not a financial instrument because it's not tangible. It's not an instrument at all.

MR. WHEATLEY: I would argue against converted into a financial instrument.

MR. McGHEE: Then it becomes money.

MR. WILSON: Well, from an accounting standpoint it's definitely tangible.
MR. McGHEE: Then you have to define tangible.

MR. WILSON: Well, I mean, it's saying any tangible item of value. As a player, if I have points, that are redeemable for something, it's definitely tangible and it has a value.

MS. HAMEL: At the game level or at some other avenue?

MR. WILSON: Well, I don't -- I guess that's my question. This may not even be applicable in the technical standard. But I'm just saying that if included in the financial instrument, are player tracking rewards part of that definition or not? And if they are not, does it need to be clear that it doesn't intend to address that?

MS. HAMEL: If it is an instrument that has -- you can touch and feel and place into a financial instrument acceptor, then yes.

MR. WILSON: If I have a player rewards card and I have a machine --

MS. HAMEL: That's different than this. That's part of the MICS. It's not a technical standard.

MR. WILSON: Okay.

MR. McGHEE: Financial instruments other than
cash, the cash equivalent, or anything else of representative value to which the gaming operation had assigned a monetary value. Cash equivalent --

**MS. HAMEL:** That's in the MICS.

**MR. McGHEE:** But now, cash equivalents is nowhere mentioned in the technical standard so it's not really mentioned, but it is defined in the MICS.

**MS. HAMEL:** I think it's in the definition. It's not used in the technical standards. That's one of them we searched for.

**MR. WILSON:** Just to be clear. I'm not -- I don't want to raise a point -- my only concern was that are there any technical standards that need to be applicable to a player rewards system?

Maybe that's a better way to put it. That was my only concern.

**MR. McGHEE:** There are no technical standards for player rewards.

**MR. WILSON:** So the answer would be no?

**MR. McGHEE:** I don't think it's a good idea because you're being robbed in that area but it's not in here.

**MR. PUROHIT:** There is nothing with the player tracking. So, you know, it's just what the tests are required in a lab setting and for
manufacturers to design it. That hopefully clears it up. If you look at the testing requirements for putting aside the definition part of it, what are the testing requirements and what are the design requirements. And they focus on the bill acceptor which is the printing financial instrument itself. So I don't know if that satisfies the existing language or not.

MR. WILSON: It does.

I just -- that's why I wanted to understand how broad is this definition of financial instrument. In my mind I could create all kinds of things that have tangible value. But if it's strictly relating to something you could stick in a bill validator, then I get it.

MR. Purohit: If the testing requirements are to be robust and all that stuff. I think it would be like a card reader or something like that. And there is nothing in the testing requirements for that so hopefully that kind of captures that vagueness in there.

MR. Fisher: Okay. That answer your question?

MR. Wilson: I am satisfied.

MR. Fisher: So where we were was patron.
MR. McGHEE: I think the last comment was to delete the definition of patron and patron deposit account; is that right?

MR. FISHER: Well, then we got to that general recommendation that NIGC remove all definitions that are not used in the regulations.

Do you want to test what is the broad concept or do you want to test those two definitions?

MR. McGHEE: Do the broad.

MR. FISHER: Okay.

So if you are in support of that recommendation highlighted in yellow on the screen, raise your hand. Okay.

MR. McGHEE: The next one -- we already tackled that.

The only thing left was TGRA and not a --

MR. FISHER: You mean changing -- using the letters TGRA every time it says tribal --

MR. McGHEE: Yeah. If you look at it -- there is blue there, but I don't really know if they changed the definition or if they just added TGRA as a definition.

MS. TAHOAHDNIPPAH: I thought we wanted to add primary gaming.

MR. McGHEE: Yes. We discussed it at length.
MS. TAHDOAHNIPPAH: We are going to come back to that one.

MR. FISHER: Okay. We were going to come back to that one. Okay. But this change -- this added the initials, the acronym, the initials.

So do you want to test this one?

MR. WILSON: I missed the part -- what was the part about we're not discussing about the term primary?

MR. FISHER: Because they are still working -- they are still working on bringing back something to the TAC on how to incorporate that idea in to the technical standards. It may be in this place, it may be somewhere else. We have to give them a chance to finish their work.

MR. PUROHIT: Is it in the MICS document, too? Did you define it the same way?

MR. FISHER: What's the it?

MR. PUROHIT: The TGRA.

MR. FISHER: TGRA is defined the same way.

So shall we test the change to this?

MR. WHEATLEY: Not yet.

MR. FISHER: Not yet. Okay.

Daniel, anything else in the definitions for you?
MR. McGHEE: That's it. The rest were just capitalization changes.

MR. FISHER: All right.

So we have now worked our way through the TGWG recommendations. We've worked our way through all of the other questions that have come up over the course of the discussion in the last day and a half.

So does anybody have anything else that they want to raise with respect to the technical standards?

We still have a couple of open things to return to.

Does anybody have anything else right now?

MR. McGHEE: Just one thing outstanding which is the blanket statement of TGRA?

MR. FISHER: Well, I counted it as two because it's the blanket statement and it may be this definition. So that's why I was counting it as two. But they are related. One item, two parts.

Does anybody have anything else in the technical standards to raise with the group?

So are we ready to close out the discussion for now on the technical standards?

And if so, then the request from this morning was for the TAC to go into closed executive session before we began the discussion on the MICS.
Are we at that point? Yes.

For those of us that are exiting, do you have a sense of how long this is going to take you?

**MR. WILSON:** I think probably at least 15 minutes. I am going to give you the Matthew answer, we're done when we're done.

**MR. FISHER:** The only reason I am asking is because there are a bunch of people hanging out waiting to come back in. So if you could -- if you see that it's going to go longer than about 15 or 20 minutes if you could send somebody out and let us know, that would be much appreciated.

All right. So what that means is we're going to go off the record and the TAC is now going to go into closed executive session and that means all non-TAC members are respectfully requested to leave the room.

(Executive session - discussion held off the record.)

**MR. FISHER:** All right. So are you ready?

So is there anything you want us to know or where should we start?

**MR. MORGAN:** I want to be clear on what documents we're going to use when we start talking.

**MR. FISHER:** Okay.
MR. WILSON: We do have a general statement, but if we can establish, first, which documents because there is some confusion with that because the general statement refers to a document and we want to make sure we're dealing with the right document.

MR. FISHER: The general statement meaning?

