

IN THE UNITED STATES OF AMERICA

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In Re:

NATIONAL INDIAN GAMING COMMISSION

REGULATORY REVIEW

* * * * *

June 13th, 2011

9:16 a.m. to 11:26 a.m.

at

HYATT REGENCY HOTEL

LAKESHORE BOARDROOM

333 WEST KILBOURN AVENUE

MILWAUKEE, WISCONSIN 53203

Job No. NJ331341

Reported by David W. Wahlberg

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A P P E A R A N C E S

CHAIRMAN DAN LITTLE, Associate Commissioner

MIKE HONECK, Assistant General Counsel

DAWN HOULE, Deputy Chief of Staff

JOHN GERBER, Regional Director

LINDA DURBIN, Field Investigator

JIM BENSON, Field Auditor

* * *

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CHAIRMAN LITTLE: Good morning. Wow, that's loud. All right. We have a small crowd today, but we're going to get started anyways. I'd like to welcome all tribal leaders and elders and tribal representatives that are present to the NIGC Conference Session on Groups 3 and 4 of our Regulatory Review Schedule. On behalf of the entire Commission we are very grateful and honored to be here and I mean to address everyone this morning to discuss these very important issues contained in our Notice of Regulatory Review. My name is Dan Little. I am the Associate Commissioner with the NIGC, and today I'm here on behalf of Chairwoman Tracie Stevens and Vice-Chairwoman Steffani Cochran, who send their regards and look forward to reviewing the transcript and the comments that are submitted.

Before we get started, I would like to turn the session over to Mr. Robert Tippeconnie. I hope I said that correctly, sir. He's with the Comanche Nation, and he's going to start us off properly.

MR. TIPPECONNIE: That sounds tremendous.

1 (General laughter.)

2 MR. TIPPECONNIE: You know, most of you
3 know, concurrent with this is the National
4 Congress of American Indians, and there are
5 many sessions ongoing, starting here at 9:00
6 o'clock as well, so we were here at 7:30.
7 Well, it's always smart to start quickly, and
8 I'd like to say I like what you said, because I
9 would like to say we're done with this. I have
10 a whole kind of outline of what we can do.
11 Well, anyway, the National Congress appreciates
12 that you're here. There's often conflict with
13 what we're doing, and you know that, and it's
14 always smart to be in consultation with each
15 other as you're consulting, but we welcome you
16 to be here and I know we just -- that's the
17 point we wanted to make, the National Congress.
18 And I know a lot of our tribal leaders are here
19 and active and some of our tribal leaders are
20 here today, and they may be members of National
21 Congress, may not, but I know all those gaming
22 tribes are very interested in this, like our
23 Comanche nation is, and so I just want to say
24 welcome and glad you're here, along with that.
25 Okay.

1 CHAIRMAN LITTLE: Okay. Thank you. Prior
2 to coming to the Commission, I worked with
3 Mashantucket for 12 years and was a very active
4 participant in the National Consternate and can
5 appreciate all the great work that everyone
6 does, so very good point.

7 I also want to recognize the NIGC staff
8 that is here with me today. To my left is
9 Deputy Chief of Staff Dawn Houle. To my right
10 is, from our Office of General Counsel,
11 Attorney Mike Honeck. Then in our region
12 office from the St. Paul area, we have John
13 Gerber, who's a regional director, Linda
14 Durbin, she might be outside, she's a field
15 investigator, and one of our field auditors,
16 Jim Benson.

17 I think it would also be nice if we could
18 go around the room, maybe we could start on the
19 left here, and maybe folks might want to
20 introduce themselves and what tribe they're
21 representing or they're on behalf.

22 MR. DANFORTH: Good morning. Thank you,
23 Mr. Little. My name is Gerry Danforth, and I'm
24 here as a member of the Miami Tribes, of their
25 Development Authority. I'm a member of their

1 Board of Directors.

2 SERGEANT AT ARMS: Mr. Commissioner,
3 Ladies and Gentlemen, if you push the button on
4 the left of your mike when you go to speak,
5 that'll activate it.

6 MR. DANFORTH: Do we need to say it again?

7 CHAIRMAN LITTLE: Naw.

8 (General laughter.)

9 MS. LASH: Good morning. My name is Robin
10 Lash. I'm an attorney and Gaming Commissioner
11 with the Miami Tribe.

12 MS. WILLIAMS: Hi ya and good morning.
13 I'm Donya Williams, councilperson and tribal
14 member of Miami Tribe of Oklahoma.

15 MR. LANKFORD: Good morning. I'm Second
16 Chief Lankford, Miami Tribe of Oklahoma.

17 MR. PITCHER: I'm Gregory Pitcher,
18 Government Relations with the Shawnee Tribe in
19 Miami, Oklahoma.

20 MR. TIPPECONNIE: I've already introduced
21 myself. Bob Tippeconnie, Comanche Nation.

22 MR. ROWE-KURAK: Janice Rowe-Kurak, I'm
23 Chairwoman, Iowa Tribe of Oklahoma.

24 MR. SNYDER: Good morning. My name is
25 Darwin Snyder and I represent the Winnebago

1 Tribe of Nebraska. I'm a tribal council
2 member.

3 MR. MANN: My name is Lawrence Mann,
4 Forest County Potawatomi.

5 MR. HEFFELFINGER: I'm Tom Heffelfinger,
6 attorney for the Forest County Potawatomi
7 Gaming Commission.

8 MR. STOUSER: James Stouser, Stosselman
9 Kiowa League of Nation. (Phonetically spelled.)

10 MS. VANSCHYNDEL: Tamara VanSchyndel,
11 member of the Oneida Tribe of Wisconsin.

12 MR. SCHUYLER: Oscar Schuyler, OCGES.

13 MR. ERMATINGER: Kenneth Ermatinger, I'm
14 Executive Director of the Sault St. Marie Tribe
15 of Chippewa Indians Gaming Commission.

16 MR. MURPHY: Mike Murphy, Ho-Chunk Nation
17 Counsel.

18 MR. HARRIS: Ron Harris, Chief Executive
19 Officer, Miami Tribe of Oklahoma, and board
20 member.

21 MR. WEBSTER: Joe Webster, attorney with
22 Hobbs, Straus, Dean and Walker, on behalf of
23 the Seminole Tribe of Florida.

24 MR. LOMBARDO: Charlie Lombardo,
25 international party.

1 (General laughter.)

2 CHAIRMAN LITTLE: I would like to invite
3 everybody to come sit at the table. We
4 obviously have plenty of room, so don't be
5 bashful. Okay. As many of you know, I came on
6 board with the Commission about a little bit
7 over a year ago. I'm originally from
8 Connecticut and prior to joining the Commission
9 I served with the Mashantucket Pequot for about
10 11 years, and then prior to that I worked with
11 the Connecticut State Assembly, and spent over
12 14 years in the Army, in the Army Reserve.

13 When the new Commission organized last
14 summer we developed a vision for this agency
15 that includes a commitment to building a
16 meaningful government to government working
17 relationship with tribes. In parliamentary
18 terms we are committed to respecting tribes as
19 the primary regulators, and we understand that
20 tribes and their regulators are most familiar
21 with their own operations. We know that tribes
22 differ from region to region and state to state
23 and so do the gaming operations. In order to
24 fully support tribal regulations we must work
25 with tribes to ensure the entire industry is

1 maintained. Tribes, states and the NIGC each
2 have an important function in the regulatory
3 structure created by IGRA. The industry is
4 best protected when we can all perform our
5 goals effectively. We have heard from tribes
6 that the process of consultation is just as
7 important as the substance of the consultation.
8 Through government to government consultation
9 we can be cooperative, collaborative,
10 meaningful and must be an ongoing dialogue of
11 exchanging ideas. It is not merely a box to
12 check off when developing policy. You know, we
13 kind of sit here at this meeting and folks, you
14 know, probably would enjoy more participation.
15 However, any participation is good, and I think
16 that the NIGC is trying to really show our
17 willingness and desire to come out here and
18 meet with tribes and then provide every
19 opportunity available to hear your concerns as
20 we do move forward with these important
21 regulatory endeavors.

22 In January and February the NIGC held a
23 series of eight consultations through the
24 country enlisting tribal leaders and invited
25 their written comments to be submitted by

1 February 12, 2011. After reviewing all the
2 consultations and transcripts submitted, on
3 April 1st of this year, the Commission
4 published a notice of regulatory review
5 schedule. The review schedule provides a
6 comprehensive agenda for addressing regulations
7 that were raised during that notice of inquiry
8 last fall. Based upon the tribal consultations
9 and comments the Commission decided to
10 organized their regulatory review into five
11 groups. They originally were groups three and
12 four. We've been doing this since, I think,
13 late April, and we started I and II and we will
14 end early next year. The regulations in each
15 group were reviewed separately from the
16 regulations in other groups, and specific
17 regulations in each group may proceed to the
18 regulatory review process independent from the
19 other regulations in a particular group. And
20 this was done because you've got some
21 regulations that are contentious and will
22 involve a lot of discussion and a lot of
23 consultation. We don't want others that I
24 think, you know, are in need of improvement or
25 change, that everybody can agree upon. That is

1 why we're trying to do these independently. So
2 I guess that today we're going to talk about
3 the regulations included in groups three and
4 four of the Regulatory Review Schedule. I'm
5 going to turn the program over to Dawn Houle,
6 our Deputy Chief of Staff, and she's going to
7 go through kind of a more detailed explanation
8 of those specific items in groups three and
9 four. So a couple things. I know Dawn's going
10 to repeat, repeat some of these, but when you
11 speak, this is being transcribed, it'll be up
12 on our website, if you could just state your
13 name and your organization. So I will turn it
14 over to Dawn.

15 MS. HOULE: Good morning everybody. I
16 know time is of the essence and, as you all
17 know, there's lots of sessions going on and
18 everybody wants to get to them, so if I talk
19 too fast just let me know. I've been with the
20 NIGC since October of last year. I'm Chippewa
21 Cree from Noxon, Montana and this is my first
22 time being a fed, so I come from a
23 self-governance background, and I used to work
24 for the Quinault Indian Nation, as well as many
25 others. But I am excited to be here to learn

1 about the issues affecting tribes and so with
2 that I will kick it off.

3 So as we all know there's an Executive
4 Order 13,175 Consultation and Coordination with
5 Indian Tribal Governments that was issued by
6 the president of the United States and as a
7 federal agency we definitely have to comply but
8 also find it very refreshing that we have
9 somebody that, a president that honors that and
10 respects that and has laid out some pretty
11 clear criteria for us. So with that, the
12 criteria set out in that policy is to formulate
13 and implement policies that have tribal
14 implications and it encourages tribes to
15 develop their own policies, to achieve program
16 objectives, as well as to defer to you to
17 establish standards, thankfully, and also in
18 determining whether to establish federal
19 standards, consult tribal officials as to the
20 need for federal standards and any alternatives
21 that would limit the scope of federal standards
22 or otherwise preserve the prerogatives and
23 authority of Indian tribes. Again, the power
24 is yours and I think it's, again, it's
25 refreshing to see that we're here listening to

1 you instead of telling you what the policy's
2 going to be. So tribal consultation between
3 tribal governments and us, and only tribes and
4 their designees can attend and participate in
5 these meetings. So we've had media ask if they
6 could attend, we've had state legislators,
7 state representatives. This is your meeting
8 and we want to make sure that we don't want to
9 embarrass anybody, but if there's anybody
10 that's not a tribal representative, please
11 excuse yourself. This is tribal consultation.

12 The regulatory review process is a
13 three-phase approach. There's a preliminary
14 drafting phase, which we're currently in now,
15 and there's a proposed rule, which is
16 consultations and approximately 60-day comment
17 period and if the Commission decides to issue a
18 Notice of Proposal Rule-making, that would
19 accompany that, and then the third is the Final
20 Rule, which is approximately a 40-day written
21 comment period. And on our website we
22 reinforce all of those deadlines, so a lot of
23 these are going to be overlapping and Group 1
24 might be in the second phrase, Group 3 might be
25 in another phase, so definitely we encourage

1 you to look at our website to keep track of
2 when those comment periods are going to end.

3 There's five groups of regulation, as Dan
4 outlined. Not any one of those groups
5 indicates a priority. We try to group like
6 subjects and factors and some of those, what
7 are the similar subject matter, what were some
8 of the priorities that the comments that were
9 received on the Notice of Inquiry and what kind
10 of estimated time would it take us to get
11 through some of those regulations and,
12 obviously, the resources to complete the
13 review. Some, like Dan said, are going to be a
14 little more straightforward and we can get
15 through them faster, and others take a little
16 bit more time. So those were the criteria of
17 how we grouped them, and that's that.

18 So the Regulatory Review consultation
19 process, as Dan was indicating, these are
20 preliminary discussion drafts for consultation
21 and everything is an initial working draft.
22 All of the meetings are transcribed and, again,
23 if you refer to our website you can review
24 those. From my former experience with the
25 Assistant Secretary of Meeting Affairs, the

1 other tribal members or tribal counsel or
2 tribal leaders appreciated going and reading
3 what other tribes are saying to gain kind of an
4 insight or impact across the nation, and so
5 those are there and if you are not able to
6 attend any of the other groups, we encourage
7 you to submit something in writing, but keep in
8 mind those will be posted on the website. So
9 we definitely take what you're telling us for
10 the face value that it is and everything will
11 be reviewed and is reviewed and is considered.
12 Any proposed or final rule will include a
13 summary of comments received, and I believe the
14 approach is going to be, this is what we
15 received and this is the action that was taken.
16 Sometimes some of the comments are not
17 reflective of what the subject matter is.
18 Obviously, those are not considered, but at
19 least you'll know kind of a matrix of how these
20 responses will be used, I mean how your
21 comments will be used. The Commission is
22 committed to a clear and transparent process
23 and that's kind of that. So if you tell us
24 something, this is what we're going to do with
25 it, that's that matrix, or follow the matrix,

1 hopefully, as I said, will be developed.

