

1           **MR. FISHER:** Okay. Are we ready okay?

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

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

14           **MS. TAHDOAHNIPPAH:** The ones that you just  
15 emailed this morning or last night, the 40-page, is  
16 that going to get posted on -- online or is it just  
17 going to be a summary? Because that will determine  
18 comments.

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

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

25           We'll also talk a little tomorrow about what

1 you want to see in the summary for this meeting in  
2 light of the transcript.

3 **MR. MCGHEE:** We also had some changes out of  
4 the executive closed session.

5 **MR. FISHER:** Okay.

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

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

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

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

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

21 **MR. MCGHEE:** 547.

22 **MR. PUROHIT:** Wherever the reference is in  
23 547.

24 **MR. WILSON:** There was a specific one that  
25 was --

1           **MR. MCGHEE:** Where it's an employee and an  
2 agent in the whole financial part.

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

5           **MR. FISHER:** Did I get that right?

6           **MR. WILSON:** Yes.

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

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

11           Is that it?

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

14           **MR. FISHER:** Okay.

15           That's it?

16           **MR. MCGHEE:** Yeah.

17           **MR. FISHER:** Okay.

18           So you already tested all that so --

19           **MR. MCGHEE:** We have not tested it.

20           **MR. FISHER:** We'll test it for the record.

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

24           Okay. So we're still working on the  
25 technical standards just to check to see if anybody

1 had anything else that they want to put before the  
2 group.

3 **MS. HAMEL:** Did you get the 547 changes?

4 **MR. FISHER:** Yes.

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

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

11 **MR. MCGHEE:** I gave him the changes.

12 **MR. FISHER:** Right.

13 **MR. MCGHEE:** And what we did was number two  
14 was identified as procedural in nature so we took it  
15 out.

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

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

24 And then number six, we added to Class II  
25 gaming system must be capable of providing, and then

1 left I through 6 in place. So we're really just  
2 rewording it to be more technical than procedural.

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

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

10 Anything else anybody else wants to add?

11 **MR. WILSON:** I think we could vote.

12 **MR. FISHER:** Ready to test it?

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

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

18 Isn't there more after six?

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

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

23 Okay. So let's test this and then I have an  
24 ASAP request. All right. So if you support the  
25 changes that are up on the screen as proposed by the

1 working group, to 547.12(a) raise your hand. Good.

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

5           (Off the record.)

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

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

16           **MR. FISHER:** Okay. So that's it?

17           That's what you suggested to do?

18           **MR. WHEATLEY:** Does that solve the problem?

19           **MR. CULLOO:** Remove integrity twice.

20           **MS. LASH:** Could I ask for permission for  
21 assistance with the sentence?

22           Is it okay with us?

23           **MR. MCGHEE:** We're going to have to undo it.

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

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

1 please.

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

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

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

15           Thank you.

16           **MR. FISHER:** Okay.

17           So what should we do?

18           **MR. WILSON:** Is there --

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

21           **MR. MCGHEE:** I think the one suggestion was  
22 download conducted during operational periods shall  
23 not affect game play. It wasn't a matter of -- so I  
24 think the key word is download conducted during  
25 operational periods shall not affect game play.

1           **MR. FISHER:** Are you saying make that change  
2 to what's now number five or leave it in number four?

3           **MR. MCGHEE:** My suggestion would be to just  
4 put it in number four and leave five as it was  
5 originally.

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

8           **MR. MCGHEE:** Can you just project that -- the  
9 change in number four?

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

14          **MS. HAMEL:** Cannot be designed to.

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

17          **MR. FISHER:** The recommendation -- all right.

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

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

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

24          **MR. WHEATLEY:** That's what it means to me  
25 when I read it.

1           **MR. WILSON:** Why would you do a download  
2 during game play?

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

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

13           **MR. FISHER:** Does that get at it?

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

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

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

22           **MR. MCGHEE:** The definitions.

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

25           **MR. MCGHEE:** A lot of the changes I was

1 looking at are just a matter of capitalization. So as  
2 we go down we have already fixed agents, which was the  
3 first real change.