MR. WILSON: The general statement we're going to make.

So one of the -- I mean, we've got a document here, control standards for bingo, that I think is the document that you guys said that you sent that has your comments as well as -- and we just want to make sure that's the document --

MS. HAMEL: It's twenty-seven pages long.

MR. LITTLE: That's the only one we sent out.

MR. FISHER: Just -- is Mike in the room? Did you send me the Word version of that document?

MR. LITTLE: Nimish did also.

MR. FISHER: Okay.

MR. MORGAN: When we start going through the MICS, the first thing we got to get into is the application and then we'll move on so we don't jump over that part.

MR. WILSON: Well, let's --
MR. LITTLE: I think you should pull up the red line.

MR. FISHER: Yeah. That's what I am trying to do.

MR. WILSON: So we'd like to address one piece. Go to the purpose and application but that pertains back to the statement inserted into the technical standard; is that correct, Matt?

MR. MORGAN: That is where that language is, yes. Go back to our agenda. And basically says once the technical standard discussion is complete then we're going to move into the MICS and start with Class II MICS purpose and application discussion. I think that's what the agenda committee decided, we stick with that.

MR. McGHEE: Bingo?

MR. MORGAN: No. Purpose and application.

MS. HAMEL: But that's not been distributed by Robert, right?

MR. WILSON: I don't know that I have that.

MR. McGHEE: All I have is bingo --

MR. LITTLE: The agenda planning committee identified three areas they wanted to focus on at this meeting. And this was the MICS for bingo, MICS for card games, and the definitions. And that's what we
prepared comparisons for and that's what we sent to you.

MR. WILSON: What's the document you are referring to?

MR. MORGAN: If you look at the MICS, it starts out what part does this cover and it goes into the definitions and then interpretations and application of the -- that was in the --

MR. McGHEE: And then bingo card games and definitions.

MS. STACONA: Starting at 8:15 was supposed to be the overview and discussion. And the first part of that was Class II purpose and application. That's pretty much where we're at.

MR. FISHER: Right. That's where we thought we would start.

What I just heard Dan say is that --

MR. MORGAN: That did not get sent out.

MR. McGHEE: There is no red line version.

MR. LITTLE: Yeah.

MR. McGHEE: There is no red line version.

There was no changes.

MR. FISHER: There is no changes from the TGWG in those sections?

MR. MORGAN: Well, the change is -- the one
change there is -- I think there is a section in tiers. Tear A, B, and C. That is a change in the definitions, but that's the language that comes back to the definitions that says this is what tier A means, this is what tier B means, and this is what tier C means.

Did we actually change the thresholds?

**MS. HAMEL:** It's 543.3. How do Tribal governments comply.

**MR. MORGAN:** Right. That would be the only change I remember from our discussions because I thought we changed the threshold on the tier.

**MR. WHEATLEY:** The thresholds are only in the definitions, though.

**MR. MORGAN:** Right.

**MS. HAMEL:** And how do we comply?

**MR. McGHEE:** How do we -- and the how do we comply part -- unless there was changes to the definition of tier. And that's where you would have changed the range.

**MS. HAMEL:** In the definition.

**MR. McGHEE:** So you want to check there and you will know if that's where you remember it from.

**MR. MORGAN:** I don't have the red line version. But my recollection was I thought we changed
the threshold levels on tier determinations.

   MS. TAHDOAHNIPPAAH: Can we pull up the red line?

   MS. HAMEL: That's in the definitions.

   MR. WILSON: I don't see that in the definition.

   MS. HAMEL: Go to the tiers.

   MR. FISHER: Okay.

   MR. MORGAN: The only place that's really going to come up is you don't read how to comply, which points back to the definition. We're never going to get a discussion on are you okay with that threshold change for a tier A facility.

   MR. McGHEE: In what was submitted -- that wasn't pointed out in the submission. Now if they did it in person, it should be there.

   MR. WHEATLEY: The changes though, appear to be in line with what the NIGC had as draft changes. So it's something they were already proposing.

   MS. HAMEL: Can you bring up the definitions that you sent us?

   MR. FISHER: You want me to bring up --

   MR. WILSON: If I understand the change that was made is that previously or under the current rule or -- 1 to 5 million was considered a tier A facility
and what the tribal working group has changed is that
3 million to 8 million is tier A. The effect being
that if you are less than 3 million in gaming revenue
you don't have to comply with the MICS at all.

**MR. MORGAN:** If you are a small or charitable
gaming operation you would fall under that.

**MR. WILSON:** Okay. Small and charitable
gaming criteria.

**MR. FISHER:** Okay.

Kathi, you asked that the definitions be
brought up.

**MS. HAMEL:** So if you go down to the tiers --

**MR. FISHER:** Isn't that all the way at the
end?

**MS. HAMEL:** Yes.

**MR. WHEATLEY:** Yeah. It's the last
definitions.

**MS. HAMEL:** A and B changed.

**MR. MORGAN:** I want to make sure because in
the original planning agenda documents we said before
we get into the substantive topics that we would cover
these parts.

The only substantive change I remember is
that we changed the threshold levels for tier A, which
affected tier B, and so 1 million moved to 3 million
for tier A, and tier B now starts at 8 million. So if you don't make more than 3 million gross, then you are going to follow 543.6 under does this part apply to small and charitable gaming operation for guidance.

And so for your smaller facilities that you say I am a tier A, now you are not a tier A until you hit 3 million.

And are you okay with that change?

**MS. HAMEL:** Because there is --

**MR. FISHER:** Okay. Can I -- we got multiple conversations going on at the same time. So could we have -- okay. So I interrupted because there are multiple conversations going on. So let's just get back to one conversation.

So back to you, Matt, because you were explaining the changes and the significance of the changes.

**MR. MORGAN:** Everybody follow how we got here first?

Everybody hear my explanation?

And we were supposed to talk about the non substantive parts, the introductions to the MICS. The substantive changes we made in those is we did change the threshold level for a tier A facility from $1 million up to now $3 million.
Therefore, that affected tier B, so now you start at B -- you don't reach tier B status until you hit the 8 million. That's important because if you now fall below the 3 million you are not covered under the MICS anymore. You are covered under how do the small gaming operations comply with. And that was always the term for when you were less than a million. That does impact some small operations.

And if you are okay with that change -- I mean, it's just a number change, but that does affect who gets lumped into that grouping now.

MR. MAGEE: How many did that affect?