2 So the agenda today is Group 3, which is
3 Class II MICS and Class II Technical Standards,
4 as well as Group 4, Pilot Gram, Background and
5 Licensing and Management Contracts.

6 So quickly an overview for Group 4, we
7 have a current pilot program that's been in
8 existence since a long, long time. I think we
9 have 98 percent of all tribes participating in
10 it, so it doesn't really qualify as a pilot
11 project any more or pilot program. We'll talk
12 about access to fingerprint card processing for
13 non-PMOs and/or key employees, as well as
14 background requirements for management
15 contractors, access to off-site records held by
16 Third-party, and a review of collateral
17 agreements and discuss the definition of net
18 revenues and management fees.

19 So the Pilot Program, the Notice of
20 Inquiry requested comment on whether or not
21 this should be a formalized organization.
22 Right now the Pilot Program allows tribes to
23 submit notice of results to the NIGC and to
24 maintain completed applications and
25 investigative reports.

1 Does anybody else need to turn their cell
2 phone off?

3 MR. HONECK: That was me.

4 CHAIRMAN LITTLE: I got lucky. Mine went
5 off when at the airport.

6 (General laughter.)

7 MS. HOULE: What would we do without that
8 noise? All of the commenters, we've received
9 support formalizing this program, as we have
10 either a regulation or policies.

11 So what are the issues affecting the
12 policy program? We kind of outlined them in
13 questions to spark dialogue and get some
14 feedback from you all. How will this
15 regulation change impact current ordinances?
16 Currently, IGRA provides for two types of
17 notifications: One, tribe to notify the NIGC of
18 the background results; and, tribe is to notify
19 the NIGC of issuance of a license. And then
20 the other question is, is how should this
21 notice be sent to NIGC?

22 Fingerprint Processing. And the NOI asked
23 if NIGC should allow access to fingerprint
24 processing for any employee designated by the
25 tribes. The majority of the comments received

1 support this action.

2 Am I going too fast, too slow? I know I'm
3 reading to you and I apologize to those that
4 are not familiar with the two groups. We're
5 hoping to be comprehensive, and you're seeing
6 this all at once. So the NOI asks if
7 regulations should be revised, clarify that
8 management contractors of Class II and Class
9 III facilities must have a complete background
10 investigation, and again, the comments received
11 on this was that they support the
12 clarification, and then the other side is we
13 have no authority, NIGC has no authority to
14 approve Class III management contracts or to
15 require background investigations. Some
16 commenters also stated that most of these
17 issues are covered by the current compact.

18 So Management Contracts. Additional
19 comments received is how could the process be
20 streamlined while maintaining integrity of the
21 current process and who should qualify for the
22 streamlined process. And this is all related
23 to the approval of the Management Contract.

24 The NOI asked whether or not Part 531
25 should be revised to require the submission and

1 approval of collateral agreements. The
2 majority of the comments support the
3 requirements of these submissions, and there
4 was some disagreement regarding whether or not
5 the Collateral Agreement should be approved by
6 the Chair. Additional comments received on
7 this was that NIGC didn't have the authority to
8 approve these collateral agreements. We
9 shouldn't second guess a tribal decision,
10 requiring approval of collateral agreements
11 would discourage private investments.
12 Agreements other than a management agreement
13 should be left to the discretion of the tribe.
14 Additionally, more comments were received about
15 NIGC has a trust responsibility to review and
16 approve the collateral agreements. Approval of
17 these agreements protects tribes from sole
18 proprietary interest violations and it could
19 discourage a business from attempting to take
20 advantage of a tribe and approval of collateral
21 agreements reduces the risks to both parties.

22 Access to off-site records held by a
23 third-party. NOI asked whether or not Part 571
24 should be revised to clarify NIGC access to
25 papers, books and records including at sites

1 maintained by third parties. Some of the
2 comments received, a revision is unnecessary
3 because the NIGC already has access to all the
4 records, or some of the comments also suggested
5 that only clarification or suggested that only
6 clarifying that NIGC can access off-site
7 locations maintained by third parties.
8 Additional comments suggested requiring tribes
9 to maintain all their records on-site and
10 commenters also stated that NIGC should only
11 request records within their statutory
12 authority. Regulations should be revised to
13 deny NIGC access to Class III records.

14 Net Revenues and Management Fee. The NOI
15 asked whether or not the definition of net
16 revenues, management fees be defined to be
17 consistent with the general accepted accounting
18 principles. The majority of comments received
19 support this type of revision. Comments also
20 said we need to maintain compliance with IGRA.
21 If the intent is to change the calculation of
22 management fees, then different terminology
23 should be used and a repeal of the most recent
24 change to the definition is required to
25 maintain compliance with IGRA definitions. The

1 definition needs clarification. These are some
2 of the questions being posed regarding
3 management fees. Would GIPRA provide
4 clarification? Not GIPRA. Would GAAP provide
5 clarification? How can the definition be
6 clarified while maintaining compliance with
7 IGRA definition of net revenue? So currently,
8 net revenue means gross gaming revenues of an
9 Indian gaming activity less amounts paid out
10 as, or paid for, prizes and total operating
11 expenses excluding management fees. 25 USC
12 Section 2703(9). So again, real quickly for
13 Group 3, Part 543 is Class II minimum internal
14 standards and Part 547 talks to technical
15 standards.

16 And the NOI asked how to proceed with the
17 revisions to these parts. Currently, 2008 MICS
18 implementation date is October 13th, 2011 and
19 additionally, until July of 2010, NIGC was
20 drafting changes to the Class II MICS, and
21 alternative draft rules submitted to the NIGC
22 by the Tribal Gaming Work Group are under
23 review.

24 So what are some of the issues affecting
25 Class II MICS and Class II Technical Standards?

1 What are the key issues that need to be
2 addressed in the MICS? What are the key issues
3 that need to be addressed in the technical
4 standards? How have the Technical Standards
5 worked in the industry? And how should the
6 NIGC make revisions in the future to address
7 new and advanced technology? Like I said the
8 website will have a lot of these deadlines but
9 just as a reminder, Part 559, Facility License,
10 the deadline for written comments is June 17th,
11 so this Friday.

12 So if there's any questions now or in the
13 next eight months, when we get done with all
14 the reg reviews, please feel free to use our
15 website at reg.review@nigc.gov, or give us a
16 call at 202-632-7009. Thank you.

17 CHAIRMAN LITTLE: All right. Thank you,
18 Dawn. A couple, just a quick thing. We're
19 scheduled to go to 5:00 o'clock. We won't make
20 it to 5:00 o'clock, so we're going to progress
21 through the agenda. We're going to flip it. I
22 see Ron Harris is here, and he can talk a long
23 time about Group II, I mean Class II games. So
24 we're going to do Group 4 first and then we'll
25 get to the Group 3 one. Once again, when you

1 speak, please state your name and your
2 organization for the transcriptionist. And I
3 think that was it. So we're going to just jump
4 right into Part 556 and 558 in Group 4, and as
5 you probably know, these are to help shield
6 Indian gaming from organized crime and other
7 corrupting influences by requiring background
8 investigations and reporting the results to the
9 NIGC for key employees and primary management
10 officials. Like Dawn had said, the Commission
11 has, or right, there was a pilot program that's
12 been in place for a long time. I'm sure that
13 some folks, Mike might know, probably ten
14 years.

15 MR. HONECK: Yes, at least.

16 CHAIRMAN LITTLE: At least ten years. And
17 from my understanding it's working pretty
18 effectively. And we would like to hear if
19 folks have some comments on that, should this
20 been promulgated into a regulation, don't broke
21 it if it's not fixed, I mean don't fix it if
22 it's not broken, something like that. Oh, one
23 other housekeepings. Some of you may have come
24 with prepared statements on a number of
25 different statements. If you'd like, you can

1 do that now, you can make your complete
2 statement, you can summarize, you can submit
3 the entire copy into the transcript if you'd
4 like. It's up to you. So as we progress
5 through the meeting, if you would like to read
6 a statement on behalf of your organization,
7 please go right ahead. Let me correct that.
8 On behalf of your tribe or the tribe that you
9 represent, you can go right ahead, even though
10 it might not be on the topic that we're
11 discussing at that particular time. So I'll
12 leave that up to you. So going back to Parts
13 556 and 558, does anybody have any comments
14 about the pilot program? Yes, you can go back
15 to that screen if you'd like. I think some of
16 the questions in the Power Point that we had
17 kind of thrown out there was is there a need
18 to, you know, background check management
19 officials and contractors, I guess that's it,
20 but any anything, comments on the pilot
21 program? Yes, ma'am.

22 MS. LASH: Robin Lash with the Miami Tribe
23 of Oklahoma.

24 CHAIRMAN LITTLE: These are very
25 expensive.

1 MS. LASH: They are.

2 CHAIRMAN LITTLE: They're nice.

3 MS. LASH: The Miami Tribe participates in
4 the pilot program and we support it. I don't
5 know that it would necessarily need to be a
6 regulation. I think as you say, it's not
7 broken, so why fix it. I think it works very
8 well. It saves a lot of time and accumulation
9 of paperwork. We do have the licensing
10 information in our office for inspection at any
11 time. I think that there was some concern
12 logistically at the presentation last week
13 about the fact that IGRA requires two
14 notifications, one where we send in the two
15 bills of determination and then normally we'd
16 try to just license it, and there was a request
17 that perhaps a form could be created for the
18 part two, that once you send back your notice
19 saying we concur, then you could send an
20 official notice that this person has in fact
21 been licensed, and that would address the issue
22 of two notifications. Thank you.

23 CHAIRMAN LITTLE: Great. Thank you very
24 much. That's helpful. Does anyone else have
25 anything further to add about the Pilot Program

1 or anything else in Part 556 and 558,
2 Background and Licensing?

3 (No response.)

4 CHAIRMAN LITTLE: Well, moving right
5 along, then. Part 571, this details the
6 procedures the agency represents the users to
7 modern gaming and conduct investigations, and I
8 think that one of the topics that has come up
9 in some of the other consultations was about
10 the NIGC conducts investigations periodically
11 and I think tribes or facilities would like to
12 be notified or have some kind of a notice when
13 the NIGC has concluded with our investigation.
14 Does anybody have any comments or past
15 experiences they would like to share, you know,
16 what criteria should the NIGC use, should they
17 issue letters that our investigations have
18 concluded? Now this is with or without any
19 kind of an action taken. Does anybody have any
20 experience they would like to share?

21 (No response.)

22 CHAIRMAN LITTLE: Okay. Also included in
23 this part, we've heard comment about should the
24 NIGC create a different procedure for
25 requesting the records held by third parties

1 other than tribes? I think that's where their
2 records are located off property.

3 (No response.)

4 CHAIRMAN LITTLE: This is a tough crowd
5 here. Okay. Should the NIGC notify tribes
6 that records held by third parties or held at
7 third-party locations --

8 MR. HEFFELFINGER: Could I ask a question
9 that actually goes back to the Power point?

10 CHAIRMAN LITTLE: Sure.

11 MR. HEFFELFINGER: My name is Tom
12 Heffelfinger with Potawatomi. We may have
13 moved so quickly we missed fingerprint
14 processing, but as part of this process has the
15 NIGC reached out to the FBI to obtain the FBI's
16 response or attitude towards providing tribes
17 more direct access or, I should say, direct
18 access to FBI fingerprint records?

19 CHAIRMAN LITTLE: Yes. I do understand we
20 have an end review. Mike might be able to talk
21 about this a little bit further.

22 MR. HONECK: We do have an MOU and we also
23 have been talking with FBI with their office in
24 I think West Virginia that does all the
25 fingerprinting processing. I'm not sure at

1 what stage those talks are. The talks have
2 been going on for a while and I think we're
3 both trying to shape what the limits are and
4 what we can ask for and what direct access the
5 FBI can give, but I know that, yes, we are
6 talking with them about it. Not only access
7 directly to tribes but also whether FBI could,
8 if tribes elected to send in contractors or
9 people that they're doing business with for
10 background investigations, if FBI could even
11 look at those fingerprints and issues like
12 that.

13 MR. HEFFELFINGER: Again, Tom
14 Heffelfinger, Potawatomi. Is this the same MOU
15 that was in place five, six years ago, which
16 goes back to the 1990's or is there a new one?

17 MR. HONECK: I think it's the same MOU. I
18 don't know if it ever had an expiration date,
19 but I don't think anything new has been
20 developed, no, but I would have to double check
21 that before I could say 100 percent.

