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2	PUBLIC MEETING AGENDA
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6	REPORTER'S TRANSCRIPT OF PROCEEDINGS
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(Thereupon, the following proceedings were had:)

CHAIRWOMAN STEVENS: Good afternoon, for those of you who are attending. This is NIGC Seminole Florida. This is the third public meeting of this Commission. This Commission has determined that we would begin and return to doing public meetings out in the field to allow the public and tribes to good business of the agency and to make comments with regard to that business.

So, with that, I do want to give Vice-Chairwoman Steffani Cochran and Associate Commissioner Dan Little an opportunity to speak.

14 COMMISSIONER LITTLE: Good afternoon, everyone. 15 Thanks for coming today. Like the Chairwoman said, 16 this is our I think our third or fourth public 17 meeting that we are having to provide transparency to 18 the work that we do, but also an opportunity for the 19 public. So I want to welcome everybody here today 20 and hear your thoughts, so thank you.

21 VICE-CHAIRWOMAN COCHRAN: Good afternoon. My
22 name is Steffani Cochran and I am Vice-Chairwoman of
23 the National Gaming Commission. And also I would
24 like to welcome you to our public meeting and I look
25 forward to hearing your reports from the office. And

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I look forward to wrapping up some business that we need to take care of before the general public, so thank you for coming and joining us today.

CHAIRWOMAN STEVENS: Thank you, Steffani and 4 5 Dan. We have embarked on a number of initiatives when this Commission was together last July, we 6 7 identified four areas of focus, consultation and relationship building, technical assistance and 8 9 training, regulatory review, which we were here 10 earlier to consult, and then finally agency 11 operations, which is sort of the look into the agency 12 and organizing and streamlining the agency. So those 13 are our major initiatives and that is much of what we will be talking about today. 14

15 When we first came in the office, we heard a 16 lot, I had heard previously that tribes want to know 17 more about how the agency was operating internally, you know, what processes were followed, budgets, how 18 we came to some of our determinations. So this is 19 20 the way of sort of pulling that curtain back and 21 sharing with everyone how this agency conducts its 22 business.

23 So going through our agenda, we will be on Item 24 2, the Chief of Staff Report. I do want to remind 25 everybody that what we will be doing is getting

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reports from our staff, covering major initiatives, the major initiatives that I have outlined, the Chief of Staff and also the General Counsel. Then we will move on. And that part is just so the business they are going to report to us.

And we will have an opportunity for public comment, if anybody would like to make comments later at the end of the agenda. So this will not be a participation part of the meeting. That part will come later on in the agenda.

11 So, with that, we will turn it over to Paxton 12 Myers, who is your Chief of Staff, to give us a 13 report on technical training and technical 14 assistance, agency operations and other business. 15 So, Paxton.

PAXTON MYERS: Thank you, Chairwoman.

17 My name is Paxton Myers, Chief of Staff, National Gaming Commission. I would like to report 18 today on a few items. Federal assistance in 19 20 training, just a few statistics that we are working 21 on with the training division. For FY 2011 we 22 completed 659 total training hours. We had 2,309 participants and we hosted 83 different trainings. 23 24 The number of tribes attending those trainings was 25 209.

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So far in 2012, the first quarter, we have had 154 training hours, 285 participants, 18 trainings and 46 tribes have attended those trainings.

Some of the challenges that we are faced with when we are doing our training is just a mixed level of experience with the audience. We have some tribes that are more sophisticated than other tribes. Some tribes that have gaming commissions that have been in place for many, many, many years, some that turn over as soon as the tribal counsels are sworn in. So that is one challenge that we are having that we are facing.

13 And another challenge we have heard from tribes was the additional cost for attending our trainings. 14 15 As you know, we have some tribes located in remote 16 It is hard to get to an airport and even areas. 17 harder to get out, training costs, and everyone's scrutinizing their budgets for these hard times we 18 are having now. So that is still one of the glaring 19 20 issues that we are doing.

But, to address that, we are trying to reach out to those tribes that might not be located in rural areas and hosting either regional training in that area or site-specific training for those tribes. It is a lot easier for us to get there as opposed to

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try to get a full gaming commission. So those are some of the things that we are trying to reach out to tribes and offer more training opportunities for that.

The training catalog is a work in progress. When I came into the position that I have, one of the things that we were tasked with was reviewing the training catalog. The director of training now is still completing a review of the training catalog. We have gone through and adjusted the catalog to fit some of the trainings that we offer now and re-tailor those trainings to keep up with the times, keep up with the mission of this Commission.

And we are actually looking into the catalog 14 15 because we hear from tribes that, especially in the 16 eastern division, that the trainings are something 17 that they are not interested in because they have been established properties or they have established 18 gaming commissions for guite a while. So we are 19 20 looking at moving to more advanced courses. 21 Hopefully, we can do a training catalog. My hope is 22 similar to like a college catalog where you have one level class, introductory classes, beginning classes 23 24 for some of those tribes that are new gaming 25 commissions or getting into gaming. And the 200

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level, which is more advanced for some of those more established levels. And the 300 level where properties that are really advanced. And that is what our training director has been tasked with, coming up innovative ideas on how we can offer that training and how we can retool the training catalog.