MR. MORGAN: I don't know to be quite honest with you.

MR. MAGEE: Why the change then?

MR. WHEATLEY: Inflation.

MR. WILSON: What was the rationale for the change from three to one -- or from one to three?

MR. MORGAN: Daniel, do you have that explanation in your document of the rationale for the range?

MR. McGHEE: My document doesn't even have the red line.

MR. FISHER: What's projected on the screen is the NIGC's comparison document.
MR. WHEATLEY: What we're doing is that it's also -- the levels that were changed are in line with what was drafted by the NIGC for their 2010 rule that was put on hold. So it's the same level that was proposed by the NIGC.

MR. MORGAN: When we changed conversations to the MICS, they have been on the books but the effectiveness has never been -- that date has never been because it's been postponed once and now postponed twice. So there is really nothing in effect.

MR. WILSON: So the tribal working group was comfortable with the change from 1 million -- or from 3 million and NIGC is going to put that change in there.

MR. WHEATLEY: Initially proposed it.

MR. WILSON: Okay.

MR. McGHEE: We worked from the 2010 proposed.

MR. LITTLE: Let's make sure we clarify it. Propose from --


MR. LITTLE: Because these were not proposed in 2010. They were posted on the website in 2010 but these were not proposed rules. Let's make sure that
was clear.

MR. McGHEE: What came after the first TAC?

MR. MORGAN: So you had the 542 document out there. And the tribal working group did look at 542. But we compared it to what was published in 2008 that was supposed to become effective in 2010 because when we did review it it was still effective. It was only after we submitted it did that rule again get postponed another year. Now we're looking at October this year.

MR. LITTLE: No. We postponed it again.

MR. McGHEE: The draft was the most recent thing that came out of the NIGC. And it's another reason for this group to get somewhere.

MR. MORGAN: That's one of the reasons we need to clarify what document we're working from.

MR. LITTLE: I personally had to sign twice to extend it an additional year and this was a document I never worked on.

MS. HAMEL: But only 543.7 was published. Was bingo.

MR. MORGAN: Is that correct?

MR. FISHER: So what's the question?

MS. HAMEL: I didn't make a question. This wasn't in 543.7.
MR. MORGAN: No.

MR. MCGHEE: Yes, it was not. It was in the draft rule eight -- it was a TGWG agreement that left it as the draft in 2008.

MR. WILSON: So is the question -- do we need to state that we're comfortable with that change?

MR. MCGHEE: Yes, because it's not official. There is no official -- yeah, you have to decide because the three to eight is now the TGWG document. It doesn't exist anywhere except in some draft rule.

When we said we changed it were we changing it from the final rule?

I think the TGWG, I think -- you have to decide if it's acceptable.

MR. LITTLE: I've -- this is Rest West. He's one of our senior auditors. He has a lot of experience in this area so I asked him to address this.

MR. MCGHEE: Well, I guess what they are wondering is the TGWG proposed -- what we submitted was the 3 and $8 million thresholds, which is what was proposed in your draft rule. But the final rule is 1 million and 5 million so in looking at TGWG's documents and this group deciding, okay, we like the 3 million and 8 million. They need to accept TGWG's
proposed rule. Because really if you look at it, then
it's really no change from your 2010 draft rule.

    MR. LITTLE: Exactly.

    MR. McGHEE: The question is -- what they --
do we want it to be 3 million and 8 million, which is
different from the final rule but the same as the
draft rule?

    But what does this committee need to express
to you?

    MR. WEST: In the 2008 rule, the one that's
in effect right now and then the draft rule is the
proposed so the draft rule came after the proposed.

    MR. McGHEE: That's what keeps getting pushed
off? Extended?

    MR. WEST: Right.

    So the committee looked at the draft rule is
my understanding as their starting point.

    MR. LITTLE: If you want to adopt that as a
recommendation, go right ahead.

    MR. McGHEE: Why don't we see where we stand.

    Anybody have any problem with the 3 million?

    MR. FISHER: The request has been made to
test this proposed change to the tier definitions in
the MICS in part 543. And so everybody --

    Michele?
MS. STACONA: Quick clarification. From what he just said was the 2010 draft rule is where the commission was starting at now, correct?

MR. WHEATLEY: No. Where the tribal gaming working group started their work from based on the 2010 proposed regulations. Correct?

MR. McGHEE: The initial 3 million and 8 million, where did that come from?

MS. STACONA: The TGWG.

No?

MR. WHEATLEY: No. The NIGC.

MS. STACONA: The NIGC proposed the --

MR. WEST: It came from the last working group that was formed.

MR. McGHEE: There you go. And NIGC chose to accept it.

MR. LITTLE: The last working group finished up in spring of 2010. This is their work.

MR. WILSON: So -- as I understand -- the -- really nobody in this room knows the rationale for why the dollar amount changed?

Is that a fair statement?

MR. LITTLE: Yes.

MR. WILSON: Okay.
So for us, we're not able to glean any -- anything further other than are we agreeing that we're okay with the change from one to three? Even though we don't know why. Okay.

**MS. LASH:** Should we test it?

**MR. FISHER:** Yeah. Do you want to test it?

Okay. So why don't we just try this. Let's test -- so -- you could say --

**MR. McGHEE:** So you are going to test the changes to A and B because C didn't change.

**MR. FISHER:** So this would be a change to tier -- so that's one way to say this because that's consistent with what I heard people saying is the origin of those numbers.

**MR. McGHEE:** If you change A that means B has to change.

**MS. STEVE GARVIN:** Are you saying you can do A and B together? NIGC agreed with that? Then on tier B, NIGC didn't propose -- well, I guess -- yeah, they did.

**MR. WHEATLEY:** They would have had to.

**MR. FISHER:** Yeah. It's a conforming change to pick this up right there if I understand how this is set up.
But we can do them one at a time if you want.

MR. WILSON: I don't know that we need to do one at a time.

MR. FISHER: Does this capture it in terms of what the recommendation would be?

All right. So shall we test what's up on the screen -- the recommendation in yellow up on the screen to accept the changes in those definitions?

So if you support and accept that recommendation that's up on the screen in yellow on the tier A and tier B definitions, raise your hand?

Okay. All right.

So now what? Move to bingo or is there any other preliminary things?

MR. MORGAN: I'm not bringing up anything else.

MR. WILSON: I thought there were two things on the agenda.