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

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

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

13 **MR. MCGHEE:** Cashless transaction is  
14 mentioned in circuit boards.

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

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

19 **MR. MCGHEE:** Cashless transaction is also  
20 under credit.

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

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

25 **MR. MCGHEE:** Can you do a search for cashless

1 transactions? Cashless will do it. If you just  
2 search that and see how many there are.

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

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

8 **MR. FISHER:** Right. Cashless transactions  
9 is.

10 **MS. HAMEL:** Can you search cashless systems?

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

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

17 So do you want --

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

21 How do you want to do it?

22 **MR. MCGHEE:** I don't know because it's -- I  
23 would hate to -- I guess do them one by one because  
24 she may have something wrong with one definition and  
25 you may have another on another definition and it's

1 slowing up the whole process. So one by one.

2 **MR. FISHER:** Okay.

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

5 Okay. We're not quite there.

6 **MS. TAHDOAHNIPPAH:** What's the change?

7 **MR. FISHER:** So to change the phrase at the  
8 end.

9 **MR. MCGHEE:** You are trying to say if you are  
10 okay with what TGWG added.

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

13 **MR. CULLOO:** What's the purpose of putting  
14 examples down? Like the examples promotional account.

15 Why even put anything after the comma?

16 Why is that even necessary?

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

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

22 Maybe someone has something on why.

23 **MR. MCGHEE:** Well, the part that said to or  
24 from a patron deposit account was already in what they  
25 proposed. And then when we were looking at it we

1 said, well, it also relates to a promotional account  
2 so we added --

3 **MR. CULLOO:** Who proposed the first part?

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

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

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

11 You want to test that?

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

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

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

21 **MR. FISHER:** Okay. Everybody with us?

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

25 Okay. That got everybody.

1           **MR. MCGHEE:** The next one was electromagnetic  
2 interference removed from the definition but yesterday  
3 it was actually put back in the technical standards so  
4 you may want to restate it. It originally wasn't in  
5 the technical standards.

6           **MR. FISHER:** Okay, Tom?

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

10          **MR. MCGHEE:** It wasn't a TGWG change.

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

13          **MR. FISHER:** You're in the systems  
14 definitions.

15          **MR. WILSON:** You guys went past that right?

16          **MR. MCGHEE:** Yeah.

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

21                 There is a quite a focus on the technologic  
22 aids.

23          **MR. PUROHIT:** Why the focus?

24          **MR. WILSON:** Well, I guess, you know, all  
25 components, whether or not technologic. It aids in

1 electronic -- there is like a word missing there or  
2 something. That aids in, you know -- that aids in  
3 technologic.

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

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

16 Does that make sense?

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

23 **MR. MCGHEE:** I think if we say all components  
24 that function together as the same thing as all that  
25 stuff being mentioned. I think maybe it was mentioned

1 for some kind of clarity because technological aids --

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

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

8 **MR. PUROHIT:** Right.

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

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

25 **MR. WILSON:** Well, if it's defined that way

1 then that's the definition.

2 **MR. FISHER:** Leo?

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

7 **MR. MCGHEE:** I think a game can be several  
8 systems.

9 **MR. CULLOO:** So theme really does not apply?

10 **MR. MCGHEE:** Yeah.

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

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

15 So now we're down to electrostatic discharge.

16 **MR. MCGHEE:** It was originally removed  
17 because it was never referenced in the standard at  
18 all. So -- but yesterday it was put back in.

19 So the question is, to leave it, omit it, or  
20 put it back in. But also what was put back in were  
21 three or four other things. All of those other things  
22 that aren't going to be defined either. So those four  
23 or five areas may need to be defined or made a note of  
24 along with this being reinstated along with the four  
25 other components that had to be tested.

1           **MR. PUROHIT:** Radio frequency and all of  
2 those in the hardware section.

3           **MR. MCGHEE:** Yeah.

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

5           **MS. HAMEL:** Testing.