7 We are actually going to go out with the RD's and do another survey with them, their regions, to 8 9 see exactly what type of training do tribes want. A 10 lot of times sometimes they will say, We want 11 advanced courses. Well, we need help from the tribes 12 to come up with some more innovative ideas on what 13 are the advanced courses you like. Would it be more game machine training or would it be more gaming 14 15 commission or a combination of both.

16 So that is where we are with the training 17 catalog. We are in the process now of going out with 18 those surveys and we hope to have that back to us within the next quarter, so we can really, you know, 19 20 move forward with the training catalog. Again, like 21 I said, we have taken it down and retooled some of 22 the course and put it back up. Some of the courses were just outdated or courses that we hadn't taught 23 24 in four years or five years. Courses that, you know, 25 tribes just happen to advance further than that. So

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that is kind of where we are with the training catalog.

And objectives for 2012 is to complete the new training catalog, is to complete the advanced training on the game machine side and also the advanced trainings on the travel-related regulated side and for operations, as well.

8 We also will continue to collaborate with the 9 Department of the Interior to find innovative and new 10 ideas for training. We've partnered with the 11 Department and they might have some ideas of how we 12 can do some further outreach to tribes.

13 We are also in the beginning stages of doing some web-based training. Again, you know, a lot of 14 15 tribes are in rural areas, so this might be an 16 opportunity for them to go to a training center within their area or with their tribe to the tribal 17 government, and we can actually do the training from 18 DC and reach different tribes. That is something we 19 20 are in the beginning stages of. We did a couple 21 tests with the Chitimacha Tribe. Am I correct, 22 Cindy, the Chitimacha Tribe? 23 CINDY ALTIMUS: Yes, you are correct. PAXTON MYERS: Where we could see how this web 24 25 portal would work. It was very successful.

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Again, some of the challenges are IT needs. And also, some of the tribes that need a little more assistance really don't have the IT, you know, equipment that we can use, that we can go to. So if we run into that issue, then we will definitely reach out to tribes and do some one-on-one training.

7 We are also working with our audits division in which to offer more advanced courses on courses that 8 9 actually tribes are looking for within the audit 10 division. And we are also going to issue a directive 11 to where audits, if need be from a regional director 12 or from a compliance officer, that an auditor can go 13 with them on the site visit and conduct, you know, on-the-spot training, if that compliance officer or 14 15 the regional director sees fit.

I think we have kind of taken a different turn in years past where the audit teams weren't actually going out and assisting like they should. But we are going to address that within this week. So we will have audit staff readily available, unless they are called to do an audit.

Just real quick, some upcoming trainings that we have, we have Regulating Gaming Technology at the Pechanga Resort & Casino February 14th to the 16, 2012. We also have the Oklahoma City Regional

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Training planned for February or March 2012, we are still working on logistical issues there.

3 Also, in February or March in the Phoenix region, hopefully we are going to partner with the 4 5 Arizona Department of Gaming, the Arizona Gaming Working Group and possibly some other federal 6 7 agencies, the IRS, FBI, to host a realm type of training within that region for four tribes all 8 9 within that region. We have actually had several 10 tribes come to our regional director in that area and 11 request this training. The Arizona Indian Working 12 Group is working with us. Again, there are 13 logistical issues there, which we are still trying to 14 get everyone all in the same room and collaborate. 15 And as you can imagine, with multiple agencies it is 16 hard to get that arranged, but the regional director 17 is working really hard to get that established.

And throughout the year we will have regional 18 trainings. I don't want to go into the whole list 19 20 because we don't have the logistics there. But 21 beginning next month going all the way through 22 September 30th we will have regional trainings in all the regions. We will also have regulating gaming 23 24 technology training in all the regions moving 25 forward. So that is a synopsis of the training.

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COMMISSIONER LITTLE: More of a comment than a motion, I just want to commend you for really reaching out to the region and towering our training to their needs. I think that is so important and easily overlooked, what is needed in some regions is not what is needed in other regions.

7 Whenever I am out on the road, I try to stop by any training that is going on. And it is very 8 9 helpful and really nice to see, you know, 10 on-the-ground regulators, front-line primary 11 regulators out there and taking advantage of the 12 training that we are offering and, you know, our 13 agency working with the tribal regulators. So I want to commend you on continuing to reach out to regions 14 15 and tailoring our training to their needs.

PAXTON MYERS: Thank you, Commissioner Little.

17 Moving on to operations, ABC operation and 18 review. As most everyone in the room knows, we did go through a realignment with the agency. 19 The 20 realignment again is ongoing. We have held three all 21 employee meetings, held two individual divisional 22 meetings where myself and the Deputy Chief of Staff met with all the different divisions that we have. 23 24 Just a status update on where they are on projects, 25 keeping the line of communication open with all the

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1 different divisions.

2 We will continue to have biweekly conference calls with our senior audit staff, our regional 3 directors and our senior contract staff. We are 4 5 actually working on a team-building plan with CATER's assistance. We are waiting on an overall 6 7 team-building plan from CATER, which is a DOI program that can help us with team-building with our 8 9 different employees in the DC office. And we are 10 also still trying to logistically figure out how do 11 we do that, how do we accomplish that. Because we 12 are in DC and we are in different regions, so we are 13 still working on that.