MR. FISHER: Well, we did -- the purpose and applications sections were on the agenda. To the extent that there needed to be any change -- because those set the tone for the rest of the regulations. And so the question -- we started there on -- with the agenda group because that's the starting point for the -- everything that follows derives from those two
sections. So there is no proposed changes in those sections.

**MS. HAMEL:** Was there any comments -- does that mean that NIGC doesn't have any comments to those sections?

**MR. FISHER:** They didn't create a comparison document.

**MS. HAMEL:** Because there was nothing to compare or was it just not prepared for this meeting?

**MR. LITTLE:** We did do a comparison. We compared it. And you should all have the definitions where you got the 2008 final rule, the one that's been postponed. You have the draft rule. That was the product of the last TAC. And then the TGWG document. We don't have comment or a reasoning -- we don't have that if that's what you are looking for.

**MR. MCGHEE:** I think she's worried about 543.1 saying what does this part cover.

**MS. HAMEL:** So no comment.

**MR. MORGAN:** We're okay to move to bingo.

**MR. FISHER:** That's where we are trying to get to. Nobody else has anything.

So we may -- recognizing that as we go through this you may revisit these sections if that's appropriate.
So we are ready to move to bingo. So let me pull up the NIGC bingo document. All right. So how would you like to do this since we are embarking on a new section? We can do it the same way we did technical standards.

That's the NIGC. So what's the procedure you want to use to work our way through this?

Do you want to pick up with the NIGC document?

Do you want to pick up with the TGWG red line?

Daniel?

MR. McGHEE: If I look at the submission that TGWG submitted and then based it on the draft, then the 2008 comparison -- I don't see where it really needs to come into place. Because it really only matters what -- from my understanding, especially my comment on what TGWG submitted, and -- when you start throwing all three of the versions in there, I found it really confusing to follow. I can't really follow how it's going.

Now, if you look at this, it's simple. You know what I mean?

MR. FISHER: The TGWG red line document?

MR. McGHEE: Yeah.
MR. FISHER: Okay.

MR. McGHEE: You just may have to refer back for comments from people.

MR. FISHER: So that's right here. If -- if this is the right version of the TGWG document.

MR. McGHEE: It is not.

MR. FISHER: If it is.

MR. McGHEE: I'm telling you it's not.

MR. FISHER: Okay.

Let me tell you -- this is the document that NIGC has. This is the document -- hang on here. We got to make sure we're working from the right set of documents. This document is what is posted on the website which was received by NIGC so, Nimish, can you tell us the origin of this document?

MR. PUROHIT: Yes. This one is -- the Word document here was the one that was sent to the commission and Laow (phonetic) and she forwarded it to us so we could copy and paste to it for the comparison, 547. And there is two versions, the red line and the final changes. Because what was submitted, that had the PDF version in there. So that's why we're making sure this is indeed the same draft in the Word version with the actual PDF as well.

And this was submitted on behalf of the TGWG with the
cover letter and memo.

MR. McGHEE: But that's not right.

MR. FISHER: It's not the right document?

MS. TAHDOAHNIPPAH: No. I have the 7-28 date. You have May 13.

MR. McGHEE: I think what -- she tried to compare with the 2008 also.

MR. FISHER: Why don't we take a short break while we try to figure out what document is what. People can stretch and little bit. We'll figure out how to get to the right document.

(Off the record.)

MR. FISHER: Okay. So let's get started. We have a couple of things to sort out.

And go to Tom.

MR. WILSON: So we've got -- Matthew is going to make a general statement just to give everybody an overview of the rationale that was applied to developing the MICS overall. Not just for bingo but the MICS and the approach. And then when he's through, I will make a follow-up statement that sort of summarizes what we discussed in our executive session that pertains to that.

But I would just like to go on the record and state that we had this document issue about what
versions we're working on and somehow we've got to get
to a point where -- I want to come prepared. It's
difficult to come prepared and read one document and
then find out it's not the document that the
expectation that was supposed to be discussed was
the -- and I don't have any control over that. I have
to rely on what is being sent by whomever.

So I would only state that it would be much
more effective if we can -- whatever safeguards need
to be put in place to ensure that the documents that
we get sent are the documents we're going to be
discussing.

**MR. LITTLE:** Not to make excuses, and you
know -- moving forward, we're going to have a little
more time. We were rushed here because there was only
three weeks between the last meeting and this one
here.

To be honest with you, it's confusing on our
part. We're working off of three drafts, basically,
or three different documents. And I think as we
look -- as we're looking forward, any subsequent
comparison -- we're going to compare apples to apples
with the working groups. That was just making
comparison off the 2010 draft. Okay. So that will
hopefully clear things up.
The two comparisons we have here, the bingo and the card games, there -- in most cases there really wasn't anything in 2008 so it is a comparison off of 2010. And they are -- you know, Dan and Mike went through them and they are correct.

So the documents you have in front of you, you know, are correct. We did have a problem -- or we did not have a Word version of the latest. We got multiple copies of the working group document sent to us.

And the first one put up was one of the early documents. The only reason that it was put up is because it was the only Word document that we had. We don't have a copy of the final document in Word, just PDF. I think Matt will be providing that to us soon. That's where the confusion came from. We just had an earlier copy of it.

I really think that the process of putting the red line up there and making that has worked really well so far. And that would be a nice way to continue the process here.

But moving forward, we will get these to you. My apologies for that. We were under a little time crunch. And we'll make sure it's better identified so that you know it's going to be working off of the 2010
draft that was put on the website.

MR. WILSON: So for purposes of this evening, can we discuss the PDF version document even though you don't have a Word version?

MR. LITTLE: I think --

MR. FISHER: I pulled it off the NIGC website.

MR. LITTLE: We're trying to get a copy of the Word document.

MR. FISHER: Yes we could work off of that and I can just display the changes in the different form if that's where you get to.

MR. LITTLE: Anybody have it -- do you have a Word copy of it?

MS. LASH: No.

MR. MORGAN: I have Sheila on the phone trying to get that to you.

MR. FISHER: Until it shows up we can figure out how to work it out.

MR. LITTLE: It's not as complicated as it appears.

MR. WILSON: Okay. Because it did appear very complicated. Everybody is off in their own groups.

MR. FISHER: Kathi, did you want to say
something?

   **Ms. Hamel:** Could I make a recommendation that no matter what document is distributed for us to discuss at any of these meetings -- many of us are going to have a hard copy -- that somebody put a filename and a date at the bottom of the document so that we all have printed and are working from the same document.