22 MR. HEFFELFINGER: Again, Tom Heffelfinger
23 Potawatomi. There it goes. We addressed this
24 issue with the prior commission about five
25 years ago, four years ago, and directly with

1 the FBI and DOJ and we're quite frustrated by
2 the process, and Potawatomi processes a lot of
3 background investigations, and we're quite
4 frustrated to find that our options were very
5 limited because the FBI basically said that for
6 nonmanagement level employees and for vendors,
7 for example, getting access to fingerprints was
8 extraordinarily limited without either federal
9 legislation, state legislation or our hiring
10 somebody who the FBI, in other words, you had
11 to spend money or you go and lobby the heck out
12 of the issue. It seems to me that affording
13 tribes access to fingerprint data is in the
14 best interests of tribes as well as NIGC, but
15 that the tribes ought not be put in a position
16 where they either have to fork over a lot of
17 money for a commercial processing operation or
18 engage in a federal or state lobbying effort in
19 order to get that access, and it's the FBI that
20 is the hurdle, and so I guess my request would
21 be, or suggestion would be, based on Potawatomi
22 experience, is that the NIGC needs to take a
23 lead role in getting the FBI on board on this,
24 and that's going to require updating that MOU.

25 CHAIRMAN LITTLE: Yes, we've heard that

1 before, you know, that tribes like us to be, or
2 try to expand their ability to access that
3 information for some employees. I appreciate
4 that comment. Does anyone have any other
5 comments about the fingerprinting process?

6 (No response.)

7 CHAIRMAN LITTLE: Okay. Go back to 571, I
8 guess. We talked about off-site records,
9 investigative closure letters. Mentioned that.
10 Does anybody have any comments about NIGC's
11 authority to access records that are held
12 off-site? Some have commented that we do have
13 that authority, some have commented that we
14 don't have that authority. I'd be interested
15 in hearing what anyone might have to say
16 regarding that. We've heard requests that how
17 would the NIGC keep information obtained from a
18 third-party confidential? Mr. Heffelfinger, do
19 you have anything you want to add?

20 MR. HEFFELFINGER: Well, actually, I was
21 seeking a clarification. When I read your
22 original proposal, it wasn't as clear to me.
23 Are we talking about, let's say we've got 150
24 bankers' boxes in a remote storage facility, or
25 are we talking about your accessing our bank

1 records at Wells Fargo?

2 CHAIRMAN LITTLE: Hmm.

3 MR. HONECK: Well, I think, you know, I
4 would be interested to hear about both. I mean
5 I think definitely the first example, you know,
6 those would be anything in storage, if it's
7 pursuant to an investigation that the NIGC is
8 conducting then we would be interested to know
9 if you think that's something you think that we
10 should be able to have access to or be able to
11 demand access to, and definitely tribal records
12 that may be at a bank or at a financial company
13 that a tribe is working with.

14 MR. HEFFELFINGER: Again, Tom
15 Heffelfinger, Potawatomi. It seems to me
16 there's a significant difference, that if you
17 are talking about access to records that are
18 tribal records that are being stored in an
19 off-site location, that's a good business perk
20 that you don't want to tie up precious gaming
21 space to store old records and tribal records,
22 no matter where those tribal records are kept,
23 it seems to me you have the right to access
24 them, if the regs and IGRA authorize. However,
25 data that is confidential for other reasons,

1 such as confidential financial data, you ought
2 not have access to, absent some level of
3 subpoena authority, and I will throw into that
4 category financial records like bank account
5 records which, as a sovereign nation, just like
6 any individual with other individual financial
7 rights, that those rights ought not be trumped.
8 So I think there's a significant difference,
9 depending upon whether there is an independent
10 level of confidentiality, such as financial.

11 CHAIRMAN LITTLE: Okay. Thank you.

12 MR. HONECK: Can I just ask him, do you
13 think that the Commission's current subpoena
14 power would cover that, or do you think it
15 would have to be narrowed or better defined?

16 MR. HEFFELFINGER: Never having had to
17 respond to one of your subpoenas because we
18 usually cooperate, it seems to me that the NIGC
19 subpoena authority has not reached the level of
20 giving NIGC access to confidential financial
21 data, which generally arrive at data under
22 federal law, will only be accessible either
23 through a court order, like a search warrant,
24 or some other kind of order, like a grand jury
25 subpoena, and the administrative record, that I

1 do not believe would fall, rise to that level,
2 even within the Department of Justice, although
3 there is administrative subpoena authority
4 that's based on, I believe it's Congressional
5 action, that it gives DOJ a right to get
6 financial records through that. So it seems to
7 me that the current subpoena authority of the
8 NIGC does not reach to that level.

9 CHAIRMAN LITTLE: Anything else on that
10 one?

11 MR. HONECK: Thank you.

12 CHAIRMAN LITTLE: Here's another question.
13 Does anybody have any comments regarding how
14 the CRIT decision restricts the NIGC from
15 accessing Class III records?

16 (No response.)

17 CHAIRMAN LITTLE: Okay. We're making some
18 quick time here. I don't have any other
19 questions here. Any other questions you have,
20 Mike?

21 MR. HONECK: No, no questions.

22 CHAIRMAN LITTLE: Okay. Then I think
23 we're going to move on to Part 531, Collateral
24 Agreements, and that's a contentious topic for
25 some. I think the purpose of this regulation

1 is to specify what must be included in a
2 management contract for it to be approved. In
3 the NOI we got some comments. The majority of
4 the comments support requiring the submission
5 of collateral agreements relating to management
6 contracts. There was some disagreement among
7 commenters regarding whether collateral
8 agreements should be approved by the chair.
9 Should the Commission consider whether it has
10 the authority to approve collateral agreements
11 for the management contracts? Anybody have any
12 comment on that?

13 (No response.)

14 CHAIRMAN LITTLE: Don't everybody speak up
15 at once. Should the Commission revise Part 531
16 to require permission to approve collateral
17 agreements?

18 MS. LASH: Robin Lash with the Miami
19 Tribe. It's our position, I don't believe that
20 the NIGC should approve the collateral
21 agreements. I think that that's kind of a
22 paternalistic role on behalf of the NIGC.
23 Tribes are advanced, have legal counsel and are
24 doing business in ways outside of gaming and I
25 think that tribes are well able to take care of

1 themselves without needing oversight with
2 collateral agreements.

3 CHAIRMAN LITTLE: I'd be lying if I didn't
4 say that I didn't hear something similar from
5 other stuff. Appreciate your comment. Thank
6 you. At the NOI folks said that you should not
7 be second guessing tribal business decisions
8 without the authority. Requiring these
9 agreements could discourage private investment.

10 MR. HEFFELFINGER: Again, Tom
11 Heffelfinger, Potawatomi. I won't repeat the
12 comments we've made in writing to you earlier
13 after prior consultation, but as I read the
14 issue as it's been formulated, it seems to me
15 that the issue is really an attempt to respond
16 to the fact that the industry has moved beyond
17 management contracts and that the NIGC is
18 attempting through this proposed regulation to
19 identify other agreements and then add their
20 jurisdiction to it. It seems to me it's an
21 attempt to catch up to 20 years of practice,
22 and that it doesn't recognize the fact that the
23 industry has grown and that the operators of
24 those, of these operations are incredibly
25 sophisticated now and, therefore, it's a

1 solution seeking out a problem, and it ought
2 not be applied to all tribes. If there are one
3 or two issues out there, seek to solve the
4 problem with those one or two operations rather
5 than dragging all operators in under a solution
6 that's looking for a problem.

7 CHAIRMAN LITTLE: Does anyone else have
8 any further comments on collateral agreements?

9 (No response.)

10 CHAIRMAN LITTLE: We are making some good
11 time here. Part 537, Background Investigations
12 for persons at NIGC with a financial interest
13 in or having a management responsibility for a
14 management contract. We talked about this a
15 little bit already. Should the Commission
16 require -- this should stimulate some
17 conversation -- should the Commission require
18 consummation for the contractor to give
19 background information where the contractor is
20 used for Class III gaming only?

21 (No response.)

22 CHAIRMAN LITTLE: I thought that would get
23 someone's comments.

24 (General laughter.)

25 CHAIRMAN LITTLE: You're all in agreement

1 with what we've said? In jest I say that.
2 Should the Commission revise Part 537 to
3 specifically require consummation of contracts
4 submitted for background information? Do you
5 guys have any comments?

6 (No response.)

7 MS. HOULE: If you don't say something
8 after six seconds, it's a no.

9 (General laughter.)

10 CHAIRMAN LITTLE: All right. Well, I'm
11 not going to force anybody to say anything, so
12 the last section in our Part 4 is on the
13 definition of Net Revenue. Is there any part
14 in the definition -- this was the only
15 particular section that we did get comments on,
16 the term net revenue is currently defined in
17 NIGC regulations as, quote, gaming revenue from
18 any gaming operations less amounts paid out of
19 prizes for, prizes, and total gaming-related
20 operating expenses. Now, the Commission has
21 requested comment on whether the change to the
22 definition of net revenue, and should it more
23 closely match terminology used in GAAP,
24 generally accepted accounting principles,
25 instead of matching terminology used in IGRA?

1 Does anybody have any comments on that?

2 (No response.)

3 CHAIRMAN LITTLE: Is it break time yet?

4 MR. HEFFELFINGER: Tom Heffelfinger,
5 Potawatomi. I feel like I'm the only one who
6 has anything to say. I'm sorry about that. We
7 had an experience at Potawatomi with net
8 revenue in a dispute with the state over the
9 definition of net revenue within our compact,
10 and part of the resolution of that involved our
11 attempting to look at GAAP for assistance in
12 solving the matter, looking at the NIGC
13 definition, and then ultimately negotiating a
14 resolution. I guess the problem we had is that
15 the NIGC definition didn't really help a lot.
16 What does total operating expenses include, for
17 example? That was a major factor for us. One
18 of the things we did conclude is that had the
19 NIGC definition been closer to the GAAP
20 definition, it might have been more helpful to
21 us. So I think this is a -- I support the
22 effort because of the experience we had, but it
23 needs a lot more work.

24 CHAIRMAN LITTLE: Okay. Thank you.

25 Anybody have any comments regarding Group 4,

1 any of the other parts?

2 (No response.)

3 CHAIRMAN LITTLE: Okay. I guess we'll
4 move on to Group 3, and the first one in Group
5 3 is Part 543 and that's the Class II Minimum
6 Internal Control Standards. As you know, MICS
7 has three purposes: To protect tribal assets,
8 to ensure operational integrity of the gain,
9 and to ensure the reliability of financial
10 statements of gaming operations, and so to
11 accomplish this purpose, the MICS were created
12 and they make it more difficult to steal from a
13 gaming operation and it establishes
14 recordkeeping and accountability procedures to
15 increase the likelihood that those who steal
16 would get caught. Does anybody want to start
17 off with any questions or any comments
18 regarding Class II MICS?

19 MR. LANKFORD: Doug Lankford, Miami Tribe.
20 Chief Gamble was unable to attend today, and he
21 had prepared a statement that I would like for
22 our attorney, Robin Lash, to read that
23 statement to you.

24 CHAIRMAN LITTLE: I'm sorry. And please
25 give my regards to the Chief.

1 MS. LASH: Thank you, Assistant Chief
2 Lankford. As Second Chief said, Chief Gamble
3 was not able to attend today. I think he
4 anticipated that perhaps the three
5 commissioners would be here, so the letter, the
6 statement is addressed to all three
7 commissioners, and I'll just read it as
8 written. Comments by Thomas E. Gamble, Chief,
9 Miami Tribe of Oklahoma.

10 Good morning Commissioner Stevens,
11 Commissioners and staff. Thank you again for
12 the opportunity to comment this morning
13 concerning the NIGC consultation topics. My
14 name is Tom Gamble and I serve as chief of the
15 Miami Tribe of Oklahoma. My comments are
16 respectfully submitted today on behalf of the
17 Business Committee and our forefathers and
18 tribal members, and shall be read into the
19 record in my absence by Robin Lash, our
20 attorney and gaming commissioner. While this
21 consultation today involves a myriad of topics,
22 my comments today will concern primarily Class
23 II Minimum Internal Control Standards. As I
24 expressed last week during MICS consultation,
25 the Class II regulation topics are very

1 important to the Miami Tribe. The Miami Tribe
2 was the third tribe in Oklahoma to compact with
3 the state in 2005. We choose to operate only
4 Class II gaming at our casino. Class II gaming
5 has made a huge difference for the Tribe since
6 we started gaming in the mid 1990s. As a
7 result of Class II revenues, the Tribe has
8 experienced impressive growth in our tribal
9 infrastructure, businesses and essential
10 governmental services. In addition to offering
11 Class II gaming, in 1999 the Tribe made a
12 unique decision to enter into Class II gaming
13 as a business as well. The Tribe created the
14 Miami Business Development Authority, a
15 subordinate governmental entity, and purchased
16 World Link Gaming Corporation, also known as
17 Rocket Gaming Systems. Over the past 12 years
18 our business relationship with Rocket Gaming
19 Systems has flourished and Rocket continues to
20 grow with cutting edge state-of-the-art Class
21 II gaming systems. As a tribe with a Class II
22 casino and as a manufacturer of Class II gaming
23 systems, we feel it is very important for the
24 Tribe to comment today concerning the MICS
25 regulations topic. As I stated last week, the