6           Took it out of --

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

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

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

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

22           So did that capture it?

23           The definition of electromagnetic  
24 interference would be as in the current regulations.  
25 Because the TGWG suggested striking it, this would

1 leave it as is. And then add the definitions for the  
2 other items, radio frequency, those things that are  
3 listed in the submission.

4 Why don't we say --

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

13 **MR. MCGHEE:** Just define it.

14 **MR. FISHER:** Everybody see this?

15 Does that capture it?

16 Okay. Ready to -- anybody have any  
17 questions?

18 Ready to test it?

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

21 Okay. Daniel, do I have another definition?

22 **MR. MCGHEE:** The financial instrument  
23 acceptor. Actually, these three, the financial  
24 acceptor, dispenser, and components which are the  
25 three definitions together, all that does is add an

1 example to add clarity because some people were  
2 saying, well, what exactly is a financial instrument.  
3 Such as what? And that was why -- such as the drop  
4 box was put out there because drop box was the more  
5 common terminology used for it. But it's not used  
6 anywhere in the standards. So they wanted people to  
7 realize that a financial instrument storage component  
8 was actually a drop box.

9 **MR. FISHER:** Right.

10 Did you want that on the record?

11 **MR. LITTLE:** No.

12 **MR. FISHER:** Okay.

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

15 **MR. MCGHEE:** Yeah. They either agree with  
16 all of them or they don't.

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

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

24 Okay. Next Daniel?

25 **MR. MCGHEE:** Patron. There was a definition

1 added to the definitions.

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

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

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

6 **MR. MORGAN:** I think --

7 **MR. FISHER:** It's right there. It's right  
8 there.

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

10 **MR. PUROHIT:** There is four right here.  
11 There is a total of nine.

12 **MR. MCGHEE:** Go find all of them.

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

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

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

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

25 **MR. FISHER:** Yes. It was there but we

1 deleted it. It was in the cashless transaction  
2 definition and we deleted it.

3 **MR. LITTLE:** Matthew, you started to talk  
4 about -- you tried to standardize.

5 Do you still believe that's a good idea?

6 **MR. MORGAN:** I never attributed it to my  
7 idea. I was telling you what the grouped wanted to  
8 do.

9 **MR. LITTLE:** You opened your mouth.

10 **MR. MORGAN:** For the record.

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

15 **MR. MCGHEE:** If it wasn't used.

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

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

24 **MR. MCGHEE:** So we're deleting both the --

25 **MR. LITTLE:** Do you guys want to make a

1 recommendation that you pull out all the definitions  
2 that have no reference in the regulation? Then you  
3 could kind of skip doing all of the hand raising.

4 **MR. FISHER:** So that would -- something like  
5 that?

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

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

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

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

23 **MR. MCGHEE:** Player rewards like what,  
24 points?

25 **MR. CULLOO:** It says, but not limited to.

1           **MS. HAMEL:** And does that go into the  
2 financial instrument exception?

3           **MR. WILSON:** Well --

4           **MR. MCGHEE:** That's not a financial  
5 instrument.

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

11           **MR. MCGHEE:** You're reading financial  
12 instrument, the definition?

13           **MR. WILSON:** Yes.

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

18           **MR. MCGHEE:** It's not a financial instrument  
19 because it's not tangible. It's not an instrument at  
20 all.

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

23           **MR. MCGHEE:** Then it becomes money.

24           **MR. WILSON:** Well, from an accounting  
25 standpoint it's definitely tangible.

1           **MR. MCGHEE:** Then you have to define  
2 tangible.

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

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

9           **MR. WILSON:** Well, I don't -- I guess that's  
10 my question. This may not even be applicable in the  
11 technical standard. But I'm just saying that if  
12 included in the financial instrument, are player  
13 tracking rewards part of that definition or not?

14           And if they are not, does it need to be clear  
15 that it doesn't intend to address that?

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

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

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

24           **MR. WILSON:** Okay.

25           **MR. MCGHEE:** Financial instruments other than

1 cash, the cash equivalent, or anything else of  
2 representative value to which the gaming operation had  
3 assigned a monetary value. Cash equivalent --

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

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

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

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

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

17 **MR. MCGHEE:** There are no technical standards  
18 for player rewards.