   **Mr. Fisher:** All the documents that I produced do that.

   The documents -- so on the NIGC side, when are you creating documents, they need to have the file name and the date it's created so we're making sure we're on the same version with the same dates.

   **Mr. Little:** That would be fine. We'll do that.

   **Ms. Stacona:** We found it.

   **Mr. Morgan:** On the website, WWW dot Class II regs dot com has everything in a Word format.

   **Mr. Wilson:** Are we ready for Matthew to give his general statement?

   **Mr. Little:** I think we can do that.

   **Mr. Fisher:** Yeah.

   **Mr. Morgan:** In 1776 -- conceptually, this is mainly for your records and note taking. But
conceptually, the tribal gaming work group document, what we tried to do was to make the minimal internal control standards less procedural in nature and more to be objective standards that must be met.

So there is going it be a shift in concepts of how you're used to reading the MICS. It is a -- here is the objective that you need to meet format. And this is the information that you need to include within there. And then we used guidance documents to give you one example of how you could meet that objective.

And again, the guidance document is not the MICS. It's only an example of what you could adopt at a tribal level in order to meet the objectives that the MICS requires you to meet. That is a big shift in how you view the internal control standards.

I want to make sure that people understand that going in of how we approached it because the page numbers are greatly reduced now on what -- the work product that was submitted by the Poarch Creek Band of Indians. And I think that will help people's understanding as they go through and participate in our project or if they want to provide alternatives or comments into it. That is at least somewhere out there for them to read and understand of what our mind
set was from a tribal gaming work group perspective on
the submission of that document.

MR. WILSON: So I would just like to follow
up on that with sort of a philosophical example of
this. On the document that I have, if you go to
543.7(a), which is the document -- the PDF version.
And the first section talks about internal control
procedures. And fundamentally, one of the things that
we discussed in our executive session is the mindset
shift that we believe needs to take place in order to
achieve the objectives of what the tribal working
group has submitted.

So an example of that would be if you read
the current definition of internal control procedures
and this -- this definition is reiterated throughout
the document.

What we would propose is a different wording
that would say, subject to the approval and oversight,
each gaming operation shall establish, implement, and
adhere to the internal control policies and procedures
that provide at least the level of control necessary
to mitigate the risk established by the standards of
this section.

The paradigm shift, if you will, of that
thinking is that it puts the idea that the whole point
of these MICS are to mitigate risks. How you get there is not the primary objective of the MICS, but the primary objective is identifying the risks that need to be mitigated.

And in our view that's a fundamental -- if you start from that point and then go down from it, what the tribal working group is proposing makes perfect sense. But it only makes sense if philosophically you can get on board with the concept that risk is what we're trying to mitigate, not controls. The controls are a -- an avenue that you get to mitigate the risk, but that avenue can take many different paths to get there.

The challenge for any regulator in that mindset thinking is that the checklist mentality goes away because it implies now that if I want to or if NIGC or anybody wants to go in and see are you really mitigating that risk, that's accomplished by going in and understanding the tribe's internal control structure that they have put in place to mitigate that risk and then auditing against that to come to the conclusion that the risk has been mitigated.

And this approach is not new. It's been adopted in this country by the federal government through the Office of the Comptroller General in terms
of a risk-based environment when you are looking at trying to control or reach some objective.

So it may be new to regulators, this concept, but it is not a new concept in the rest of the world. And so in the spirit of that, it's important for me and for my fellow TACions to -- to hopefully start with the concept that the NIGC, in fact, embraces that as a concept.

And since we are supposed to be talking about concepts, in our mind that is a very important first concept that sets the tone for everything else that follows when we're discussing MICS.

**MR. LITTLE:** I'm assuming you want me to say, yes, we do agree with that concept, but clearly, you know, I can't make a blanket statement for the full commission. But you make some very compelling points and is definitely something that we will definitely look at.

**MR. WILSON:** So if we were to take a vote on the wording to say what I threw out, you wouldn't be opposed to that?

**MR. LITTLE:** I can't answer that. Yeah. If you want to take a vote. I am not opposed to you taking a vote. No.

This -- the recommendations you guys are
making, that's absolutely fine. That's the whole purpose of this. But I can't tell you one way or the other if I agree or disagree with the concept or what you're trying to do there. I'm sure you all understand why.

MR. WILSON: Well, I do. I just -- you know, what we don't want is the word risk to be a bad word, like a four letter word that you can't say because the fact is we've all talked about risk. We talked about it in Connecticut. We talked about it here. What is the risk we're trying to mitigate.

And I think the take away that's so important to this is that if you don't ask that question before you create the regulation, then you will likely create either over regulation or under regulation and not achieve the objective that you are trying to achieve.

So philosophically, it's more of a mindset that I think is a challenge for any regulatory body, including my own, to come to terms with that it's okay to look at things differently. And if we're mitigating the risk, that's what's important, not the procedural step of how you do that. And as long as it's auditable, that's the standard that you are working towards in that regard.

So I'll shut up now.
MR. LITTLE: No. I mean -- I definitely can understand what you are saying. And like I said, there is a lot of very valid points. You know, the point of putting this TAC together was to bring you all together to provide some, you know, alternative concepts for us to think about when we do look at, you know, creating or, you know, updating or however we want to call it -- creating this rule.

And if this is the direction that this committee wants to go, then that's your prerogative. And I'm not going to tell you one way or the other what you are doing is right or wrong. If this is something that you decide on, then I'm -- you know, we're going to take any recommendation that you have and give it full thought and consideration.

MR. WILSON: Okay. I said I would shut up. But I will just make one more quick point.

As a regulator, the concern that one has is how do I enforce something. And I just want to make sure that NIGC -- you know, you've operated under one realm of approach to this for many years now. And I guess what I want to bring forth is that you can enforce a risk-based model through auditing. It just means, though, that you have to do more work as an agency to understand.
So instead of pulling off the shelf and saying everybody has to comply with this book, you now -- the onus is on you when you go out to audit that you have to understand that operation better in the context of how it operates to answer the question is the risk being mitigated. So it's a mind shift, but I just, you know, have to say that the rest of the world has adopted this. And so it's not -- while it may be foreign to NIGC or Indian Country, it is not a foreign concept in the United States or most other developed countries.