1 Tribe and our Miami Business Development
2 Authority have been very involved with the
3 Tribal Gaming Work Group meetings which has
4 taken place since last November. This Tribal
5 Gaming Working Group has completed an in-depth
6 review of Part 543 and 547 and the proposed
7 revised regulation submitted to you by the
8 group on May 15th are well-organized, concise
9 regulations that more clearly establish the
10 minimum requirements for Class II internal
11 control and technical standards. I understand
12 from last week's consultation there was some
13 concern because a proposed 543 document looks
14 so different. As explanation, in the proposed
15 revised document the Tribal Gaming Working
16 Group reorganized 543, added more definitions
17 and created new subparts for clearer
18 regulation. For instance, in the current
19 regulations the subpart Bingo contains all
20 kinds of topics, some that are suited as
21 separate subparts. For example, accounting
22 language was taken out of Bingo and included
23 with audit to create new subparts for MICS,
24 audit and accounting. Promotions was taken out
25 of Bingo and made into its own subpart. In the

1 current MICS repetitive regulations for
2 surveillance are contained in three separate
3 tier-related subparts. In the proposed
4 document, surveillance is one subpart which
5 includes the tier-related requirements. The
6 proposed 543 document is smaller in size than
7 the current 543 which contained huge sections
8 of procedure-related language. Instead of just
9 required standards of regulations, the Tribal
10 Gaming Working Group removed all of the
11 procedure-related language, leaving only the
12 regulation itself. This allows us, the Tribe,
13 as the primary regulator for Class II gaming to
14 implement procedures to comply with the
15 regulations. Additionally, the Tribal Gaming
16 Working Group is preparing guidance documents
17 and checklists to correspond with each subpart
18 of 543 to assist tribes in drafting and
19 implementing procedures to comply. As a tribal
20 leader it is my job to ensure that the
21 integrity of our tribal gaming is protected and
22 that revenues sent in from private gaming are
23 secure. This is accomplished with clear,
24 concise regulations. I am confident that
25 adoption of the proposed regulations will allow

1 for lawful, well-regulated Class II gaming that
2 will serve the interests of the tribe as
3 primary regulator of Class II gaming, as well
4 as the NIGC in its oversight role. I would
5 like to express to your Commission the sincere
6 gratitude of the Miami Tribe for allowing the
7 tribe to submit proposed regulations we feel
8 are more clearly written to allow for better
9 regulation of our facilities. With your
10 Commission I note that interest in a close,
11 cooperative relationship between the NIGC and
12 the tribe is possible. I look forward to a
13 continued positive working relationship for the
14 benefit of the tribe and Indian gaming.
15 Respectfully, Thomas E. Gamble, Chief, Miami
16 Tribe of Oklahoma.

17 CHAIRMAN LITTLE: Well, thank you. Could
18 we get a copy of that? Would that be possible?

19 MS. LASH: Yes.

20 CHAIRMAN LITTLE: Okay. I'd appreciate
21 that. I know, and the Commission does know
22 that we've -- is it proper nomenclature now,
23 TGWG, of the Tribal Gaming Working Group?
24 That's what we've adopted. So -- sorry.
25 Sorry. But appreciate the comments submitted

1 by the chief and we'll make sure that gets into
2 the transcript. So does anyone else have
3 written statement or comments they want to make
4 about the Class II?

5 MR. DANFORTH: Well, good morning. My
6 name is Jerry Danforth. I'm here again as a
7 member of the board of directors from the Miami
8 Tribe Development Authority, and I don't have
9 comments specific to this particular group that
10 is before us right now, but I sat through the
11 consultation this past week. There was good
12 dialogue and there were a lot of good comments
13 came forward, but I noted at the same time
14 there was a lot of apprehension of submitting
15 comments verbally over, in this kind of a
16 forum, for varieties of reasons. What I'd like
17 to propose to the group this morning, because
18 there's been a ton of work, about seven or
19 eight months worth of work by a multitude of
20 people, regulators, accounting people, vendors,
21 legal counsel, et cetera, reviewing and
22 revising these regulations. And I'd note
23 during the course of that, those months,
24 tremendous debate over the content took place.
25 And I know that if the group assembled here

1 today, we're understanding of some of that
2 debate, of some of that process, I believe that
3 it's going to generate questions and generate
4 comments. So I would like to suggest, and
5 there are at least a couple, Ron Harris was a
6 part of that group, as was Robin, and maybe
7 others present for part of that group as well,
8 but I would like to ask some of those to
9 comment on that process of what went through on
10 this regulation and I think from there, going
11 into the content, if you understand the process
12 better of what occurred, I think you're going
13 to have more questions about the content. So
14 if the group would indulge that recommendation,
15 then I would like to see that occur at this
16 point.

17 CHAIRMAN LITTLE: Yes, I agree, that would
18 be wonderful. I mean because as a commission,
19 or as a commissioner, I actually would like to
20 know what went into the drafting process and
21 what were some of the logic behind that, so
22 please.

23 MS. LASH: Robin Lash with the Miami
24 Tribe. I was part of the and am part of the
25 Tribal Gaming Working Group. We started back

1 in November, we started with technical
2 standards and we went through that entire
3 document line by line. The changes that we
4 came up with primarily were technical
5 standards. I mean that was a good document in
6 itself, but we just felt like there were a few
7 changes that needed to be made. We did some
8 clarification in terminology. And with regard
9 to grandfather provision, I think we removed
10 the sunset clause with the grandfather
11 provision. We feel like the games are already
12 well-regulated, they're already submitted to
13 labs and we feel like there's not an issue with
14 the games remaining on the floor. I think we
15 removed the Underwriter Lab testing
16 requirement. Tribal Gaming is the only gaming
17 that requires that, and we didn't feel that
18 that was needed.

19 I think there were issues with
20 entertaining display. The outcome of the game
21 is, the entertaining display has nothing to do
22 with the outcome of the game and that doesn't
23 need to be regulated, and so that was changed
24 as well. And I think the mathematical
25 probability standards, or odds, that's an

1 arbitrary number that the NIGC has in the
2 regulations and we didn't agree to that as
3 well. So I think Ron can probably actually
4 speak to the technical standards better than I
5 can, but those were some changes that we made
6 in that document.

7 Now in regard to 543, we started with a
8 document that was 556 pages long. At our
9 meeting we have two screens in the room and we
10 had a legal-sized horizontal document with
11 columns. The first column was with 543, the
12 regs as written now, the second column was work
13 on the 2010 regs, the changes in the 2010 regs,
14 and then we had some comments from parties
15 during the past working group. So we basically
16 started with 543 and just went line by line by
17 line, and any time we made a change we noted
18 that change with a comment. So at the working
19 group, at the consultation last week at Mystic
20 Lake, Chairwoman Cochran said well, let's start
21 at 30,000 feet and look down because this
22 document does look so different to us and we're
23 not quite sure how to go about addressing the
24 proposed document. So we suggested that you
25 look at it in parts first, just look at it in

1 parts and it does look different but, like I
2 said, we've restructured, or like Chief Gamble
3 had said in his letter, we reorganized the
4 document. There were so many different areas
5 in the subparts that referenced other subparts,
6 and I think we cleaned that up, reorganized, we
7 have new subparts, we created some new subparts
8 and just made it a clear document to
9 understand. But we did go line by line through
10 the entire thing. If you have any questions
11 about why a change was made, we have comments
12 that we inserted to remind ourselves of what we
13 discussed and why a change was made, and we
14 feel like all the procedure-related language
15 was removed from the document, leaving just the
16 standards, just the regulations, and then the
17 tribes and the primary regulators can come up
18 with the procedures to implement the
19 regulations. And we are preparing a guidance
20 document that the tribes can use, they can
21 adopt in whole or in part, and that will assist
22 them to implement the regulations. And we have
23 checklists as well. We have a face-to-face
24 meeting in Las Vegas the week of the 27th and
25 from there our stylistic group, which is me and

1 a set number and Terry Popp, are going to go
2 through all the entire, all the documents to
3 make sure that they read well together, but we
4 sincerely appreciate the opportunity to submit
5 to you our document that we feel works best for
6 gaming. I think that we're very confident that
7 when you have a chance to review it and go over
8 it that you'll find it a clear, cleaner
9 document and I think it will work very well for
10 Class II gaming and tribes.

11 MR. HARRIS: I think that works. Does
12 that work? (Referring to the microphone.)

13 CHAIRMAN LITTLE: Okay. Thank you.

14 MR. HARRIS: This is Ron Harris with the
15 Miami Tribe of Oklahoma, Business Development
16 Authority. We did spend seven months working
17 on the product that we've submitted to the NIGC
18 so far. We had face-to-face meetings, we had
19 seven face-to-face meetings around the country.
20 We started off in October in Oklahoma at the
21 Windstar Casino. We worked through the
22 holidays with a number of telephone
23 conferences, and Commissioner Little, you've
24 been through a few of those back in the day
25 when we did those in 2006 and seven, and you

1 know what those teleconferences are like and
2 the face-to-faces. In the Windstar meeting in
3 October we then began a pretty good pace of
4 meetings, and we met in the US Grant, San
5 Diego, in February we went to Hollywood,
6 Florida, and again in February, late in
7 February we went to the Cherokee Hardrock in
8 Tulsa. We, first part of March, went to Wind
9 Creek, Alabama. At the end of March we went to
10 the Toledo Resort. In Washington, in early
11 May, we went to New Orleans in Louisiana, and
12 we have our final meeting, we believe,
13 scheduled the 27th through the 29th in Las
14 Vegas.

15 This schedule, the face-to-face, it
16 didn't, you know, it was normally pretty brutal
17 meetings of two or three or four days at a time
18 of just locking up in a room like this. Every
19 sentence was reviewed about the MICS. We
20 started with our first meeting at Windstar
21 looking at both the MICS as published on the
22 NIGC website and the technical standards that
23 have already been published and in practice now
24 for a couple years and, as group, we had
25 approximately 50 people I believe in that

1 initial meeting, primarily gaming commissioners
2 from around Oklahoma. And we had on our wish
3 list to clean up the technical standards and
4 certainly it was the MICS as published, and no
5 one, no one in the group liked the MICS the way
6 it was written. We decided that what needed
7 action were the technical standards and the
8 technical standards, I think, at that
9 conference in November, was written by the
10 industry at the cost, you know, as reported, of
11 more than \$20 million of what it cost the
12 industry to write them. But most of it was
13 adopted. There were some policy issues that
14 were not adopted. Our review of the technical
15 standards almost parrot what we did in 2007
16 when the NIGC published them for comment. Our
17 positions have never changed.

18 There were things -- the grandfather. I
19 know one manufacturer in the industry alone,
20 that's a \$30 million hit on the grandfather,
21 and to say magically there's some date out
22 there that this equipment that tribes have had
23 on their floor for ten plus years is magically
24 no longer able to be played on the floor, we
25 felt that was arbitrary and capricious then, we

1 feel the same it is today. The greatest impact
2 is going to be on the small manufacturers, such
3 as the Miami. The impact will also be on the
4 smallest tribes -- and I say small meaning
5 revenue-wise -- in the country, because most
6 equipment like this certainly starts off in the
7 highest revenue earning venues and then finds
8 its way, as you know, functional obsolescence
9 or what-not finds its way into lesser
10 profitable venues. So the grandfathering is
11 the key, key place for you to focus on. Our
12 comments, as I said, haven't changed in four
13 years and that is, it should not be there.
14 That equipment should be left up to the Tribal
15 Gaming Regulatory Authorities of each tribe to
16 decide if they want it on their floor, not to
17 have a regulation to come in and wipe it out
18 arbitrarily.

19 There was a piece in there about testing
20 labs. Our opinion did not change about it
21 either. In September of 2007 we submitted a
22 number of comments. And we call ourselves the
23 GDWG, you know, so yeah, you can call us what
24 you want. We've been called a lot of things.

25 (General laughter.)

1 CHAIRMAN LITTLE: But we'll call you Ron.

2 MR. HARRIS: Okay. But our position
3 hasn't changed on the testing labs either.
4 There was a phrase in there that basically said
5 that if you're a tribal testing lab, you can't
6 test your own equipment. And I think that we
7 felt that was distasteful then, and we feel it
8 is distasteful today. You have states that
9 have testing labs and they also test equipment
10 in state-owned facilities. So to take the
11 position again of an Indian tribe, and yet we
12 see it in practice in non-tribal individuals, I
13 think that it's distasteful by most tribes in
14 the country.

15 There was also another issue with fairness
16 documents here that's, again, and we sat in the
17 room with the NIGC and we asked one of the
18 commissioners, where did you come up with these
19 odds of one in a hundred million? And that's
20 what we were shown. Just out of thin air. And
21 said, because I think that's fair. Well, while
22 that might be true, and in that commissioner's
23 view of what fair is. I think our position is
24 equitable standards. We've been working on the
25 limitation of the odds. It's less than what

1 states have for their lotteries. Again, tribes
2 are put at a disadvantage.

3 CHAIRMAN LITTLE: Well, what are the
4 benefits of increasing or changing the odds?

5 MR. HARRIS: Well, I think one is the
6 theoretical position. It shouldn't --

7 CHAIRMAN LITTLE: Well, I mean by the --
8 or to the operative. Not necessarily
9 the cards.

10 MR. HARRIS: Well, for the tribes to be
11 able to offer the same odds of a game would
12 allow you to build large jackpots and then be
13 able to offer that kind of marketing tool to
14 bring players out to some have remote
15 reservations for tribal gaming is a huge plus.