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

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

23 **MR. PUROHIT:** There is nothing with the  
24 player tracking. So, you know, it's just what the  
25 tests are required in a lab setting and for

1 manufacturers to design it. That hopefully clears it  
2 up. If you look at the testing requirements for  
3 putting aside the definition part of it, what are the  
4 testing requirements and what are the design  
5 requirements. And they focus on the bill acceptor  
6 which is the printing financial instrument itself. So  
7 I don't know if that satisfies the existing language  
8 or not.

9 **MR. WILSON:** It does.

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

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

22 **MR. FISHER:** Okay. That answer your  
23 question?

24 **MR. WILSON:** I am satisfied.

25 **MR. FISHER:** So where we were was patron.

1           **MR. MCGHEE:** I think the last comment was to  
2 delete the definition of patron and patron deposit  
3 account; is that right?

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

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

9           **MR. MCGHEE:** Do the broad.

10          **MR. FISHER:** Okay.

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

14          **MR. MCGHEE:** The next one -- we already  
15 tackled that.

16          The only thing left was TGRA and not a --

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

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

23          **MS. TAHDOAHNIPPAH:** I thought we wanted to  
24 add primary gaming.

25          **MR. MCGHEE:** Yes. We discussed it at length.

1           **MS. TAHDOAHNIPPAH:** We are going to come back  
2 to that one.

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

6           So do you want to test this one?

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

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

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

18          **MR. FISHER:** What's the it?

19          **MR. PUROHIT:** The TGRA.

20          **MR. FISHER:** TGRA is defined the same way.  
21 So shall we test the change to this?

22          **MR. WHEATLEY:** Not yet.

23          **MR. FISHER:** Not yet. Okay.

24                 Daniel, anything else in the definitions for  
25 you?

1           **MR. MCGHEE:** That's it. The rest were just  
2 capitalization changes.

3           **MR. FISHER:** All right.

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

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

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

12          Does anybody have anything else right now?

13          **MR. MCGHEE:** Just one thing outstanding which  
14 is the blanket statement of TGRA?

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

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

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

23          And if so, then the request from this morning  
24 was for the TAC to go into closed executive session  
25 before we began the discussion on the MICS.

1           Are we at that point? Yes.

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

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

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

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

18           (Executive session - discussion held off the  
19 record.)

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

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

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

25           **MR. FISHER:** Okay.

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

6           **MR. FISHER:** The general statement meaning?

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

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

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

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

16          **MR. FISHER:** Just -- is Mike in the room?

17                 Did you send me the Word version of that  
18 document?

19          **MR. LITTLE:** Nimish did also.

20          **MR. FISHER:** Okay.

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

25          **MR. WILSON:** Well, let's --

1           **MR. LITTLE:** I think you should pull up the  
2 red line.

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

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

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

16           **MR. MCGHEE:** Bingo?

17           **MR. MORGAN:** No. Purpose and application.

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

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

21           **MR. MCGHEE:** All I have is bingo --

22           **MR. LITTLE:** The agenda planning committee  
23 identified three areas they wanted to focus on at this  
24 meeting. And this was the MICS for bingo, MICS for  
25 card games, and the definitions. And that's what we

1 prepared comparisons for and that's what we sent to  
2 you.

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

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

9 **MR. MCGHEE:** And then bingo card games and  
10 definitions.

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

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

17 What I just heard Dan say is that --

18 **MR. MORGAN:** That did not get sent out.

19 **MR. MCGHEE:** There is no red line version.

20 **MR. LITTLE:** Yeah.

21 **MR. MCGHEE:** There is no red line version.  
22 There was no changes.

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

25 **MR. MORGAN:** Well, the change is -- the one

1 change there is -- I think there is a section in --  
2 tiers. Tear A, B, and C. That is a change in the  
3 definitions, but that's the language that comes back  
4 to the definitions that says this is what tier A  
5 means, this is what tier B means, and this is what  
6 tier C means.

7 Did we actually change the thresholds?

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

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

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

15 **MR. MORGAN:** Right.