**MR. LITTLE:** Yeah. I clearly hear you and understand what you are saying.

**MR. WILSON:** Thank you.

**MR. FISHER:** Go ahead.

**MR. MORGAN:** Since we're still talking in a global nature as we go through, the way I look at the MICS, you know.

Am I understanding we're all good with a 543.1, 3, 4, and 6, so we're ready to move on to 7?

And if we are okay with them, are we going to vote as a group and proceed that we're okay with them as written so that is a recommendation that goes up?

Dan keeps telling us that he wants as many recommendations as possible from this group.
If we're okay with those sections, can we at least get that --

MR. McGHEE: What again?

MR. MORGAN: One, what does this part cover; three, how do we comply with this part; four, what are the rules of interpretation and general application to this part; five is reserved; six, how does this part apply to small non charitable gaming operations.

That is what we discussed earlier. The only thing that we voted on was the definition changes in there. And that's point two. We left open the definitions to talk about as we go through.

Are those areas that we're okay with because, again, we didn't make any -- I guess from the document they are okay with them seemingly. From what I get from y'all, if y'all are okay with those, I just want to be able to put that recommendation into a vote if that's, in fact, the case. And then we can move on to bingo.

MS. TAHDOAHNIPPAH: When we don't have the documents, it's hard to do vote and be okay with them.

MR. FISHER: Matt, when you say you are okay -- you are asking whether people are okay with it, what version of those sections, the TGWG versions?

MR. MORGAN: The Poarch Creek version.
MR. MCGHEE: We had no changes on the 2010 draft.

MR. LITTLE: I think I am with Dan, there really was no changes. Five was reserved.

MR. FISHER: All right.

Would that be in the document that's the red line -- let me just tell you. I pulled off the website -- is it in the red line version with remarks? Is that what you want me to pull up?

Because there is the red line version with remarks; there is the final version; and then each of the individual sections has a version.

MR. LITTLE: Appendix one.

MR. MORGAN: I know you can't say, on behalf of the commission, we're okay with it. So instead of asking, if you are okay to move on, we just take a vote and say we recommend that NIGC accept those sections as written and we can do it as an entire section since there is no changes. Just be done with it and move on.

MR. LITTLE: That sounds good.

MR. FISHER: Okay. So it would be recommend -- what --

Do you want to list the sections?

MS. TAHDOAHNIPPAH: Well, I don't like that
MR. FISHER: So Mia, which sections were you focused on?

MS. TAHDOAHNIPPAH: 543.6(b)(III).

MR. McGHEE: 543.6(b)?

MR. MORGAN: Roman numeral three.

MR. FISHER: I see.

MS. TAHDOAHNIPPAH: Yes, B.

MR. FISHER: So there is 543 point B.

MR. McGHEE: You would end it after principles?

MR. WHEATLEY: Yeah.

MR. FISHER: This is the Word document I pulled off of the website.

MS. HAMEL: But it doesn't match what's on the NIGC website of the 337-page document.

MR. McGHEE: But you don't know that.

MS. HAMEL: I am looking at it.

MR. FISHER: I will pull it up. Here is the NIGC document and it's Section 543.6 --

MR. WHEATLEY: It's right there.

MR. FISHER: That's off the website. If you look right here I am on the NIGC portal. It's page 266 of the PDF document.

Okay. So we're still confused about
documents. So that means there is multiple documents on the NIGC website.

MR. McGHEE: They are looking at the website document.

MS. HAMEL: This is what I pulled down from the website after our discussion. It's 337 pages.

MR. WHEATLEY: So is mine.

MR. FISHER: I'm on the website.

MS. TAHDOAHNIPPAH: Can we propose to print it off and all of us -- distribute us a copy.

Is there a Kinko's here?

MR. FISHER: We were trying to avoid -- the request from Tracy was to avoid printing documents if possible.

MR. LITTLE: The original document they provide on the website is the original document.

MR. WILSON: If we agree that the wording is the same and it's just the look and feel, can't we vote on the wording that we're trying to strike or deal with?

MR. FISHER: Yes.

MS. TAHDOAHNIPPAH: I mean, we're spending so much time talking about it.

MR. FISHER: About which document is which.

Might just be easier to have hard copies of
these documents.

**MR. WILSON:** I appreciate Tracy had requested that, but I don't think she anticipated that there would be such confusion with all of these different electronic versions. Because, honestly, I don't know what version to read now. I'm so totally confused.

**MR. FISHER:** Okay.

Michele?

**MS. STACONA:** If we're going to delete websites also, you have other websites listed in this document also. I believe 543.3 section little F has websites also.

**MR. FISHER:** 543.3.

**MS. STACONA:** I'm looking on the original MICS. Is it still there?

**MR. WHEATLEY:** Not in the changes.

**THE COURT:** Now we're all using different documents. Okay. So let's see if I can bring us back to the -- can we move ahead now -- can we just -- okay, folks. Let's have one conversation, if we could, and let's see if we can, just for purposes of our work right now, figure out which document to work from right now. And then see if we can move forward with that.
MS. HAMEL: Okay.

I was looking at A three -- Roman A3 does not have websites. But five three has websites. It has the same language in both sites.

MR. FISHER: So that means what is projected up there is the document from the NIGC website. So let's just confirm that.

MR. JASON RAMOS: I'm on it. It's the same. Jeff's on it.

MR. FISHER: Okay. So there is the reference to the FASB right there; and then you said you were looking in A. Right there. Which doesn't have it. Okay. So the A version -- the A section does not have the reference to the website and the B version -- the B section does.

Okay. So we were in the process of seeing if it was possible to create a general recommendation around the beginning sections of the MICS regulation. And so we got stopped in the, what is included in the list.

MR. McGHEE: She wanted the websites deleted before she would approve one of those sections.

MR. FISHER: But it was 543.6.

MR. MAGEE: So nobody has copied the other part of it, so four, five, and six with that one
MS. TAHDOAHNIPPAH: One, three, four, and six.

MR. FISHER: So you want to just test those three?

543.2 is the definition section and we have work to do in the definition section. All right. So let's test this. I didn't even have to ask. All right. So not everybody has their hand raised.

MS. STACONA: I don't know what we're doing. I pass.

MR. McGHEE: It's no new language. It's just -- there were no changes.

MR. CALLAGHAN: And we reviewed this when? When did we review this?

MR. LITTLE: There is no changes.

MR. McGHEE: Whatever the draft that was put out by NIGC, the TGWG went through it. We didn't change anything in their draft.

The problem is you have to say you agree with it. Or you don't have to.