And the IT transition, we had hoped to have the 14 15 DOI IT report sent to us this week. We have asked 16 DOI with a contractor to go in and look at our IT 17 needs and our infrastructure and see where we can 18 make improvements with IT. Will that be a migration over to the DOI system or will that be bits and 19 20 pieces of migration to the DOI system, because they 21 are going through a total revamp of their IT systems. 22 And if we can piggyback on what DOI is doing and 23 maybe get some cost savings there, then we are 24 definitely for all that.

We hope to have that assessment to my office

1 this week. That way we can do some evaluations, then 2 I can go back and present those recommendations to 3 the Commission, move it forward. Any questions about IT? 4 5 Going back to some agency operations. Currently, we are in the process of drafting position 6 7 descriptions for the Director of Compliance Finance and Public Affairs. We also redrafting the PD IV 8 9 Regional Director Position in conjunction of the 10 Bureau of Safety and Environmental Enforcement, BSEE, 11 for short. That is the area within DOI that handles 12 all of our HR functions. So we are in the process, 13 they are either with BSEE or they are with us and getting sent back to BSEE. So we are in here working 14 15 on collaboration with them on those PD's. Don and I 16 have ideas, and then we put those on paper. So some 17 of them are with us, some are back with BSEE with our 18 recommended changes.

19PD's for the Executive Administrator Audit and20Training Manager and the IT Auditor are nearly21complete. We have to go through and do some final22cleanup on those position descriptions, and they23should be ready for advertisement within the coming24weeks. That is my fault.

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The Compliance Officer PD has been rewritten,

again with the Chief of Staff and the Deputy Chief of Staff in conjunction with BSEE. We rewrote the job description there. We do have two advertisements and the Phoenix region where we are using the new position description. We will actually be conducting interviews for those two positions next week, next Tuesday and Thursday.

This was the first time that we actually, as an 8 9 agency, fully utilized DOI and then their services 10 that they can provide to us. And it is a learning 11 process. Of course some of the acronyms, like MICS, 12 for instance, and those type of things, they had no 13 clue what MICS were. So we had to go through and train our folks that are helping us there on that 14 15 side with what acronyms were and what the job 16 description should say and needed to say and what 17 qualifications the Compliance Officer or Regional Director or any other positions within our agency 18 need to have. So that is ongoing. 19

20 We had over 200 applications for those two 21 positions. Through BSEE we actually have whittled 22 those down to a manageable number and we will be 23 conducting interviews. The Regional Director and 24 myself will be conducting those interviews next week, 25 so hopefully we will have someone in some places

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within the coming months. The federal system is slow, sometimes, dealing with hires. So that is where we are with the realignment.

The office utilization and assessments is again ongoing. As many people know, in 2013 the agency's lease is up and we will have to either relocate to another area within DC or stay in the same building that we are in. We are in the preliminary stages of going to that to see what are our options, how much is it going to cost and those different things. The Deputy Chief of Staff is meeting with representatives this week to discuss what our options are.

We have a tentative scheduled tour of some open buildings scheduled for next week where the Deputy Chief of Staff, Commissioner Little and myself will hopefully go tour some potential new buildings and see if they can offer the services that the agency needs.

19The leased advertisement to solicit bids for20potential building locations was sent out last week.21I believe it runs into two or three weeks. I am not22sure. Two weeks. Two weeks. That is just for folks23that have buildings within the DC metro area to24submit bids for the agency. Again, we are in the25preliminary stages of that.

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1 And, finally, policies and procedures. We are currently in various stages of working on five new 2 policies. Commission to recruit, those include the 3 employer transportation subsidy, the travel policy, 4 5 employer recognition, premium pay and employee performance appraisal. Those are the varying stages. 6 7 We hope to have those presented to the Commission within the next two weeks. We are very close to 8 9 having those finalized. They are going through the 10 final run through with some folks in Larry's section. 11 So we are hopefully have those within the next two 12 weeks for the Commission for approval.

And a hit on the staffing areas. Again, we are conducting interviews and our goal, or my goal, is to have the advertisements for the IT Auditor within the next two weeks, along with some other positions. Our staff will have some type of discussions with the Deputy Chief of Staff and BSEE, to see if we are in a position to advertise those other positions.

20 The goal to advertise the three director 21 positions again, Director of Compliance, Finance and 22 Public Affairs by March, that is our goal. Again, 23 they are in varying stages of development. One, the 24 Public Affairs, is nearly complete. The Compliance 25 and Finance, we are still in the drafting phase

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We had two Regional Director retirements, John Gerber in the St. Paul region and Ken Billingsley in the Phoenix region. I want to publicly thank both gentlemen for their service to our country and to the agency and to Indian Country. In the interim, we have appointed two interim Regional Directors, Linda Durbin in the Saint Paul area and Lance Vallo in the Phoenix area.

And that concludes my report. I'm happy to answer any questions that the Commission might have.