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

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

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

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

24 **MR. MORGAN:** I don't have the red line  
25 version. But my recollection was I thought we changed

1 the threshold levels on tier determinations.

2 **MS. TAHDOAHNIPPAH:** Can we pull up the red  
3 line?

4 **MS. HAMEL:** That's in the definitions.

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

7 **MS. HAMEL:** Go to the tiers.

8 **MR. FISHER:** Okay.

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

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

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

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

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

23 **MR. WILSON:** If I understand the change that  
24 was made is that previously or under the current rule  
25 or -- 1 to 5 million was considered a tier A facility

1 and what the tribal working group has changed is that  
2 3 million to 8 million is tier A. The effect being  
3 that if you are less than 3 million in gaming revenue  
4 you don't have to comply with the MICS at all.

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

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

9 **MR. FISHER:** Okay.

10 Kathi, you asked that the definitions be  
11 brought up.

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

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

15 **MS. HAMEL:** Yes.

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

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

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

23 The only substantive change I remember is  
24 that we changed the threshold levels for tier A, which  
25 affected tier B, and so 1 million moved to 3 million

1 for tier A, and tier B now starts at 8 million. So if  
2 you don't make more than 3 million gross, then you are  
3 going to follow 543.6 under does this part apply to  
4 small and charitable gaming operation for guidance.

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

8 And are you okay with that change?

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

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

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

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

20 Everybody hear my explanation?

21 And we were supposed to talk about the non  
22 substantive parts, the introductions to the MICS. The  
23 substantive changes we made in those is we did change  
24 the threshold level for a tier A facility from  
25 \$1 million up to now \$3 million.

1           Therefore, that affected tier B, so now you  
2 start at B -- you don't reach tier B status until you  
3 hit the 8 million. That's important because if you  
4 now fall below the 3 million you are not covered under  
5 the MICS anymore. You are covered under how do the  
6 small gaming operations comply with. And that was  
7 always the term for when you were less than a million.  
8 That does impact some small operations.

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

12           **MR. MAGEE:** How many did that affect?

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

15           **MR. MAGEE:** Why the change then?

16           **MR. WHEATLEY:** Inflation.

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

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

22           **MR. MCGHEE:** My document doesn't even have  
23 the red line.

24           **MR. FISHER:** What's projected on the screen  
25 is the NIGC's comparison document.

1           **MR. WHEATLEY:** What we're doing is that it's  
2 also -- the levels that were changed are in line with  
3 what was drafted by the NIGC for their 2010 rule that  
4 was put on hold. So it's the same level that was  
5 proposed by the NIGC.

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

12           **MR. WILSON:** So the tribal working group was  
13 comfortable with the change from 1 million -- or from  
14 3 million and NIGC is going to put that change in  
15 there.

16           **MR. WHEATLEY:** Initially proposed it.

17           **MR. WILSON:** Okay.

18           **MR. MCGHEE:** We worked from the 2010  
19 proposed.

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

22           **MR. MCGHEE:** Sorry. Draft.

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

1 was clear.

2 **MR. MCGHEE:** What came after the first TAC?

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

11 **MR. LITTLE:** No. We postponed it again.

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

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

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

20 **MS. HAMEL:** But only 543.7 was published.  
21 Was bingo.

22 **MR. MORGAN:** Is that correct?

23 **MR. FISHER:** So what's the question?

24 **MS. HAMEL:** I didn't make a question.

25 This wasn't in 543.7.

1           **MR. MORGAN:** No.

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

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

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

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

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

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

19           **MR. MCGHEE:** Well, I guess what they are  
20 wondering is the TGWG proposed -- what we submitted  
21 was the 3 and \$8 million thresholds, which is what was  
22 proposed in your draft rule. But the final rule is  
23 1 million and 5 million so in looking at TGWG's  
24 documents and this group deciding, okay, we like the 3  
25 million and 8 million. They need to accept TGWG's

1 proposed rule. Because really if you look at it, then  
2 it's really no change from your 2010 draft rule.