MR. CALLAGHAN: I will say, I'd like us to be a little better organized. I would like to see what documents we're reviewing and I'd like to have an
opportunity to review these in advance. I'd like to see an agenda that is consistent and not to be jumping around.

I know it's late in the day and maybe I'm a little cranky, but I don't quite understand how we're getting where we're getting.

And let me be clear, this is the NIGC's event. You are the ones that are telling us what records we should be looking at. I would expect the Federal Government would be a little better organized.

**MR. FISHER:** Michele?

**MS. STACONA:** I want to go back to my original question where I believe in 543.3, even though it's in the original 2008 draft, but it wasn't proposed for revisions or addition in the 2010 draft. So I'm assuming it's got the same language as when it first went out. It's got websites in there. If we are going to fix websites everywhere else you better fix it in the part you don't got in this one.

**MS. LASH:** Just make a notation to take out websites.

**MR. FISHER:** Okay.

**MR. LITTLE:** I have a question. Why wouldn't you want websites that possibly could provide valuable information to folks trying to comply with the
regulations?

MR. MCIGHEE: Because if it changes or adds a
different little extra thing -- it's in your regs. It
should.

I'm answering her question. That's what I
thought.

MR. LITTLE: If there is even -- if you look
at FSB (SIC) dot GOV this doesn't even work.

MR. WHEATLEY: So it was already bad before
it got approved. Case in point.

MR. LITTLE: I just tried looking at it right
now and it's not coming through.

MR. McGHEE: I am trying to find the websites
in 543.3. I don't see them. I was trying to find it.

MR. WILSON: Whether they are there or not,
can't we just agree that if they are there we're going
to remove them?

MR. McGHEE: Sure.

MR. WILSON: Rather than trying to find them
so we can get past this.

MR. FISHER: Well -- so -- is that what --
that's the purpose, right?

MR. WHEATLEY: I think I see where Michele is
seeing them at.

MR. FISHER: Do you want me to pull it up at
MR. WHEATLEY: I am looking at the 2008 document. And at the very end of Section F, correct? 543.3(f). And it appears to be a bunch of federal register NIGC notations type reference stuff.

MR. FISHER: It's the actual existing regulation, right?

MS. STACONA: Right. The first one.

MR. FISHER: 543.3, right?

MS. STACONA: Yeah. Little F.

MR. WILSON: Robert, can I move that we vote on what you typed up there?

I mean, I don't know that it's important to see whether it's there or not. I don't think we're trying to prove that point. We're trying to say if it's there they need to be removed. And that's what that says.

MR. WHEATLEY: Except I think we might want to look at it because the NIGC might have a reason that it's there. And it might end up there anyway. Because it appears to be -- I can't explain it without looking at it and maybe the NIGC can if they are looking at it. But it has to do with archives for the federal register and the code and stuff, so it's referencing different sections within the regulations.
MR. WILSON: I thought we were talking about websites.

MR. WHEATLEY: It is a website link. I just don't know that that particular website can be removed. That's the reason I am asking.

MR. WILSON: Well, then if our recommendation said if it doesn't have to be there for some other purpose it can be removed. Because I don't know that you are going to know why a reference is there or not.

MR. LITTLE: No. This is long before my time.

MR. McGHEE: Well, it was there in 08. In 2010 NIGC or another TAC decided it didn't need to be there. And that's why it's not in this document. If there is any other websites take them out. And that particular one was already taken out.

MR. MAGEE: There is no red lines. There is no objections, I guess, from NIGC, correct?

MR. LITTLE: No. There was no changes.

MR. McGHEE: There is a 2010 draft.

MR. MAGEE: Nimish, that means you are okay with the websites?

MR. McGHEE: They are not in the 2010.

MR. LITTLE: We're not saying yes or no. This is your committee. You do what you want.
MR. McGHEE: Take them out. No websites.

MR. FISHER: So, Kathi?

MS. HAMEL: Comments have been made that 543.3 was not changed. There were changes or additions to that section in the TGWG document that was submitted through Poarch Creek dated July of 2011.

MR. McGHEE: There is no red line in your submission. She's saying there really was some.

MS. HAMEL: I just wanted to put that on the record.

MR. MAGEE: For the record what document are we going to use?

MR. FISHER: Exactly. We're still floundering around about which document to use.

MR. WILSON: I have to say that I don't know that we can have an effective conversation without defining this document issue because I don't feel like I can vote on anything. I am in a total state of confusion right now as to -- you know, now we've got the 2010 version. We got the 2008 draft proposed something. I mean, these are all things that in my head -- I just want in front of me a document that is supposed to be discussed.

MR. FISHER: Brian?

MR. CALLAGHAN: The 7-28 -- the document that
we're talking about, Section 2 -- 543.2, definitions -- does mention on page 5 of 35 the new tiers, tier A, tier B, tier C. So this appears to have already been adopted and changed because there is no black line version to this.

MR. McGHEE: Yeah, but there is no numbers.

MR. LITTLE: Are you referring to the definition?

MR. CALLAGHAN: Yes.

MR. LITTLE: Okay.

Just to clarify, we have not sent out any versions of this -- the tribal gaming working groups document. There is one copy that we put on our website and that is the only one there. I don't know of other documents that have been sent out or circulated. They didn't come from us. There is one version that we have and that's on line.

I don't -- I can't explain why others may have different versions of it. This is the one that we have on our website.

MR. MAGEE: Still doesn't explain what document we're going to use to move forward.

MR. FISHER: We can't seem to land on one.

And so --

MR. WILSON: Now, Kathi, you are comfortable
that what's being pulled down off the portal is in
fact what you have because you had some questions
about that?

    MS. HAMEL: Yes.

    MR. LITTLE: It should be because we didn't
send one out. That's the only place that I am
assuming you could have gotten it from.

    MR. WILSON: So is the document you have up
here right now the document that's from the portal?

    MR. FISHER: Yes.

    But there are multiple documents on the
portal. And this document is labeled appendix new red
line proposed part 543 final 7-28-11.

    MR. LITTLE: Let's clarify that.

    MS. HAMEL: There are no Word documents --

    MR. LITTLE: This is only one document on the
NIGC website.


    This is from the TGWG portal. The document
that's up there.

    MR. LITTLE: Now, I've never heard of this
website, and I am not sure if you had access, but
there could be other versions coming from there.

    That's not us.

    MR. McGHEE: I can't say it's accurate.
MR. FISHER: Okay.