16 Our little group, we have a large jackpot
17 of a million dollars on a game, we have over
18 130 casinos on that network now, which is
19 growing are rapidly. For you to be able to
20 take a million dollar game that is hitting
21 about every 40 days now, to take that out and
22 offer that in a small venue in South Dakota,
23 North Dakota, Montana, it's a big draw. Again,
24 you can then chase after the type of player
25 that typically is a lottery player. They want

1 a life-changing event. You know, who wants to
2 hit a machine and, you know, blunk, blunk along
3 playing pennies. If they're going to play,
4 they want a decent sized jackpot.

5 CHAIRMAN LITTLE: Thank you.

6 MR. HARRIS: Okay. The odds we put on
7 there, we've got some of the best math minds in
8 the country. I don't know if the guy is here
9 now -- but Charlie Lombardo is in here. We did
10 our best with Power Points and everything to
11 educate the Commission as to why these odds,
12 you cannot -- odds don't apply to Bingo. So
13 you know, what is the odds of a coverall?
14 Well, it all depends upon how many balls have
15 been drawn and it depends upon how many cards
16 have been sold. And so again, what's the odds
17 of a coverall on one ball? You can't win. So
18 that odds setting to begin with was a red
19 herring. It should never have been put in
20 here. So it's mathematically inappropriate on
21 top of the other theoretical issue.

22 What we did, though, we did address, as we
23 did in most of these meetings, if we sat in a
24 meeting and we did during the -- and I call
25 them the old days, even though it was only five

1 years ago -- with the NIGC at that time, and we
2 sat with them, with their technical folks, we
3 sat with some of their auditors and stuff, and
4 just worked with them basically, if we
5 understood what the NIGC wanted, we got it
6 there for them, but in a way that maintained
7 maximum flexibility for technology in the
8 technical standards, or in the MICS, and if you
9 remember it, that day or at that time when we
10 wrote the technical standards, the NIGC didn't
11 know it needed MICS. We wrote the technical
12 standards. Many of the things they wanted in
13 the technical standards were not appropriate
14 for technical standards, they were appropriate
15 for Minimum Internal Control Standards.
16 Technical standards is how you build it. MICS
17 is how you use it. So we drafted the MICS as
18 best we could, but if we understood what the
19 government wanted and an Indian country agreed
20 that that was a worthy goal, we got to there in
21 a way that didn't trample on technology and
22 didn't trample on the federal laws.

23 Fairness was a big issue. Again, our
24 opinions have never changed. And I can
25 literally -- and I may do this in our next

1 meeting, we have a meeting every Wednesday,
2 TTWG reviewing the MICS -- we may break this
3 down into here's issues that we've been
4 dissatisfied with since they were promulgated.
5 We did some things in there, too, that we would
6 argue the point, but sometimes it didn't work,
7 so you'll see the markup of the technical
8 standards that say some things we added, simple
9 words like under financial instrument storage
10 components. I think the way it reads right now
11 is, any class remaining ... to store financial
12 instruments that are not operated under the
13 direct control of the gaming operation employee
14 or agent should be located within a secure
15 locked area or locked in a cabinet in the
16 housing. And we put in the word designed to be
17 operated, or designed to be tamperproof. You
18 can't put into federal law that I'm going to
19 make something that's tamperproof. We try to
20 design it that way, but if you show up with a
21 crowbar and a stick of dynamite, you're gettin'
22 in. All right?

23 (General laughter.)

24 MR. HARRIS: So we put in some words like
25 that. Those didn't make it. For whatever

1 reason, they were crossed out. So you'll see
2 that refined again and put 'em back in there,
3 to make sure that the law it as accurate as it
4 can be.

5 There are a number of -- entertaining
6 display. Again, that's a huge policy issue.
7 We argued and argued and argued. Member
8 position papers were written on entertaining
9 displays. One of the commissioners, a former
10 gaming commissioner found that book. I want
11 all the facts that the players said they saw.
12 I want them all. That includes this
13 entertaining display. None of that matters,
14 though. The law is the Bingo club, the balls.
15 If you give legal precedence to entertaining
16 display, many -- there were several position
17 papers written on the dangers that that
18 presents to Indian country. And unfortunately
19 it was published with having to record the
20 entertaining displays. The difficult part is,
21 many tribal gaming regulatory authorities see
22 this as an ignorance of their tribal gaming
23 regulatory authorities, most of which don't
24 give any credence to the entertaining display.
25 Some of them do and that causes a problem. So

1 again we've advanced, but you have to take this
2 out.

3 And particularly, we were at least
4 successful when we argued that you can't
5 replicate what the player saw if you have
6 mechanical reels. You can't drop a -- all you
7 can do is try to replicate it. Right? You
8 can't take a picture of what the mechanical
9 reels did, so the reels can roll back, but you
10 have no assurances that the tape didn't slip or
11 something along those lines. That was
12 understood. But now we have a law that
13 basically is that we have to display the
14 results that recall the game as originally
15 displayed, or intent to representation,
16 including entertaining displays. Results in
17 video, comma, rather than electromechanical.
18 So what we've done is, we're saying we're going
19 to be more stringent on video and we'll let
20 that gamble stuff off the hook because we don't
21 know how to deal with it.

22 CHAIRMAN LITTLE: What are the disclosure
23 requirements on the machines? I know there's
24 some there that says what, malfunctions, void,
25 foul play? What else? Is there any other

1 disclosures there on the constitution?

2 MR. HARRIS: I think the attorneys know
3 off the top of their head a little better than
4 me. I believe we've got that disclosures on
5 there, a bunch of void things and -- and I
6 think we've got some requirements --

7 CHAIRMAN LITTLE: I think your mike is
8 off.

9 MR. HARRIS: Do you have a problem hearing
10 me?

11 (General laughter.)

12 MR. HARRIS: And I think that we have some
13 of this in the rule screens. We've had some
14 requirements that this is the game of Bingo.

15 CHAIRMAN LITTLE: Okay. Do you think that
16 the general patrons understand that it's a
17 Bingo game and not a --

18 MR. HARRIS: Some do. Some don't.

19 CHAIRMAN LITTLE: Is there a better way to
20 make that clearer to the patrons?

21 MR. HARRIS: I think that the other huge
22 thing that always has to be remembered, these
23 regulations are written -- did it go off again?
24 -- these regulations are written in a way you
25 can't differentiate electronic Bingo, partial

1 electronic Bingo, or paper. Bingo's Bingo.
2 The three statutes. That's it. So to get in
3 and to try and shave this thing and to say
4 well, but if you have an all one product board
5 up, just like rocket streaming, I mean we can
6 play it with paper, too, so you can't
7 differentiate, you know. When you walk into a
8 Bingo hall, they don't say, this is the game of
9 Bingo. It's a Bingo hall, and you have some
10 posted rules that say how things work in Bingo
11 format. All the electronic manufacturers that
12 I know do that, as well as in the game rules.
13 So I think the inquisitive player, or the aware
14 player, when they walk up, there's some
15 distinct differences between this and a
16 proverbial lottery game or a wheel game or a
17 slot game or anything else, but guess what,
18 there's a Bingo card on the screen somewhere
19 and there's some Bingo balls on the screen
20 somewhere, so they know if they're looking at
21 the screen. So these are things that we have
22 proposed in the markup of the technical
23 standards, things that we knew about that we've
24 argued now for four and five years about, that
25 are policy issues that are going to be right

1 back on your desk.

2 The entertaining issues, the fairness
3 issues, the tribe and the lab issues, these are
4 things that are going to end right back up on
5 your desk. Things such as verifying downloads.
6 You know, there's some things in there that
7 cause responsibilities to the Tribal Gaming
8 authorities, they shouldn't have to do it, it's
9 already being done or has been done and signed
10 off on by a lab.

11 Now you'll also see, though, that there
12 are some things that we didn't know, that now
13 that we've had them in practice, now it's time
14 that we're suggesting we fix. These are things
15 that we just missed, for instance, the word
16 agent. There was a lot of discussion and
17 debate with the previous commission on what the
18 word agent was. They didn't want the word
19 agent. And we were successful in our argument
20 of what an agent was, but where we missed it is
21 we didn't put into the definition that this
22 definition permits the use of a computer
23 application to perform the functions of an
24 agent. We hit a number of rocks in that way,
25 both on the MICS and on the technical standards

1 side.

2 CHAIRMAN LITTLE: And I know we're jumping
3 back and forth from the MICS to the technical
4 standards, but I was going to mention or I have
5 more a comment on the effort or some of the
6 background logic or reasoning behind the
7 changes to reflect the software and what was
8 the purpose of that, or of your opinion?

9 MR. HARRIS: As you know, our work group
10 puts pride in the tribal leadership,
11 manufacturers, Tribal Gaming regulatory folks,
12 attorneys for tribes, for manufacturers, for a
13 number of people, but we had a lot of attorneys
14 participating here, we also had the gaming
15 labs. This actually was a GLI catch and GLI
16 said well, we understand what you tried to
17 capture, but you didn't capture it just right.
18 We made the change to reflect the software
19 really at GLI's comment that our definition, we
20 were trying to capture something that then
21 Chairman Hogen's pet peeve was software that
22 was reacting to the player versus just a purely
23 random event. And so the language we changed
24 here is more reflective of reflective software
25 as understood internationally, and so there

1 was, I don't know, a several-hour debate on it.
2 That's where that came from.

3 CHAIRMAN LITTLE: Is there a problem with
4 manufacturers using that?

5 MR. HARRIS: I think it was thought at
6 that time that there were some, and I think
7 they thought -- I think at that time there was
8 some speculation there was, to my knowledge, no
9 one has been charged with any type of
10 improprieties like that.

11 CHAIRMAN LITTLE: But regardless, we've
12 addressed it here?

13 MR. HARRIS: It should be.

14 CHAIRMAN LITTLE: I think we're up on a
15 break. I'm not sure if anyone wants to take a
16 break. Do we want to -- are we at 10:30 or
17 10:45? We're supposed to take a break at
18 10:30. Do we want to push on, or do folks feel
19 like we need to --

20 MR. HARRIS: Does that mean we get an
21 earlier lunch?

22 (General laughter.)

23 MR. HARRIS: If we were at a TGWG meeting,
24 we would press on, by God.

25 CHAIRMAN LITTLE: All right. I don't

1 know. How do you guys feel about going on?

2 MR. HONECK: I'm fine. Whatever.

3 CHAIRMAN LITTLE: Okay. Let's just
4 continue on here. I think we've got a pretty
5 good discussion going.

6 MR. HARRIS: I was talking about the
7 things that we argued before, so you'll see
8 that in the technical standards markup. Then
9 there are things that we messed up on that we
10 missed as a group and, if you remember, we
11 wrote those technical standards in 50 days, so
12 we knew they weren't perfect, but we thought we
13 had caught. So regarding software action,
14 thank you, Commissioner, for bringing that up.
15 That was one of the things we caught. The
16 agent issue was one of the things that was
17 caught. There was also a thing in here, the
18 grandfather limited media compliance issues.
19 Again, our position on that was -- oh, that was
20 that -- I'm still stepping around. And
21 actually regarding UL, Underwriters
22 Laboratories certifying the gaming equipment,
23 that was our idea and we put those in the regs
24 and we realized the whole industry did, all the
25 manufacturers did it, it just kind of sailed

1 through. Well, you know, we in one, UL or its
2 equivalent, there are -- it's not really, and
3 it's interesting to see how it evolved, because
4 some folks have horses in the race, some don't.
5 The Miami, our manufacturing facility is
6 well-certified. We put our own little sticker
7 on our boxes, so it's not really an issue for
8 us, but there are some very old equipment, that
9 helps those in the industry that don't have the
10 UL stickers on it. But yet, they've been
11 apart, somebody may have tested it, they've
12 done different things to it to where we feel
13 like that should be modified and we suggested
14 language for it that requires that the TGA to
15 be comfortable with that equipment on the
16 floor. If it's already been on the floor for
17 eight years and hasn't electrocuted anybody, it
18 might in some severe, dramatic setting. But
19 yet, there are some tests you can do on it by
20 moving it off the floor, or some tests you can
21 do with it on the floor that would give comfort
22 to the TGA this is a safe piece of equipment.
23 If the board were to require that kind of a
24 standard, that every single piece of equipment
25 has to be brought out of the casino, put

1 somewhere at a great cost. I know one of the
2 manufacturers told me that if that is in there,
3 it will cost them alone \$30 million, is their
4 internal estimate. They have to pull somewhere
5 close to 16,000 machines out of tribal casinos,
6 bring them back, certify them and send them
7 back out. That's just one manufacturer. So
8 there is language in here that, basically,
9 again, we tried to parrot. Nevada doesn't
10 require you to have certification. It just
11 says the lab has to note what kind of
12 certifications, what certifications exist. If
13 it's UL, it'll say UL. If it says spilt test,
14 along with electrostatic discharges, all these
15 things, it'll say that. But it doesn't require
16 that an actual lab be doing that. So we felt
17 that was a good change. We're the ones who put
18 it in, we're the ones who are going to have to
19 live with it. If the grandfathering happens,
20 that becomes a massive, massive expense to
21 Indian country and then you know, the
22 manufacturer gets hit with the costs, yes, but
23 guess who ultimately pays for it. We pass it
24 down through, yup.

25 CHAIRMAN LITTLE: You talked about

1 variances and I think for me, I'm kind of
2 interested, you know, is this a big issue, and
3 maybe our staff would know, do a lot of our
4 tribal clients allow the manufacturers to
5 prepare the technical standards and how do
6 those work? I know you, I think, submitted
7 some suggested amendment to the variance
8 procedures. Do you want to talk about that at
9 all?