CHAIRWOMAN STEVENS: No, I don't think there are any additional questions. I want to thank the Chief of Staff and the Deputy Chief of Staff Dawn Houle, who is back in the office now commanding the ship.

17 The agency operation review, and I just want it 18 to be known to everybody who is attending, is actually taking up quite a bit of our time. As I 19 20 said in the beginning of the meeting, it was of 21 interest to Indian Country as we were told of how the agency was operating. And so the Chief of Staff's 22 office spends probably 95 percent of their time 23 24 dealing on just this one initiative to, you know, 25 look at ways for the agency to become more efficient.

We utilize the Department of Interior because we are within the Department of Interior. They have some great systems in place already. We have some contracts with them to do some services for us. Because in terms of the size of our agency, with 100-plus employees, it doesn't always make sense to have our own systems when we can piggy-back, as Paxton said, onto other systems. That actually will bring us more into the 21st century.

10 The assessment from the DOI IT team, who is 11 really out front for the federal family in terms of 12 new technology, is really important to us because we 13 have, and you wouldn't know this and maybe you do know this, we do have a lot of limitations internally 14 15 which we are trying to address. We are a young 16 commission and we are techies and, you know, we know 17 that that is the direction tribes are moving. So we want to be on the cutting edge of all the technology, 18 things that make our doing business easier, your 19 20 doing business with us easier.

21 So the agency operations initiative that we 22 have is actually incredibly time-consuming for our 23 staff. So if you don't see Paxton or Dawn, and many 24 of you probably don't even know who Dawn is because 25 she is back working on this, we don't let her out

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1 much, you know, that is because they are working really hard doing what tribes often do, which is 2 constantly monitor your organization for efficiencies 3 and streamlining opportunities. 4 5 So thank you, Paxton, thanks to Dawn Houle and all of your staff that report to you in helping us 6 7 become a better organization. We are going to move on. Are there any 8 9 comments? Okay. 10 So we are broken up, basically, from the 11 Commission. We have got the Chief of Staff's office and the General Counsel. 12 13 So we are going to turn to Larry Roberts, the General Counsel, for his report on some other 14 15 initiatives that fall under his purview. Larry. 16 LARRY ROBERTS: Thank you, Chairwoman. For the 17 record, Larry Roberts, General Counsel, member of the Oneida Nation of Wisconsin. With me today is Senior 18 Attorney Michael Hoenig from my office. We are going 19 20 to cover two points today. One is regulatory review 21 and the progress that the commission is making there, 22 and then consultation and relationship building. 23 With regard to regulatory review, the commission, when they first took office, embarked on 24 25 a process that would be a little transparent in terms

of how the regulations would be reviewed by the Commission. The Commission started off its regulatory review through notice of inquiry sent out to public and tribes asking for public comment on which regulation should be reviewed and what order and how to move forward with that process.

7 Currently, as part of that regulatory review, after hearing comments from tribes and the public, 8 9 the Commission sent out its regulatory review agenda. 10 Through that agenda it identified how it would consult with the tribes. It identified that in some 11 12 circumstances they would issue preliminary discussion 13 drafts before issuing a notice of proposed rule-making, and then with the notice of proposed 14 15 rule-making seeking additional tribal and public 16 comment before moving forward with the final rule.

17 As the Commission is aware, there are five rules proposed, rules currently open for comment. 18 Those rules are Part 502, definitions; Part 537, 19 20 background investigations; Part 556, background 21 investigations for primary management officials and key employees; Part 558, licenses for primary 22 management officials and key employees; and Part 573, 23 24 enforcement.

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The comment periods for Parts 502 and 537

closes on February 27, 2012. The comment period for Parts 573, 556 and 558 close on February 21st.

3 We have an update with regard to proposed rules to be printed in the Federal Register. My staff has 4 5 been working closely with the Commission to prepare proposed rules for part 559, facility licenses, the 6 7 appeals regulations, as well as Part 518 self-regulation. All of those parts the Commission 8 9 has preliminary drafts, which we have received 10 comments and reviewed those comments. And we are 11 working with the Federal Register at this point to 12 schedule those for publication. We hope that those 13 will be published soon.

14With regard to further consultations on the15regulatory review schedule, the Commission will be16consulting with Indian Country February 30th at the17Agua Caliente facility in Palm Springs, we will have18a consultation on February 16th at Squaxin Island and19we will have a consultation on February 22nd at La20Isleta Hard Rock in Albuquerque, New Mexico.

21 CHAIRWOMAN STEVENS: January 30th it is the day 22 before Western Indian Gaming Conference in Morongo. 23 LARRY ROBERTS: And that is a summary of the 24 regulatory review. Are there any comments about the 25 Commission or questions at this point?

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1 VICE-CHAIRWOMAN COCHRAN: This is just more of 2 a comment, because I see two faces present I just 3 want to acknowledge how much work I know is coming out of your shop. And, Larry, I know you have asked 4 5 the attorneys to manage a lot of information under some pretty short deadlines. And you have also been 6 7 very accommodating to the questions and comments and revisions that have come from the Commission side. 8 9 And so I just want to publicly acknowledge that because I know it is a lot of work and I know we are 10 11 on an aggressive schedule for a federal agency. And 12 each time your staff has stepped up to the plate and, 13 Mike, I appreciate it and I wanted to say that 14 publicly.