MR. WILSON: I am wondering then, given the hour of the day, and where we're at, if it might not be best if we adjourn --

MR. MAGEE: Second.

MR. WILSON: -- and the goal is that tonight -- that tomorrow morning we are presented with the document that -- because even -- it appears that you are even pulling up not documents from the entire package, but supplementary documents that are on the NIGC website. And I think --

MR. LITTLE: That's not correct.

MR. FISHER: No, that's not correct.

MR. LITTLE: There is one document on the NIGC website. And that is the exact PDF that was sent to us from Poarch Creek. That's all that's there.

MR. WILSON: I don't know if that's all that's there because I have pulled down three other documents.

MR. LITTLE: Comparison documents.

MR. WILSON: I guess what I am saying is whatever we're doing is creating confusion because -- I just want to know that -- definitively, that everybody -- that we can all do our reality check and say, yes, the document that I'm staring at is the
document from the portal and it's from the entire package. Because you are talking about a document that was submitted -- the entire Poarch Creek document, 300-some-odd pages; that that is the source document that we should be using for our deliberations. And that the comparison documents are merely a -- an aid.

MR. LITTLE: Exactly.

MR. WILSON: And that's where I think I'm seeing that there is different, maybe, versions of comparison documents, versions even. I don't know. But that's what's creating confusion for me because I just want to get to -- I want to get to the substantive document that when we're talking about a change to, it's a change to that document.

My concern is that if we make a change to a comparative document, an aid, then I'm not sure that that is a true representation of what we're all saying is the source document.

MR. LITTLE: And that's why I continually said let's work off the red line that's on the screen because that's the working group's document. And the comparison document is just an aid to go through that.

We will -- if you want it, we will print off 15 copies of this. I don't know if I can have it to
you for tomorrow morning. If everybody wants that, we will get 15 copies of this available for everybody. We will get printed copies of every single one of these documents if that's what you want. We will have it there.

However, we cannot control -- when Robert sent out a version of these comparisons, he sent it one time. That is the only time we've ever distributed this copy. We can't control how those are manipulated and how those are resent off to the group. And it obviously has happened. It happened with the 547 comparison document. That's not our doing. We can't control that.

So I think the group needs to police how documents are distributed because we can't control this. We haven't done this. We provided one document that Robert sent out this week -- one email that included the comparison documents and we've had this on line. I don't know what more we can do.

**MR. WILSON:** I sense the frustration and I think the rule that we have to all adopt is that that is the document that we are all referring to regardless of what the hell else you get sent by the tribal gaming work group, by whomever, that that doesn't matter. The document that you need to come
prepared to discuss here at this meeting is that 300-page document.

MR. FISHER: Okay.

Michele, you have your card up.

MS. STACONA: Leave the screen up because I am going to ask some questions to clarify.

So if you go up further to the top, I just want to make sure I understand all this that's on the NIGC website.

MR. FISHER: What's projected is the NIGC website.

MS. STACONA: So you got the current regulations that were there in 2009. And then comes July of 2010 where they relooked at it. Drafted it up again. And then I believe, if I am correct, towards the bottom, resource materials, is what the TGWG did in response to that July 8, 10?

MR. LITTLE: If you could go -- if you could scroll up a little bit. Stop right there. You will see Poarch Band of Creek Indians under comments.

Now, the way that we are able to use this as a starting document is through the president's consultation and memoranda to all federal agencies that we can use alternative proposals submitted from tribes and that's what we've done. That's why it's
under tribal comments received. That's why it was submitted through the Poarch Band of Creek Indians. That's where it's located. That may have caused some confusion.

If there is a way that we could probably clarify what that is, we could probably do that. But that's where the TGWG document is. Right there.

**MS. STACONA:** But did they comment on your last drop of July 2010?

**MR. LITTLE:** Yes.

And then if you scroll down, you will see the comparison documents. Those are all based off of 2010.

**MR. WILSON:** Just to be clear, the documents up under the comment section, that is where you go. It's that 300-page document.

**MR. LITTLE:** Right there.

**MR. WILSON:** That is the document that when all else is in doubt is the source document that we have to refer to so that regardless of any other version, any other whatever, that's it?

**MR. FISHER:** Because that's the version that was submitted to the NIGC and that's what you are basing the alternative proposal review on.

**MR. LITTLE:** Right.
MR. FISHER: Okay.

And that document is in a PDF version, right?

MR. LITTLE: Right.

MR. FISHER: That's what was up on the screen previously.

And we were looking for a Word version in order to be able to put changes in it and that's what we were trying to pull down from the TGWG website. That's the sequence. Okay. So, yeah.

So on -- so thanks for the reminder, Daniel. Just as a pause here for a moment. The time is 5:40 and on our agenda at 5:30 is a public comment period, which we are honoring. And I don't believe anybody has signed up for public comment on the sign-in sheet out there the last time I checked.

So if there is anybody in the audience that wishes to provide public comment to the TAC, now would be the time.

Anybody want to do that? Okay. All right.

So the suggestion was made that we actually -- that we actually bring this to a close for today and that we come back tomorrow with the -- and starting from the document that we just identified on the NIGC website.

And so -- anybody have anything else before
we break for the evening?

      Everybody ready to break?

      Okay. So let's --

    MS. HAMEL: Yes.

    MR. FISHER: Go ahead, Kathi.

    MS. HAMEL: I thought we were voting.

    MR. LITTLE: I just want to say, you know, these are tough issues, you know. And I want to applaud everybody for really sticking it out here. Last night at six o'clock it looked like everybody was so ready to go. And we probably -- it was a good thing we did break at that time. I know it was frustrating. I want to thank everybody for sticking it out.

      I, too, am a little frustrated. I am committed to this process just like you all are. And at the end of the day we're going to come up with something that's going to work. And I really appreciate everybody sticking it out today.

    MR. FISHER: Okay. So we'll start up at eight o'clock tomorrow morning.

    MS. HAMEL: Do we want to have our session before?

    MR. WILSON: We would prefer that's on the record that we went into executive session.
The other problem is, if we started in the morning and then we give you a time -- I don't know how long we might be in executive session. It should just be part of the record.

**MR. FISHER:** We will start at eight o'clock with the understanding that you are going to go into executive session.

So let's adjourn for the day.

(The National Indian Gaming Commission Tribal Advisory Committee Meeting was adjourned at 5:45 p.m., November 16, 2011.)