10 MR. HARRIS: I know that Rocket, yes, I
11 know at Rocket, we end up with a number of
12 variances, most of the statistics are much more
13 stringent than the existing MICS.

14 CHAIRMAN LITTLE: So the variance is the
15 process of the TGRA, not the NIGC?

16 MR. HARRIS: That's correct. Other than
17 what the TGRA does, is typically -- so I can't
18 speak for what they're doing -- if some of the
19 tics requirements they have are because of
20 inadequate, you know, not meeting federal
21 standards, which I don't think so, or every
22 tribe would be asking this of us, and that's
23 not the case.

24 CHAIRMAN LITTLE: Do you have any
25 questions?

1 (No response.)

2 CHAIRMAN LITTLE: Do you have any
3 questions?

4 MR. HONECK: No.

5 CHAIRMAN LITTLE: No.

6 MR. HARRIS: Before we move to my comment
7 about the MICS, that was what we considered to
8 be low hanging fruit.

9 CHAIRMAN LITTLE: One more question on the
10 grandfather.

11 MR. HARRIS: Sure.

12 CHAIRMAN LITTLE: Are machines that are
13 grandfathered, can they become compliant? I'm
14 mean sorry, I should say the system, because
15 they're basically just use-interfaced devices,
16 but can the systems become complaint and do
17 they ever become compliant?

18 MR. HARRIS: I think that the answer to
19 that would probably be no in some of the
20 equipment, that there are -- there are some
21 games that have been built, in essence, out of
22 very sturdy wood cabinets that have, you know,
23 double locks in some areas that probably
24 wouldn't meet, they they'd get -- those would
25 be Megalomania boxes, for instance, that helped

1 build this. I've also noticed in the Tapped
2 Force and the Lucky Tattoo boxes, that I know
3 that those manufacturers felt definitely that
4 they would not be able to meet these more
5 stringent MICS and the technical standards.
6 The systems themselves, I think we still get
7 back into a dollars and cents issue. We can
8 press our own issue that I think we've also
9 made some suggestions in the MICS to address,
10 but we had -- the only thing that the
11 Department of Justice ever certified as a Class
12 II game was a rocket game, and this was our
13 rocket classics game. Literally Bingo balls
14 with balls dropping one at a time, we'd have 12
15 cards on the screen and when these were
16 written, most of those, they were all -- we had
17 turned that software off. Well, it was
18 operating Windows 97 and it was old, old
19 software that still works perfectly fine, but
20 when these MICS or the technical standards were
21 promulgated, we didn't take that piece of
22 software and rush to the gaming lab and give it
23 to them. So although we've had a gaming
24 software that was certified by the DOJ, we also
25 received letters from the NIGC because we

1 didn't take it, we didn't think there were any
2 more commercial applications for it, we didn't
3 take it to a gaming lab. Now all of a sudden
4 we found commercial applications for it, there
5 are some people that want that game back. We
6 went and turned it back on, and boom, we hit
7 this grandfather machine. It's commercially
8 unreasonable to rebuild that software by
9 today's standards. So there are other systems
10 just like that out there, but it just isn't
11 worth the money to bring them up to that
12 specification.

13 CHAIRMAN LITTLE: Okay. Thank you. Did
14 you want to talk about the -- go back to 543?

15 MR. HARRIS: Yeah. Again, you know, I
16 think Terry Danforth wanted to be able to talk
17 about profits and the process was, this whole
18 work group got together at any time period,
19 about 50 people typically, a lot of open
20 conference bridges. What we did was a little
21 different. Ours wasn't conference bridges. A
22 few states have dropped in and listened and a
23 few other people, probably so, and if you stay
24 on the phone long enough and heard all the
25 beeps afterwards, you might have 30 to 50

1 people acknowledge they're there, but then
2 you'd hear 125 beeps when people hang up. A
3 very well attended meeting. A lot of interest,
4 very transparent. You know, if anybody had a
5 hidden agenda, it got called out pretty quick.
6 And you remember having some sat in of those.
7 We decided to go ahead and go through technical
8 standards. Then we tore into the MICS and we
9 felt like we had to deal with what we called
10 the Joe Smith document, the document that was
11 out on the NIGC website. We felt we had to
12 start with that and it was so cumbersome and
13 unworkable. We tried to get into the position
14 of saying what did the government want by this
15 and then focus on federal regulation that would
16 give not just the government but tribal
17 interests that, which secured the cash. But
18 the existing MICS went so far as almost to tell
19 you how many sets of keys you had to have, what
20 color jump suit somebody had to wear, almost to
21 that level, which are fine, but they should be
22 in a tic. The tribe should decide all those,
23 not a federal statute. So we got the MICS, we
24 said okay in the perfect world, how should you
25 do this? How should you do this? How we did

1 this was minimal means minimal, this is what
2 the MICS should do and then once you get these
3 things promulgated and they're law, when you
4 find something wrong like we've done, even in
5 the technical standard we wrote, we've made
6 some error, to change that, it's a whole
7 another thing. We felt that the operational
8 issues and stuff, that the NIGC's job should be
9 as backup to the primary regulator, which is
10 the Indian Gaming Regulatory Authority. They
11 are the primary regulators. The MICS should be
12 written saying, we think at a federal level
13 these things should be met. How you get there
14 is your business but, as an agency, the NIGC
15 should be giving guidance and counseling to all
16 Indian country, particularly those tribes that
17 can't afford to send people to these type of
18 meetings. That's where we came with, minimum
19 means minimum. Here are guidance documents,
20 what we in turn were calling best practices.
21 Here's how you should count your cash, this is
22 how many times you should count your cash, and
23 separation of duties. Most of those things are
24 in these guidance documents. We tried to do
25 the check sheets when we did the technical

1 standard before. A lot of problems exist right
2 now in Indian country because the same authors
3 that wrote the MICS and the technical standards
4 didn't do the check sheets. And the check
5 sheets are a bit confusing because we think
6 that the people who wrote the check sheets were
7 confused. So we also have come up, and our
8 groups also do the check sheets that match the
9 technical standards, the MICS, the same way,
10 guidance documents, and the check sheets roll
11 up. We very much think that for this process
12 to really work and everybody to understand it,
13 this last meeting in June, those three days in
14 June literally it is to check for substance.
15 That means we're taking the MICS from start to
16 finish, going through every section. We would
17 love to invite, you know, a few of the NIGC
18 substance matter experts to get them there, so
19 they can hear firsthand the debates, see what
20 it is, and then ask what would you think works
21 for you. It's a very helpful process when that
22 happens. In the interim, if that can't happen
23 what does need to happen I think, as Ms. Lash
24 pointed out, is that there should be
25 collaborative interaction between Indian

1 country certainly and the NIGC's subject matter
2 experts to sit down when -- and I don't know
3 how many people may or may not know that -- but
4 the technical standards, when we submitted
5 those after 50 days, where there was a meeting
6 where the NIGC brought in industry experts. I
7 sat through the meeting and asked a number of
8 questions and it became a vigorous debate
9 between the Commission, their experts, and the
10 industry and their experts, tribal and their
11 experts, and a vigorous debate on issues. It
12 was very helpful. When we took on the MICS
13 project, they asked us to write the MICS. We
14 said okay. The same band of people began
15 working on the MICS. They did send in subject
16 matter experts to say look, Joe Smith was in
17 many of the meetings. This is what we're
18 trying to get to and help us get there. And
19 how's how -- you can't replace that kind of
20 interaction to build appropriate regulations
21 and so somehow or another I know that Miss
22 Echo-Hawk suggested that in these classroom
23 forums when we go into meetings like this, that
24 the NIGC bring their subject matter experts.
25 You all provide an agenda to where we can reach

1 out to them, all of Indian country, bring in
2 the appropriate attorneys, bring in the
3 appropriate gaming labs, bring in the
4 appropriate manufacturers, bring in the
5 appropriate tribal leaders to watch and listen,
6 get in the tribal regulatory folks, the gaming
7 commissioners, and then we'll all sit at the
8 table and say here's where we think we should
9 be. Do we all agree on it? And start doing
10 that as a part of these type of meetings, I
11 think it would be the best way to do that and
12 would certainly expedite the process.

13 CHAIRMAN LITTLE: I know I've let Ron
14 dominate the conversation here for a few
15 minutes, but does anybody have any comments
16 they want to add on or insert or?

17 (No response.)

18 CHAIRMAN LITTLE: On the technical
19 features, I think we've got some questions that
20 we'd like to throw out there and I know
21 probably in the working group you've addressed
22 this, but is there any areas that the MICS does
23 not address that they should, more regulations?

24 (No response.)

25 CHAIRMAN LITTLE: Anyone?

1 (No response.)

2 CHAIRMAN LITTLE: Anyone?

3 (General laughter.)

4 MR. HARRIS: Commissioner, when you say
5 the MICS, are you talking about the ones that
6 are out on the NIGC website?

7 CHAIRMAN LITTLE: Yes.

8 MR. HARRIS: Yeah. I think that you would
9 probably find that there are some areas that
10 were missed and I think, though, that the main
11 issue is that they go into far too great a
12 detail, that they overstep your bounds, yes.

13 CHAIRMAN LITTLE: Does anyone have any
14 comment on, you know, I think that Class II and
15 Class III, we created these separation of MICS
16 depending upon game type after the CRIT
17 decision, is there any benefit to going back to
18 one MICS? Does anybody have any comment on
19 that?

20 (No response.)

21 CHAIRMAN LITTLE: I mean sometimes I get
22 to forget to ask, but I mean the MICS was the
23 MICS, it wasn't separated by game.

24 (No response.)

25 CHAIRMAN LITTLE: Does anybody have any

1 comment about what the NIGC should do regarding
2 the MICS that is scheduled to go into effect in
3 October?

4 MR. VALANDRA: Good morning. My name is
5 Joe Valandra. I'm a member of the Rosebud
6 Sioux Tribe and I'm here speaking on my own
7 behalf today. On that specific question,
8 Commissioner, I think that is a good
9 negotiating point, if that's what it comes to,
10 certainly a good policy point is to withdraw
11 that. Take the Damocles sword off the table or
12 off the ceiling so that it doesn't fall this
13 fall, so that when the dialogue does begin in
14 earnest about the regulations and how they're
15 proposed, assuming that they are proposed
16 again, using bits and pieces that you're
17 gathered from other places, that draft that has
18 been very clearly shown to be terrible for the
19 industry and a bad starting point isn't where
20 we have to start from. We start from a
21 different place. That would be my
22 recommendation to the Commission. And if you'd
23 indulge me, I wrote down some of your questions
24 and I have a couple of other --

25 CHAIRMAN LITTLE: Okay.

1 MR. VALANDRA: -- I can add to what Ron
2 said, actually. But one thing I want to, I
3 wanted to share I was an active member in the
4 TGWA the last seven months. It seems longer
5 actually. It seems a lot longer.

6 (General laughter.)

7 MR. VALANDRA: But it wasn't all one happy
8 family. We didn't always agree. We didn't
9 always come at this from the same point of
10 view, but after talking about it and debating
11 and fighting about it at times, we came to the
12 conclusion that the best thing obviously was
13 for us to cooperate and have a package to
14 present to the NIGC that represented the best
15 views, and the best view Ron said at last, is
16 that we don't want to get into what color shoes
17 the regulators should wear when they're
18 counting coins. It's more of a here's how you
19 have to count the coins, the NIGC says that you
20 have to count the coins. We're not going to
21 tell you exactly how to count them, as long as
22 you count them and when we come look to see
23 your process for counting them that it's
24 secure, acceptable and doesn't allow for any
25 security breaches and it's fine. So you know,

1 the Oneida might do it one way, the Potawatomi
2 might do it a different, but so long as it
3 meets the overall policy for counting coins, it
4 doesn't really matter. And I think that policy
5 scheme becomes very important for the NIGC to
6 keep in mind, that the primary regulators have
7 boots on the ground every day, our tribes, and
8 to give them as much flexibility from the very
9 small facilities in the Great Plains to the
10 very large facilities in the northeast and
11 Southern California. That has to be there.
12 And it plays into the question about whether
13 there should be one MICS or not. The answer,
14 well, for me, is no, because Class II is about
15 a system. It's about a Bingo system that
16 allows multiple players playing from a
17 consistent version, where a Class III game or a
18 compacting game generally is a slot machine.
19 You can have one slot machine in the middle of
20 that floor and you can play it. If you have
21 one, one box only in the middle of that floor,
22 no one can play it, because it takes more than
23 one player to play Bingo. So the MICS and the
24 other regulations have to respect that,
25 recognize it, otherwise, you know, they have

1 the continuation of this perception that a box
2 on the floor is a box on the floor, and that's
3 where we started seven -- seven years ago.