LARRY ROBERTS: Thank you, Vice-Chairwoman.

16 CHAIRWOMAN STEVENS: I would also like to 17 reiterate that. I just want everyone to know who is 18 here and anybody who reads this record that as similar to the Chief of Staff's office, the Office of 19 20 the General Counsel, all of these rules are going 21 through them. And they, as Vice-Chairwoman Cochran 22 has said, have been very patient with the Commission. 23 Because we are actively, if there is any question 24 about whether or not we are watching these, we are 25 helping write these. We are reading every draft they

give us. We all have edits that they are very patient with. I can't even imagine the number of drafts that we have gone through before all of these regulations. So I appreciate that.

And not only that, not only their doing this, but they have got their other regular jobs that they do in reviewing ordinances, management contracts, you know, working through appeals, working with the compliance division to help try to enforcement matter. So they are walking and chewing gum. And, you know, hands up to OGC, similarly to the Chief's Office because it is all intertwined. So thank you.

LARRY ROBERTS: Thank you, Chairwoman.

In terms of consultation and relationship
building, as you know, we have circulated a draft
consultation policy to Indian Country. We are in the
final stages of reviewing those comments and
preparing another draft for your review.

19One of the things that we are doing, and that20is taking just a little bit more time, is we are21comparing our policy, our draft policy to that policy22adopted by the Department of Interior late last year.23And so we are finalizing that review for the24Commission. And the Commission may want to consider25circulating the revised policy for a 30-day comment

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1 period from tribes before finalizing because we are 2 going through the review process right now and making 3 sure that the policy adopted by the Interior is going to work well with whatever policy you adopt, since we 4 5 work so closely and tribes work so closely with both the Commission and Interior on a day-to-day basis. 6 7 And that is all I have as part of my report. CHAIRWOMAN STEVENS: Okay. Thank you, Larry. 8 9 We are on item number four, new business. We 10 have a number of items on the table for adoption 11 today. First on that list is the preliminary fee 12 rate adoption for the next upcoming fee cycle. Do I 13 have a motion to approve what has been presented? COMMISSIONER LITTLE: So moved. 14 15 CHAIRWOMAN STEVENS: I have a motion by Commissioner Little. Do I have a second? 16 17 VICE-CHAIRWOMAN COCHRAN: Second. 18 CHAIRWOMAN STEVENS: Second is to adopt the preliminary fee as presented to us by the Chief of 19 20 Staff. And with that, is there any discussion? 21 COMMISSIONER LITTLE: I'd request the Chief of Staff to explain. 22 CHAIRWOMAN STEVENS: Yes, if you could, Paxton, 23 24 let us briefly know what the recommendation is on the 25 preliminary fee rate, with some background on that.

PAXTON MYERS: Thank you, Chairwoman. Again, Paxton Myers, Chief of Staff, National Gaming Commission.

At this time I would recommend that the fee rate remain at 0.074 for the following reasons. Our analysis, preliminary analysis showing that the industry remain stable. However, this is not inclusive of all tribal operations, only a small, small fraction of those operations that submitted to the agency by December 31, 2011.

We are in the process of getting information from tribes as I speak today, all those being probably by March. But we are in the process now of going through all those, doing our analysis, doing our evaluation internally. So it is very premature right now to say whether the industry will remain stable or show an increase.

Also, the National Business Center, NBC, which handles all of our internal financing and financial records. The Department of Interior recently went through an overall internal reporting system which has led to internal issues such as delays of fully accessing our accounts, and within the Federal Budget Management System, FBMS.

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Our comptroller NBC is currently working to

resolve these issues, troubleshoot those issues as they arise. It was out of our control. NBC went through this complete overhaul of their system, but it has limited access that we have to certain financial information internally.

Like I said, the comptroller and NBC and people at the Department of Interior to the highest level were working diligently to resolve these issues that we are having right now. We hopefully will have full access again in two weeks. We have got our fingers crossed, that is what NBC is telling us, that we should have full access within two weeks.

13 We are also seeing for agency, also seeing increases in rent, again, federal benefits, and we 14 15 have an internal infrastructure and IT needs that 16 need to be addressed immediately and we will be 17 coming forward to the Commission with recommendations on those infrastructure and IT needs and how to 18 address those needs within the coming weeks. Once we 19 20 get the DOI, IT assessment sent back to us, we can 21 have a better understanding and better idea of where 22 we are with IT and what improvements we need to make moving forward and how are will this play into the 23 24 Commission's one, three, five and 10-year IT plan. 25 We are also in the beginning stages of updating

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1 and standardizing our internal process fee and fee calculations. Again, we are in the very preliminary 2 3 stages. We are working with some audit staff and coming up with recommendations that I can review and 4 5 again present those to the Commission in the very near future on how we assess the fee and how we 6 7 calculate the fee. We need to update that, standardize that process. That has not been updated 8 9 and standardized in a number of years, so that is one task our comptroller has been coming up with. 10

11 And finally, again, I recommend the fee be set 12 at 0.074. Again, we can re-examine this fee rate in 13 June of this year when we have to set the final rate. At that point in time we will have more information, 14 15 more financial data from tribes. They will all be 16 submitted, we will have our own analysis and we will 17 know where the industry is turning, if it is going to 18 remain stable or show a slight increase. Again, we will also have full access to FBMS and NBC at that 19 20 time.