3 **MR. LITTLE:** Exactly.

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

8 But what does this committee need to express  
9 to you?

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

13 **MR. MCGHEE:** That's what keeps getting pushed  
14 off? Extended?

15 **MR. WEST:** Right.

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

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

20 **MR. MCGHEE:** Why don't we see where we stand.  
21 Anybody have any problem with the 3 million?

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

25 Michele?

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

4           **MR. WHEATLEY:** No. Where the tribal gaming  
5 working group started their work from based on the  
6 2010 proposed regulations.

7           Correct?

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

10          **MS. STACONA:** The TGWG.

11          No?

12          **MR. WHEATLEY:** No. The NIGC.

13          **MS. STACONA:** The NIGC proposed the --

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

16          **MR. MCGHEE:** There you go.

17          And NIGC chose to accept it.

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

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

23          Is that a fair statement?

24          **MR. LITTLE:** Yes.

25          **MR. WILSON:** Okay.

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

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

6           **MR. FISHER:** Yeah.

7           Do you want to test it?

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

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

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

16          **MR. MCGHEE:** If you change A that means B has  
17 to change.

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

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

23          **MR. FISHER:** Yeah. It's a conforming change  
24 to pick this up right there if I understand how this  
25 is set up.

1           But we can do them one at a time if you want.

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

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

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

9           So if you support and accept that  
10 recommendation that's up on the screen in yellow on  
11 the tier A and tier B definitions, raise your hand?  
12 Okay. All right.

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

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

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

19           **MR. FISHER:** Well, we did -- the purpose and  
20 applications sections were on the agenda. To the  
21 extent that there needed to be any change -- because  
22 those set the tone for the rest of the regulations.  
23 And so the question -- we started there on -- with the  
24 agenda group because that's the starting point for  
25 the -- everything that follows derives from those two

1 sections. So there is no proposed changes in those  
2 sections.

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

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

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

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

17 **MR. MCGHEE:** I think she's worried about  
18 543.1 saying what does this part cover.

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

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

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

23 So we may -- recognizing that as we go  
24 through this you may revisit these sections if that's  
25 appropriate.

1           So we are ready to move to bingo. So let me  
2 pull up the NIGC bingo document. All right. So how  
3 would you like to do this since we are embarking on a  
4 new section? We can do it the same way we did  
5 technical standards.

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

8           Do you want to pick up with the NIGC  
9 document?

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

12          Daniel?

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

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

24          **MR. FISHER:** The TGWG red line document?

25          **MR. MCGHEE:** Yeah.

1           **MR. FISHER:** Okay.

2           **MR. MCGHEE:** You just may have to refer back  
3 for comments from people.

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

6           **MR. MCGHEE:** It is not.

7           **MR. FISHER:** If it is.

8           **MR. MCGHEE:** I'm telling you it's not.

9           **MR. FISHER:** Okay.

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

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

1 cover letter and memo.

2 **MR. MCGHEE:** But that's not right.

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

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

6 **MR. MCGHEE:** I think what -- she tried to  
7 compare with the 2008 also.

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

12 (Off the record.)

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

15 And go to Tom.

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

24 But I would just like to go on the record and  
25 state that we had this document issue about what

1 versions we're working on and somehow we've got to get  
2 to a point where -- I want to come prepared. It's  
3 difficult to come prepared and read one document and  
4 then find out it's not the document that the  
5 expectation that was supposed to be discussed was  
6 the -- and I don't have any control over that. I have  
7 to rely on what is being sent by whomever.

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

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

18           To be honest with you, it's confusing on our  
19 part. We're working off of three drafts, basically,  
20 or three different documents. And I think as we  
21 look -- as we're looking forward, any subsequent  
22 comparison -- we're going to compare apples to apples  
23 with the working groups. That was just making  
24 comparison off the 2010 draft. Okay. So that will  
25 hopefully clear things up.

1           The two comparisons we have here, the bingo  
2 and the card games, there -- in most cases there  
3 really wasn't anything in 2008 so it is a comparison  
4 off of 2010. And they are -- you know, Dan and Mike  
5 went through them and they are correct.