4 CHAIRMAN LITTLE: But doesn't that -- a
5 dollar is a dollar going into a, whether it be
6 a Class III slot machine, whether a Class II
7 user interface device. Certain dollars are --

8 MR. VALANDRA: Certainly some of those
9 things are the same, but I think unless you
10 recognize the unique nature and continue to
11 recognize the unique nature of Class II, the
12 debate, in fact the battles between the tribes
13 and the states continues. Class II is a
14 different animal than the compacted game and is
15 regulated different than the compacted game.
16 The regulation with the compacted game is
17 between, primarily is as the CRIT decision
18 says, between the tribe and the state. And so
19 the extent the NIGC confuses that with
20 regulations, it doesn't help. So to me that's
21 the primary answer to your question, which is a
22 policy answer, not a nuts and bolts answer.
23 When you say the dollar in, that's nuts and
24 bolts. Certainly how you count that dollar is
25 very similar between Class II and Class III,

1 but that distinction is very important to the
2 overall health of Indian gaming and the
3 relationships, the complex relationships
4 between states and tribes, states and the NIGC
5 and tribes and the NIGC. There's a difference
6 there. And if that gets blended together,
7 we'll have seven more years of confusion we've
8 had for the last 10. At least that's my view.
9 And it's important to keep in mind that the
10 policy's implemented as I said, it's the system
11 versus the box. Class III, or slot machines,
12 it's all in the box. The box can run by
13 itself. Class II needs a system. So the
14 system is what's important. And that goes to
15 one of your questions about grandfathering. If
16 the system is -- if the system is providing
17 fairness, the box itself is, whether it's made
18 out of wood or metal or whatever-wise, so long
19 as the interface between that box and the
20 system is secure, you know, the grandfather
21 issue probably becomes a little bit less
22 important. But again, that's a policy decision
23 for the NIGC to make. I think Ron did a
24 reputable job of talking about Bingo
25 management, but don't ever ask Ron about Bingo

1 management, because he's not the right guy.

2 (General laughter.)

3 MR. VALANDRA: When it comes to odds --
4 and you can ask some of your staff because I've
5 had this conversation with them -- as Ron
6 pointed out, is it fair to calculate the odds
7 on a coverall with one ball? Of course not.
8 Because there are no odds. There's no coverall
9 with one ball. With 25 balls, a random draw,
10 then you can begin to calculate. But Bingo's a
11 game based on winning, not on losing, and so if
12 you calculate the odds win, when the win --
13 when the win is obtained, not when what loss is
14 obtained. Because every game of bingo has a
15 winner. So when it comes to odds, grabbing a
16 number out of the air, saying 100 million to
17 one or 10 to one, or whatever number, it
18 doesn't play to Bingo math, and I think that's
19 important, a very, very important distinction.
20 And if you'd like some of the tutorials that we
21 gave on table math, we would be happy to
22 provide them to you, because I think it's
23 important to understand when the odds are
24 calculated, not when just this stuff is
25 calculated when it comes to Bingo.

1 Entertaining display. You know, we had a
2 commissioner when I was Chief of Staff, at
3 least he came from --

4 CHAIRMAN LITTLE: You were Chief of Staff?

5 MR. VALANDRA: I was at one point, yes. I
6 don't usually say that out loud because I don't
7 want this group to know that, so. That came
8 with a tribal regulatory background, and it was
9 important to note, tribal regulators went
10 around resolving disputes with patrons, and so
11 as much information as you can possibly have to
12 resolve that dispute one way or the other is
13 important. Entertaining display can play a
14 role in that, although we all recognize that
15 the Bingo card is really where it is. And on
16 most Class II machines it does say
17 malfunctions, but it also says that the Bingo
18 card determines the win, not anything else that
19 happens there, and it also says house rules
20 determine how that winner is determined,
21 because that's how Bingo is played, house
22 rules, again, whether it's played at Oneida or
23 Ho-Chunk or elsewhere, it depends a little bit
24 on how the house wants to play the game, but
25 the rules are all published and available. So

1 I think that the concept of fairness is
2 certainly covered by Bingo, because Bingo has a
3 winner every game. Now there can be interim
4 winners, there can be other kinds of winners,
5 but there's a winner every game. It's just how
6 you measure that win. So that's another very
7 key concept as you're considering the odds and
8 the entertaining display issue. Those are both
9 very important points.

10 And you asked about the -- again, this is
11 my background, my main area, I think I can
12 explain -- how does a patron, a player know
13 that they're playing Bingo? Well, certainly it
14 says it on the machine. In some states, in
15 some compacts, in some belts and suspenders
16 tribe, the federal regulators say, you know, a
17 sign has to be put on there. That's what
18 Chairman Hogen wanted, a sign that says, this
19 is a game of Bingo. There is a Bingo card,
20 there's Bingo balls. There is, you know,
21 there's enough other things on display, and I
22 can guarantee you, although you're probably not
23 the kind of players, I'm not the kind of
24 player, but players know the game they're
25 playing. I mean real players, they're aware

1 that they're playing a slot machine, they're
2 aware that they're playing a Bingo machine, and
3 they also know all the varieties, okay, in
4 between there, and there's thousands of
5 varieties: There's a grime (phonetically
6 spelled) game, there's a winner game, there's
7 all kinds of games and the players know that,
8 and I think that's one of the misconceptions
9 that the last Commission had is they assumed
10 that the players knew nothing. Now maybe
11 that's a good start if you really want to be
12 draconian about the rules, but I would urge you
13 not to assume that, I would urge you not to
14 assume that the players don't know that. The
15 players know often times more, a lot more, than
16 the game handlers or the game designers. We
17 learn from them, or they learn from them all
18 the time. So those are my comments to answer
19 some of the questions that you have, but in
20 terms of policy, this is all about policy. The
21 nuts and bolts will take care of itself. As
22 long as the policy is good, it takes the right
23 direction.

24 One final thing about the not-getting-
25 along thing.

1 CHAIRMAN LITTLE: Who, with us?

2 MR. VALANDRA: No, within the TGWG.

3 CHAIRMAN LITTLE: Oh.

4 MR. VALANDRA: I want to say this, because
5 I think it's important, I think it's an
6 important perspective that we do get along, but
7 when it came to nuts and bolts there the issue
8 became, as I said, is how detailed should the
9 regulations get, and I think it's an important
10 point again for the Commission to carry forward
11 is how detailed do you want them to be, because
12 the more detailed they are the more
13 responsibility you have to looking out for
14 them, the larger the staff you need to have,
15 the better expertise on the staff you have to
16 have. Nothing wrong with that, but you already
17 have thousands of boots on the ground who
18 travel regularly. Use them. They'll help you
19 and they'll do a very good job. Thank you.

20 CHAIRMAN LITTLE: And I think you made a
21 good point about just the diversity of this
22 industry is immense and, you know, it's
23 something that I think helps, you know, move
24 around this industry, and that is a very good
25 point. The point on the entertainment display,

1 and I think you all know I'm not all that
2 familiar working in a, for a facility that
3 works quite strictly in contact with the games,
4 but you know we are seeing more and more where
5 you've got these mesh floors, where you've got
6 slot machines right next to pop soda machines,
7 and I'm not sure if I totally agree with you
8 about, I mean I do think that we need to make
9 sure our regulations work for everybody, and
10 that is the experienced player and the new
11 player that may have walked in. You know, I
12 was embarrassed: I walked up to a machine in
13 Las Vegas one time and threw a hundred dollar
14 bill in and hit it twice and realized what I
15 thought was a 25 cent machine was a \$25
16 machine. Not being an experienced player, you
17 know, it was my own fault, my own stupidity. A
18 penny machine right next to \$25 machines. You
19 know, that's best served for the unknowing
20 player. So well, but we can continue to talk
21 about this, and these are good forums that we
22 can hear the feedback. So thank you.

23 MR. HARRIS: This is Ron Harris. I can't
24 help, but this is how we work the TCWG meeting.
25 Somebody stands up and has a position, it's

1 almost like Rock'em Sock'em Robots. There's a
2 lot of different positions you can take. And
3 Mr. Valandra said, you know, being that it's a
4 game about winning, not losing, and then you
5 can take that and spin it all kind of ways, and
6 Bingo's, actually one of the best games we had
7 was a game called California Gold and you
8 played until you won a worst card. I mean
9 after a certain number of balls if you didn't
10 have any hits, you had the worst card, you were
11 the winner. So you won by losing.

12 (General laughter.)

13 MR. HARRIS: And then also there's good
14 neighbor prizes, right, or hot-ball prizes to
15 where you might not have discovered the pattern
16 but because it's the last ball called, I hit
17 the pattern and your next meet you also hit
18 that ball on the card. Everybody wins
19 something. So there's so many different
20 varieties to Bingo, you cannot try and put a
21 lid on it in any form or fashion or it's a
22 disaster. Bingo has to have its own MICS.
23 There are components, as you just talked, about
24 that certainly, if you were to say geez, go
25 right to Class III MICS. We can point to Class

1 III MICS. You could point to the Class III
2 MICS and it's probably 70 percent of the weight
3 on there. Because cage is cage. Vault is
4 vault. Once that dollar passes through the
5 system now you get into things that are very
6 similar, but there are some things that aren't
7 similar, and Mr. Lambert pointed out, for
8 instance, a machine that has got a \$10 million
9 jackpot on it, sits there in the middle of the
10 floor, Class III MICS requires you have a
11 camera on it. Why? Because you can tamper
12 with it. You can play with the EPROM inside of
13 that machine. You can go in and tamper with
14 it. And there's this old case, the largest
15 scam in Nevada history, that's exactly what
16 happened is, a guy that worked for the Nevada
17 Gaming Commission, he went out and he had
18 access to everybody's source code, he made
19 modifications to the source code, went in and
20 every once in a while changed EPROMs throughout
21 the casinos in Las Vegas. I don't know how
22 much he won, but he won a lot. He did five
23 years in the federal pen. And I get grief
24 because his name, too, is Ron Harris.

25 (General laughter.)

1 CHAIRMAN LITTLE: Really?

2 MR. HARRIS: Yeah. That's exactly right.
3 My license is always slowed down with the
4 Gaming Commission. But in a Class II
5 environment, as Joe said, it's me versus you,
6 and there's a server in between us. The server
7 knows what balls you received, the certain
8 number of cards you bought, mine, it knows who
9 hit, you know, bought it and the timing
10 sequences of it, it settles it. That machine
11 in a Class II environment doesn't need a
12 camera. And unfortunately we have MICS right
13 now that, I know one tribe that just spent
14 \$25,000 putting mikes and cameras over the
15 million dollar games, because the surveillance
16 portion of 543 references 542, and 542 says, if
17 you've got a million dollar game, you've got to
18 have cameras. In a Class II environment, that
19 box is nothing but a giant bobber. You can't
20 cheat a bobber. It is a machine, the server,
21 pairing people up. You can't cheat it. I say
22 that. You can always have, you know, you can
23 always have collaboration between developer and
24 players and all these things, so I don't say
25 never, but it would be very, very difficult.

1 We verify in real time the signature of what's
2 on the box, what's on the server, did everybody
3 win. Our million dollar jackpot, we have to
4 send no one in the field. It's all real time
5 verified, electronic signatures verify the card
6 and volley ball, the signatures at the tribal
7 locations on the machine, the server, the
8 master server, everything, boom, reboot the
9 machine. There are tribes out there right now
10 that, on a Class III basis, you hit a big
11 jackpot, that machine stays locked up for two
12 days until the manufacturer gets there and
13 verifies the EPROM's offering all the things.
14 Bingo is like a dragster to the moped. It has
15 to have separate MICS. But there are some
16 things that overlap that should, that came in
17 from the 542 and I think does a better job of
18 it actually.

19 MR. VALANDRA: One of the things -- this
20 is Joe Valandra again -- I would urge you not
21 to burden Class II with CRIT controversy,
22 because 542 is all about CRIT and how the NIGC
23 deals with the ramifications of the CRIT
24 ruling. And how you do that, and there's many
25 suggestions to that, one is to promulgate good

1 minimum internal controls, or not promulgate,
2 but actually make them guidelines, make them
3 best practices, that certainly, I'm certain
4 Class II could probably live with that, too,
5 but if your inclination is to promulgate
6 regulations, Class II is the place to
7 promulgate regulations and how you deal with
8 Class III is a question of how you follow CRIT,
9 and I would urge you not to burden Class II
10 with that.

11 CHAIRMAN LITTLE: Okay. Anybody have
12 any -- one of the questions I have is, you
13 know, when you're drafting the MICS or when
14 you're looking at these regs, excuse me,
15 through the working group, is it better to look
16 at the risks versus, you know, hit the big
17 items, the risk items first, and look at those,
18 then have a birthday kind of mix, or just a,
19 you know, I think -- I mean obviously
20 predated -- I mean when I was here I got the
21 issue when these were all created, but it seems
22 to me that it takes jurisdiction, and kind of
23 all links over Indian gaming. Does anybody
24 have any comments on should we be looking at
25 risk versus just putting something in place

1 because it needs to be in place?

2 (No response.)

3 CHAIRMAN LITTLE: Okay.

4 MR. HARRIS: I'm not sure that I
5 understand. This is Ron Harris. I'm not sure
6 I understand your question.

7 CHAIRMAN LITTLE: When we look at the
8 MICS, should we look and see where the problems
9 arise? You know, is it a security issue, is
10 it, you know, somebody's tampering with the
11 software and that's where we should be focusing
12 on, beefing up the regulations or looking at
13 the regulations, versus just doing something
14 because it's done in other jurisdictions?