21 CHAIRWOMAN STEVENS: Okay, I just want to 22 remind everybody, this is just a preliminary fee 23 rate. Currently, as it stands now, it is at 24 0.074 percent. And in June, I think it is, we are 25 due on July 1st, currently is the current rate to

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Page 29 1 issue the final rate for the next upcoming term. So we have a recommendation and a motion on the table to 2 adopt .074 percent. With a motion and a second, all 3 of those in favor say "I." 4 5 COMMISSIONER LITTLE: I. VICE-CHAIRWOMAN COCHRAN: 6 Ι. 7 CHAIRWOMAN STEVENS: I. Those opposed say "no." Okay. With that, the motion is adopted. And 8 9 we will deal with this particular final issue as the 10 date comes up later on in the year. Thank you, 11 Paxton. 12 We also have on the table for adoption a final 13 rule. It is the repeal of Part 523, review and approval of existing ordinances or resolutions. Do I 14 have a motion to approve? 15 16 COMMISSIONER LITTLE: So moved. 17 CHAIRWOMAN STEVENS: Motion from Commissioner Little. Do I have a second? 18 VICE-CHAIRWOMAN COCHRAN: Second. 19 20 CHAIRWOMAN STEVENS: I have a second from 21 Vice-Chairwoman Cochran. Is there any discussion? 22 COMMISSIONER LITTLE: I recommend Larry 23 Roberts, the General Counsel, explain this. 24 LARRY ROBERTS: Thank you, Commissioner Little. 25 This is basically a repeal of Part 523. Ιt

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2enacted prior to February 22, 1993. We circulated3this both as a discussion draft and as a proposed4rule. We did not receive any comments on the5proposed rule opposing repeal of Part 523. And so it6generated very few comments and no tribe has7indicated to us that they would be impacted by this.8CHAIRWOMAN STEVENS: Thank you, Larry.9So the question before the Commission is the10adoption of the final rule to appeal Part 523, review11and approval of existing ordinance and resolution.12All in favor of the adoption moving forward to final13rule, please say "I."14VICE-CHAIRWOMAN COCHRAN: I.15COMMISSIONER LITTLE: I.16CHAIRWOMAN STEVENS: I. Those opposed, say17"no." With that, the motion is adopted and we will18send that repeal of 523 to the Federal Register.19Lastly, up for adoption is the final rule for20Part 514 fees. Do I have a motion to approve?21VICE-CHAIRWOMAN STEVENS: Motion by Vice-Chairwoman23CHAIRWOMAN STEVENS: Motion by Vice-Chairwoman24Cochran, second by Commission Little.25With the motion on the table and a second, is	1	applies to the review and approval of ordinances
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24 Cochran, second by Commission Little.	22	COMMISSIONER LITTLE: Second.
	23	CHAIRWOMAN STEVENS: Motion by Vice-Chairwoman
25 With the motion on the table and a second, is	24	Cochran, second by Commission Little.
	25	With the motion on the table and a second, is

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COMMISSIONER LITTLE: Madame Chair, I request General Counsel explain this.

CHAIRWOMAN STEVENS: Hearing no objection, go ahead, Larry.

LARRY ROBERTS: A very brief overview of the final rule. The final rule would set forth a process for the payment of late fees. It would set forth the process for the collection of fingerprint fees similar to the proposed rules.

11 It would move the collection and the payment of 12 fees to a quarterly basis, rather than a biannual 13 basis as currently in Part 514. It would have an effective date of October 1st for the late fee 14 15 process and for the fingerprint fees. They would 16 have an implementation date of January 1st to move to 17 the quarterly process rather than the biannual. 18 CHAIRWOMAN STEVENS: Thank you, Larry. All those in favor of the adoption of the final 19 20 rule Part 514 fees, please say, "I." 21 VICE-CHAIRWOMAN COCHRAN: Т 22 COMMISSIONER LITTLE: I. 23 CHAIRWOMAN STEVENS: I. If opposed, say "no." 24 With that, the motion is adopted. Part 514 fees is a 25 final rule and will be moved to the Federal Register.

So that is it for our new business.

VICE-CHAIRWOMAN COCHRAN: Madame chairwoman, can I ask the General Counsel's office, this is the first two to go to final rule?

> LARRY ROBERTS: Yes, that is correct. VICE-CHAIRWOMAN COCHRAN: Thank you.

7 CHAIRWOMAN STEVENS: So the starting line was in November with our inquiry and as of today's public 8 9 meeting, we have got two of our first final rules out 10 that were drafted with the help of tribes and 11 contribution to tribes. So my thanks, my hands up to 12 Indian Country for rising to the occasion. This is 13 just a few of more that will be coming as we continue along this process. 14

So, thank you, Vice-Chairwoman Cochran, for bringing to everybody's attention how far we have come, how quickly we have come and how inclusive we have been as we move forward to final rules.