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

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

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

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

1 draft that was put on the website.

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

5           **MR. LITTLE:** I think --

6           **MR. FISHER:** I pulled it off the NIGC  
7 website.

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

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

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

15           **MS. LASH:** No.

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

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

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

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

25           **MR. FISHER:** Kathi, did you want to say

1 something?

2 **MS. HAMEL:** Could I make a recommendation  
3 that no matter what document is distributed for us to  
4 discuss at any of these meetings -- many of us are  
5 going to have a hard copy -- that somebody put a file  
6 name and a date at the bottom of the document so that  
7 we all have printed and are working from the same  
8 document.

9 **MR. FISHER:** All the documents that I  
10 produced do that.

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

15 **MR. LITTLE:** That would be fine. We'll do  
16 that.

17 **MS. STACONA:** We found it.

18 **MR. MORGAN:** On the website, WWW dot Class II  
19 regs dot com has everything in a Word format.

20 **MR. WILSON:** Are we ready for Matthew to give  
21 his general statement?

22 **MR. LITTLE:** I think we can do that.

23 **MR. FISHER:** Yeah.

24 **MR. MORGAN:** In 1776 -- conceptually, this is  
25 mainly for your records and note taking. But

1 conceptually, the tribal gaming work group document,  
2 what we tried to do was to make the minimal internal  
3 control standards less procedural in nature and more  
4 to be objective standards that must be met.

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

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

17           I want to make sure that people understand  
18 that going in of how we approached it because the page  
19 numbers are greatly reduced now on what -- the work  
20 product that was submitted by the Poarch Creek Band of  
21 Indians. And I think that will help people's  
22 understanding as they go through and participate in  
23 our project or if they want to provide alternatives or  
24 comments into it. That is at least somewhere out  
25 there for them to read and understand of what our mind

1 set was from a tribal gaming work group perspective on  
2 the submission of that document.

3           **MR. WILSON:** So I would just like to follow  
4 up on that with sort of a philosophical example of  
5 this. On the document that I have, if you go to  
6 543.7(a), which is the document -- the PDF version.  
7 And the first section talks about internal control  
8 procedures. And fundamentally, one of the things that  
9 we discussed in our executive session is the mindset  
10 shift that we believe needs to take place in order to  
11 achieve the objectives of what the tribal working  
12 group has submitted.

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

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

24           The paradigm shift, if you will, of that  
25 thinking is that it puts the idea that the whole point

1 of these MICS are to mitigate risks. How you get  
2 there is not the primary objective of the MICS, but  
3 the primary objective is identifying the risks that  
4 need to be mitigated.

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

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

23           And this approach is not new. It's been  
24 adopted in this country by the federal government  
25 through the Office of the Comptroller General in terms

1 of a risk-based environment when you are looking at  
2 trying to control or reach some objective.

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

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

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

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

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

25           This -- the recommendations you guys are

1 making, that's absolutely fine. That's the whole  
2 purpose of this. But I can't tell you one way or the  
3 another if I agree or disagree with the concept or  
4 what you're trying to do there. I'm sure you all  
5 understand why.

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

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

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

25 So I'll shut up now.

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

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

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

18           As a regulator, the concern that one has is  
19 how do I enforce something. And I just want to make  
20 sure that NIGC -- you know, you've operated under one  
21 realm of approach to this for many years now. And I  
22 guess what I want to bring forth is that you can  
23 enforce a risk-based model through auditing. It just  
24 means, though, that you have to do more work as an  
25 agency to understand.

1           So instead of pulling off the shelf and  
2 saying everybody has to comply with this book, you  
3 now -- the onus is on you when you go out to audit  
4 that you have to understand that operation better in  
5 the context of how it operates to answer the question  
6 is the risk being mitigated. So it's a mind shift,  
7 but I just, you know, have to say that the rest of the  
8 world has adopted this. And so it's not -- while it  
9 may be foreign to NIGC or Indian Country, it is not a  
10 foreign concept in the United States or most other  
11 developed countries.