15 MR. HARRIS: This is Ron Harris again. I
16 think that it's so interwoven I don't think
17 that you can really approach it that way. You
18 know, again, the technical standards I like to
19 liken them in our explanations that it's like
20 building a gun and it's the technical standards
21 of saying how long the barrel is, the thickness
22 of the metal, how the chamber interacts, you
23 know, how the bullets go through it, very
24 technical in nature, here's this gun. The MICS
25 say how you can use the gun. Can you use it

1 like a sniper rifle or is it going to be a
2 club? And the MICS control that you use it as
3 a gun. But the MICS are interwound with
4 looking at every element of the gun, you can't
5 separate one and say it's more important than
6 the other, I don't think. Certainly cash is
7 king and when you focus on the cash movement, I
8 think we've done an exhaustive review of that.
9 Most of that now has been dealt with now for
10 over 70 years. So there's some very bona fide
11 ways of handling this stuff in the casinos. I
12 think that portion of it is done very well.

13 CHAIRMAN LITTLE: Let's have a separate
14 line of questions. And Ron, I know you're not
15 in Las Vegas, but you guys had a visit to Las
16 Vegas. How does other state jurisdictions
17 handle regulation change? And what I mean is,
18 what is the relationship with the industry
19 versus the regulators, the state regulators,
20 the federal regulators, I guess state
21 regulators, how do they go about addressing the
22 regulations? What role does the industry play?
23 Do they have a seat at the table? You know, I
24 mean I'm very interested to see the submission
25 that the Tribal Gaming Work Group submitted,

1 but does that happen in other jurisdictions,
2 that the manufacturers in Las Vegas send in
3 suggested regulation changes to the Nevada
4 Gaming Control Board, does that happen in
5 Mississippi or Pennsylvania or New Jersey?
6 Does anybody have any -- I'd like to hear more
7 about how other jurisdictions do this.
8 Charlie.

9 MR. LOMBARDO: Hi, this is Charlie
10 Lombardo. I will tell you from my experiences,
11 normally technology, prior cases, and I think
12 if you look at a lot of things that were done
13 out of the working group, technology also
14 qualifies, but that is usually how they come
15 about. The manufacturers or the industry
16 changes, and it's always growing and doing
17 things differently and that's usually what
18 drives them.

19 CHAIRMAN LITTLE: Because I know with all
20 the changes in New Jersey the legislature
21 passed a law where the Gaming Control Board
22 there can promulgate a regulation in seven
23 days. Anybody interested in allowing us to do
24 that?

25 (General laughter.)

1 CHAIRMAN LITTLE: Okay. I was only
2 joking. Okay.

3 MR. VALANDRA: Commissioner Little?

4 CHAIRMAN LITTLE: Yes.

5 MR. VALANDRA: This is Joe Valandra.
6 Based on my experience with the past
7 Commission, I don't think it's great policy to
8 write a regulation on the worst case scenario,
9 or on a problem, unless it becomes a chronic
10 problem and you see it in many places, one or
11 two or even three incidents of a problem,
12 unless it looks like a path, it looks like it
13 was missed, is not a good way to write a
14 regulation, from my point of view.

15 MR. HARRIS: Commissioner Little, Ron
16 Harris. Many of the people that we have on
17 this TGWG work group, Charlie Lombardo being
18 one of them, has helped write regulations
19 around the world. A number of the heavy
20 lifters, if you will, were people who wrote
21 regulations for a lot of jurisdictions
22 including Nevada, New Jersey, some in Europe,
23 at very high level, and these are very
24 technical sound people, and I can count
25 probably at least six of them I know that have

1 been on panels writing regulations around the
2 world. My understanding of this in different
3 conversations with Charlie on these things,
4 just like Nevada right now, our good friend,
5 Mr. Chairman, of the Gaming Control Board, they
6 reach out to the industry and say, here's what
7 we think is a problem. Sometimes the industry
8 comes forward and says, we think this is the
9 problem. They all meet, they all stare at it,
10 the industry goes away, comes back with
11 typically the solution of here's what we think.
12 Nevada right now is going through a
13 deregulatory process. They're finding out that
14 geez, we've over-regulated things and it's
15 costing the casinos, the operators, more money
16 than it's worth to protect. So they're going
17 through this process right now themselves and
18 saying, what are we trying to protect and how
19 much does that cost and have a cost benefit
20 analysis. So you're seeing even states like
21 Nevada, who have been pretty staunch in their
22 own MICS and their technical standards now are
23 reevaluating everything that they're doing,
24 very similar to what the NIGC is doing.

25 CHAIRMAN LITTLE: Thank you. I think I

1 asked a question earlier about variance on the
2 technical standards. Does anybody have any
3 experience calling for a variance for the MICS?
4 Is the process workable?

5 MR. VALANDRA: I don't believe we've ever
6 gotten to that point.

7 CHAIRMAN LITTLE: Mike was just saying
8 that the NIGC has never has received an
9 application for a variance.

10 MR. HARRIS: Commissioner, I would say
11 that what we see in the TGWG document, that
12 that document was put together by some of the
13 best of the minds in the business, in the
14 industry. All I think, all of those attorneys
15 that really hammered that all are tribal
16 attorneys and I think that the review of that
17 was to say this is the idealistic way it should
18 work, based on the law, based on the way these
19 folks that are attorneys for gaming
20 commissions, et cetera, say that this would be,
21 stressing the point that tribes are the primary
22 regulator, and there's a lot of stuff I think
23 being done out there that they're not positive
24 of but they're doing it anyway. This would
25 clean all of that stuff up. So I think that

1 would be one of those great vigorous things we
2 would like to have, how that would structure
3 versus what the government thinks they should
4 have.

5 CHAIRMAN LITTLE: It wouldn't be a proper
6 meeting.

7 MS. HOUSE: Okay. Good morning. My name
8 is Sharon House, and I'm an attorney for a
9 number of gaming commissions in various states,
10 and the issue with the variance, we did go
11 through that whole situation on how to deal
12 with it, because you may recall that the NIGC
13 wanted us to notify the NIGC every time they
14 wanted a variance, and what has happened up to
15 this point is that it's really caused a more
16 formal process to occur within the gaming
17 commissions themselves, where they will
18 identify, does this really meet the ultimate
19 results that are wanted by the MICS, that was
20 intended by the MICS and to protect the various
21 interests, and so what they would do is they
22 require most of them, not all of them, but many
23 of the operations have to go before the
24 commission, their own commission and identify
25 why this should take the place of what it

1 actually says in the MICS. You still get the
2 same intent and you get it done faster because
3 it's usually a situation where there's an
4 expansion or something unusual has happened and
5 the local gaming commissions have the
6 experience now, after all these years, and they
7 probably had it before, but after all these
8 years that they are able to make an adequate
9 determination as to whether or not there should
10 be a variance and does it meet the needs of
11 following the money and dealing with the risk.
12 And I'll have to go along with what Ron says,
13 not all the time I go along with what Ron
14 says --

15 (General laughter.)

16 MS. HOUSE: -- is that when it comes to
17 the risk issue, I think that's been hammered
18 out to the point within the MICS that it really
19 doesn't have to be addressed except in those
20 areas where many of the local tribes and the
21 local gaming commissions have determined that,
22 okay, this is impacting us on a regular basis
23 because of the risks to the money or to, you
24 know, the machines and the integrity. So I
25 think when it comes to those issues, is that

1 even if there's a concern by perhaps someone
2 else that the tribes can't do it, we still go
3 back to that, unfortunately, where they believe
4 the tribes don't have the ability, is that
5 that's where you can identify, yes, maybe some
6 bulletins that would assist in those risk areas
7 first, just to try them out. Those bulletins
8 again -- and I don't want to harp on this --
9 but I also agree with Joe Valandra, which I
10 don't do all the time either --

11 (General laughter.)

12 MS. HOUSE: -- but when it comes to the
13 Class III and the bulletins, the tribes that I
14 work for are very concerned about even dealing
15 with the CRIT issue and then move back into the
16 issue of the bulletins, the tribes, and we
17 can't reiterate this enough, but the tribes
18 comply with those bulletins almost 100 percent,
19 unless they see there's something in it that's
20 unfavorable or risky or doesn't meet the needs
21 of that particular tribe. Thank you.

22 CHAIRMAN LITTLE: Thank you, Sharon.
23 Appreciate that comment. I know we've kind of
24 meshed in the technical standards, so was there
25 any other questions on the MICS or the

1 technical standards or comments anyone wants to
2 make?

3 MS. LASH: Robin Lash again, with the
4 Miami Tribe. I just wanted to emphasize that
5 with the MICS, we didn't delete anything. We
6 just reorganized. I know that there's a
7 concern because the document is so much smaller
8 than the last document we wrote. What we have
9 in place now is really user unfriendly.

10 There's just long paragraphs of language and
11 you read it and you think, what does it say?
12 So we've taken out a lot of the procedure,
13 we've left the regulation, we haven't changed
14 or taken out any of the regulation, it's all in
15 there. And like, for instance, I wanted to
16 just direct your attention to this one part,
17 for instance, this is control keys for
18 equipment. It says: Controls shall be
19 established and procedures implemented to
20 safeguard the use, access of security keys or
21 other access methods in accordance with the
22 following. Number one. Each of the following
23 requires a separate and unique key lock or
24 alternative secure access method. Then the
25 bullet point. You get a lot of bulletizing in

1 this. Then we have drop cabinet, drop box
2 release, drop box contents, and storage racks
3 and carts, simplifying big paragraphs of
4 verbose language. So number two under this
5 section, access to return a key or equipment
6 shall be manually or electronically documented
7 with the date, time and signatures, or other
8 unique identifier of the agent accessing or
9 returning the keys. And then you have a little
10 Romanette. And this is a sample of how we
11 removed three sections, three separate tiering
12 languages repetitive for A, B, C, except for
13 the little regulation that kicks in there
14 somewhere. We have for Tier A, the operations,
15 at least two drop team agents are required to
16 be present to access and return keys. For Tier
17 C operations at least three drop team agents
18 are required to be present accessing a joint
19 key. So there in one paragraph we're
20 addressing three tiers, instead of three
21 separate sections that would repeat the same
22 thing except for just a few words within. So
23 really, I think that's important to keep in
24 mind. The document is smaller, it looks
25 different, but it's concise, it's reorganized

1 and it's very easy to understand and read and
2 just contains the regulations.

3 CHAIRMAN LITTLE: Well, that answers all
4 the questions I had.

5 (General laughter.)

6 MR. HARRIS: It's Ron Harris. One other
7 thing. When we finish the work on the guidance
8 documents and the check sheets, we are going to
9 have that MICS with a footnote that says, see
10 here, go to the guidance document and how that
11 all will roll out for you. We're very close to
12 being finished, to get that done. So I know
13 it's a little more difficult to look at the
14 MICS without the guidance document, but I think
15 that will be much more thorough when we're
16 finished with all of this and everybody will
17 say, ahh, you did it, congratulations.

18 CHAIRMAN LITTLE: Well, we know
19 fortunately for me, one of the things we've
20 inherited from the last commission was familial
21 staff, so I believe you'll do a very good job
22 and it will be very helpful. So appreciate
23 seeing those when they're ready, so thank you.
24 Is there any other questions or comments or
25 that folks want to raise regarding the MICS,

1 the Class II MICS, or the technical standards?
2 I know folks that maybe were at some other
3 meetings and might have popped in here, were
4 there any other issues you want to raise about
5 the Group 4 investigation, the backgrounding,
6 fingerprinting? Is there any questions that
7 the staff have?

8 (No response.)

9 CHAIRMAN LITTLE: If there's nothing else,
10 I would probably think it might be time to
11 conclude the meeting. But I want to give
12 everybody the opportunity to speak, and
13 especially the tribal leaders here, any
14 comments or anything from their tribes they
15 want to submit that they didn't get a chance to
16 recite, I'd be very happy to take them and have
17 them be put into the record.

18 If there's nothing else I think I'll call
19 the meeting to a close, a conclusion and say
20 thank you all for coming and wish you a great
21 week here. I know there's a great agenda and
22 wish you all safe travels.

23 The written transcript of this event will
24 be online and any comments that are submitted
25 will be also posted online. I think our

1 deadline for the proposed discussion draft of
2 facility license is the 17th. I think it's
3 still on his desk. I think our next -- when is
4 the next consultation? Do you have that
5 offhand? It's on the website. I think it's
6 coming up here. I have it right in front of
7 me.

8 The NIGC consultation will be June 21st
9 and 22nd at the CNIGA Membership Meeting at
10 Rincon, so just for the record, if anybody
11 wants to be there. I want to thank everybody
12 for coming. Have a great day. Thank you.

13 (Proceedings were concluded at 11:26 a.m.)

14 * * *

15 (Original and One Certified Transcript and CD were
16 furnished to the U.S. Department of the Interior
17 National Indian Gaming Commission.)

18 * * *

C E R T I F I C A T E

STATE OF WISCONSIN)

) SS

COUNTY OF MILWAUKEE)

I, David W. Wahlberg, a court reporter and Notary Public in and for the State of Wisconsin, do hereby certify that the preceding meeting was reported by me and reduced to writing under my personal direction.

I further certify that said meeting was taken at the Hyatt Regency Hotel, Lakeshore Ballroom, 333 West Kilbourn Avenue, Milwaukee, Wisconsin, 53203, on the 13th day of June, 2011, commencing at 9:16 a.m. and concluding at 11:26 a.m.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof, I have hereunto set my hand and affixed my seal of office at Milwaukee, Wisconsin, this 15th day of June, 2011.

DAVID W. WAHLBERG

Notary Public - State of Wisconsin

My Commission Expires November 27, 2011

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