We are on agenda item number five for public comment. This is the time that is intended for individuals to make brief statements to the commissioners, preferably supported by fact, on current issues and that are within the jurisdiction of the NIGC. It is not intended to be open forum for debate. The Commission may or may not choose to

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address issues that are brought up and the comments raise.

If you would like to make public comment, we do have a sign-in sheet. Do we have anyone that has requested to make public comment?

Or, if you have just decided right now to make public comment, we would welcome that, as well. We will just take your name and your organization in a moment. Just give us a minute, while some deliberation happens.

Yes, Chief Mark Garrow from St. Regis Mohawk Tribe.

13 MARK GARROW: I would like to make a comment with regard to the training sessions that were spoken 14 15 of earlier by the Chief of Staff. I applaud the 16 efforts of the Gaming Commission and the Chief of 17 Staff's office, but I would ask this question and offer this consideration. Realizing that it's a 18 relatively new program, I would say less than five 19 20 years, what mechanism is in place to evaluate the 21 effectiveness of the program, and has there been measurable results as a result of the training 22 program that has been offered to Indian Country? 23 24 Thank you, Chief Garrow. PAXTON MYERS: That 25 is a very good question. And we are actually are in

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that process now, going through surveys with tribes and tribal leaders on what would they like to see within the training catalog, what training do we need to offer, what advanced trainings we need to offer. So we are in those stages now.

I would welcome, definitely, any
recommendations or comments from tribes or from your
tribe on that process, how we can improve that
process, where can we make improvements to the
process, what training would you like to see. But,
again, we are going through that type of internal
evaluation now.

13 CHAIRWOMAN STEVENS: Paxton, do you mind if I 14 ask, after each of the trainings, is there an 15 evaluation form that we ask the participants to fill 16 out?

17 PAXTON MYERS: That is correct. We do have a 18 form, we do have a form that we ask the participants to fill out. It's similar to, I am sure you have 19 20 done training, where you rate the trainer and that 21 you rate the overall effectiveness of the class. We 22 do go through and look at those and do some evaluations based on those recommendations. We offer 23 24 specialized training to some of those trainings that 25 might need a little more assistance when they are

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Page 35 1 offering trainings. So we do take what general comments we get back very, very seriously. We make 2 3 efforts to improve our training. MARK GARROW: I would like to ask another 4 5 question. CHAIRWOMAN STEVENS: Let's get a microphone. 6 7 MARK GARROW: I guess to clarify my question, have you seen a measurable benefit in terms of the 8 9 number of audit findings or that type of thing? 10 PAXTON MYERS: Again, thank you for the 11 question. And that is where we are striving to. The 12 effective evaluation will be the amount of findings 13 we do find when we do audits or the amount of NOV's or compliance issues that we are finding within the 14 various travel programs. We have seen not a 15 16 decrease, but we have seen issues that were prevalent 17 a few years ago and not be so prevalent now, especially with our audit findings and some of our 18 compliance issues. 19 20 CHAIRWOMAN STEVENS: Thank you, Paxton, and 21 thank you, Chief Garrow. 22 One of the reasons why training and technical assistance became a priority for us is, you know, the 23 24 purpose of training and technical assistance for our 25 agency is to keep track of compliance, but also

educate people. And if we are providing trainings that aren't needed or are not addressing particular issues or problems that are coming up in the industry, then we are not doing our job. That is why we are going, as Paxton said, through a review of our catalog.

We are doing surveys to find out what they need with the tribes. We are looking at advanced trainings, realigning our curriculums so that it better matches what the industry needs, or changes in the industry, or what might be happening in a particular region or particular state. So all those things do play into how we evaluate our systems.

And audit findings in terms of reduce, the goal is to keep compliance issues down. Whether they are audits or whether they are enforcement issues within an operation, the goal is to keep those down and have the tribe as a regulatory body monitor them and keep them in compliance instead. So I appreciate your question.

21 Do we have others that want to make public 22 comments or have questions? 23 Let's get a microphone to you.

JASON GILES: Just real quick, on the MICS
Class II Regulations, Section 543. This Jason Giles,

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1 National Gaming Association, Executive Director. Will the Commission be announcing further 2 consultation with tribes between now and the 3 effective date of October 2012? 4 5 CHAIRWOMAN STEVENS: On the current Class II MICS that are on the books? 6 7 JASON GILES: Part 543 and 542, the one packet I'm looking at now. 8 9 CHAIRWOMAN STEVENS: And just for everybody, 10 just reminding everybody, we currently have a Tribal 11 Advisory Committee in place right now taking a look 12 at Part 543, minimum internal control standards for 13 Class II Gaming. We are still in that process. Their meetings are continuing to go on. As this 14 15 group reviews an alternative standard that was 16 proposed to us by the Poarch Creek Band and other 17 tribes. In terms of the current regulation, that has 18 been on the books for three and a half years now, but 19 20 has not become effective, you know, I think our goal 21 is to have a replacement for that, because it is a different document. What we heard from the tribes 22 was that even that particular rate that is on the 23 24 books right now and in the Federal Register sort of 25 pending an effective date is out of date. And that

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there was another draft that was put together, I think prior to our arrival, that the Poarch Band and other tribes used to formulate their alternative standards.

So I think our goal is to, you know, put a new 543 out there that is relevant. Because our understanding is that what is currently there is not relevant. So that is where we are going with that.

JASON GILES: We are asking, will that be donewith consultation of the tribes?

11 CHAIRWOMAN STEVENS: Sorry I, missed that part.
12 JASON GILES: Before a new one is put out.
13 CHAIRWOMAN STEVENS: Certainly, we will.

14JASON GILES: Okay. Other public comments? If15not, we do have on the agenda item number six,16announcements. Again, Paxton announced some17training, the week of February 14th through 16.18Which one was that? The machine training.

19And some others that are in the works for the20rest of the year, each region will have its own21regional training. Please watch for that on our web22site under Training and Technical Assistance.

Again, we have consultations coming up for rules that are in process now. The next consultation is January 30th at Aqua Caliente, the day before the

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western Indian gaming conference begins in Palm Springs.

The one after that is February 16th at Squaxin Island, Shelton, Washington, immediately following the Affiliated Tribes of Northwest Indian's Winter Conference. And then the next one planned after that is February 22nd at La Isleta Hard Rock in Albuquerque, New Mexico. Everyone is welcome to attend.

10 I over heard Vice-Chairwoman Cochran talking to 11 someone. Just because we have them in regions 12 doesn't mean that other regions aren't able to 13 attend. We just have them in regions so we bring the Commission to the tribes. And, you know, it is not 14 15 restricted to those tribes in that particular region. 16 It is actually helpful when we have tribes from other 17 regions come to a different region, so there is some understanding of how these rules affect tribes in 18 other regions. 19

20 So those are our consultations that are coming 21 up. We anticipate the next public meeting to be in 22 April. We are looking at trying to tag on somehow to 23 the National Indian Gaming Association's annual 24 conference to get in and capture as many attendees as 25 we can and reduce resources, travel resources for

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both tribes and the Commission. When we do have that published, when we have a date confirmed, we will put it on our web site.

I think our goal has been to publish our public meeting date in advance, more in advance as they have been. This is our third public meeting and we are, like our training, trying to plan them out in areas that will get broad attendance and we can reduce the travel costs for everybody involved. So after the one we hope will be April, it will be three to four months after that in another location.

So those are the announcements that we have.
Is there anything else from the commissioners? Okay.
So that adjourns the public meeting.

Do I have a motion to adjourn?

16 COMMISSIONER LITTLE: I just definitely want to 17 thank our staff, you know. I think sometimes we 18 overlook the many hours they put in. Especially, you 19 know, Paxton and Larry, they do great jobs, but a lot 20 of our regional staff, and we talk about training and 21 we talk about we do these specified trainings where 22 we plan them in advance.

But our regional staff, like Cindy and Keith,
they will go out and do a site visit and they will
come across an issue and they will do some technical

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1 assistance and training right then and there. And they do a great job at it and sometimes I think we 2 3 don't give them enough credit. Those relationships and those abilities, that ability to go in there and 4 5 work directly with the tribe, and it fosters a great working relationship. And, you know, it demonstrates 6 7 the partnership that we have with the tribes and our strength in this industry. 8 9 I am very grateful for the hard work our staff 10 does and very grateful to be able to be in the 11 position to see that. So I want to thank all of them 12 and thank all the attendees here today for coming. 13 Thank you. 14 CHAIRWOMAN STEVENS: Okay. With that, motion 15 to adjourn? 16 COMMISSIONER LITTLE: So moved. 17 VICE-CHAIRWOMAN COCHRAN: Second. 18 CHAIRWOMAN STEVENS: All right. We are 19 adjourned. So thank you all for attending, and hope 20 to see you in April. 21 (The proceedings were concluded at 3:10 p.m.) 22 23 24 25

	Page 42
1	CERTIFICATE
2	
3	I, ELIZABETH CORDOBA, Registered
4	Professional Reporter, certify that I was authorized and
5	did stenographically report the foregoing proceedings and
б	that this transcript, pages 1 through 42, is a true
7	record of the proceedings.
8	I further certify that I am not a relative,
9	employee, attorney, or counsel for any of the parties nor
10	am I a relative or employee of any of the parties'
11	attorney or counsel connected with the action, nor am I
12	financially interested in the action.
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14	Dated this 8th day of February, 2012.
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19	ELIZABETH CORDOBA
	Registered Professional Reporter
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&	4	additional 6:14	38:15
& 1:13 10:24	42 42:6	18:13 21:15	aggressive 23:11
	42 42.0 46 6:3	address 6:21 10:19	ago 35:17
0		19:15 27:19 33:1	agua 22:17
0.074 26:5 28:24	5	addressed 27:16	ahead 31:5
0.074. 28:12	502 21:19,25	addressing 36:2	airport 6:16
074 29:3	514 30:20 31:13,20	adjourn 40:15 41:15	albuquerque 22:20
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