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

14           **MR. WILSON:** Thank you.

15           **MR. FISHER:** Go ahead.

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

19           Am I understanding we're all good with a  
20 543.1, 3, 4, and 6, so we're ready to move on to 7?

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

24           Dan keeps telling us that he wants as many  
25 recommendations as possible from this group.

1           If we're okay with those sections, can we at  
2 least get that --

3           **MR. MCGHEE:** What again?

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

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

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

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

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

25           **MR. MORGAN:** The Poarch Creek version.

1           **MR. MCGHEE:** We had no changes on the 2010  
2 draft.

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

5           **MR. FISHER:** All right.

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

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

13           **MR. LITTLE:** Appendix one.

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

21           **MR. LITTLE:** That sounds good.

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

24           Do you want to list the sections?

25           **MS. TAHDOAHNIPPAH:** Well, I don't like that

1 it refers to a website.

2 **MR. FISHER:** So Mia, which sections were you  
3 focused on?

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

5 **MR. MCGHEE:** 543.6(b)?

6 **MR. MORGAN:** Roman numeral three.

7 **MR. FISHER:** I see.

8 **MS. TAHDOAHNIPPAH:** Yes, B.

9 **MR. FISHER:** So there is 543 point B.

10 **MR. MCGHEE:** You would end it after  
11 principles?

12 **MR. WHEATLEY:** Yeah.

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

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

17 **MR. MCGHEE:** But you don't know that.

18 **MS. HAMEL:** I am looking at it.

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

21 **MR. WHEATLEY:** It's right there.

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

25 Okay. So we're still confused about

1 documents. So that means there is multiple documents  
2 on the NIGC website.

3 **MR. MCGHEE:** They are looking at the website  
4 document.

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

7 **MR. WHEATLEY:** So is mine.

8 **MR. FISHER:** I'm on the website.

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

11 Is there a Kinko's here?

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

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

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

21 **MR. FISHER:** Yes.

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

24 **MR. FISHER:** About which document is which.  
25 Might just be easier to have hard copies of

1 these documents.

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

7 **MR. FISHER:** Okay.

8 Michele?

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

13 **MR. FISHER:** 543.3.

14 **MS. STACONA:** I'm looking on the original  
15 MICS.

16 Is it still there?

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

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

1           **MS. HAMEL:** Okay.

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

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

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

10          **MR. FISHER:** Okay. So there is the reference  
11 to the FASB right there; and then you said you were  
12 looking in A. Right there. Which doesn't have it.

13          Okay. So the A version -- the A section does  
14 not have the reference to the website and the B  
15 version -- the B section does.

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

21          **MR. MCGHEE:** She wanted the websites deleted  
22 before she would approve one of those sections.

23          **MR. FISHER:** But it was 543.6.

24          **MR. MAGEE:** So nobody has copied the other  
25 part of it, so four, five, and six with that one

1 change --

2 **MS. TAHDOAHNIPPAH:** One, three, four, and  
3 six.

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

6 543.2 is the definition section and we have  
7 work to do in the definition section. All right.

8 So let's test this. I didn't even have to  
9 ask. All right. So not everybody has their hand  
10 raised.

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

13 **MR. MCGHEE:** It's no new language. It's  
14 just -- there were no changes.

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

17 **MR. LITTLE:** There is no changes.

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

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

23 **MR. CALLAGHAN:** I will say, I'd like us to be  
24 a little better organized. I would like to see what  
25 documents we're reviewing and I'd like to have an

1 opportunity to review these in advance. I'd like to  
2 see an agenda that is consistent and not to be jumping  
3 around.

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

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

11 **MR. FISHER:** Michele?

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

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

22 **MR. FISHER:** Okay.

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

1 regulations?

2           **MR. MCGHEE:** Because if it changes or adds a  
3 different little extra thing -- it's in your regs. It  
4 should.

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

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

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

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

13           **MR. MCGHEE:** I am trying to find the websites  
14 in 543.3. I don't see them. I was trying to find it.

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

18           **MR. MCGHEE:** Sure.

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

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

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

25           **MR. FISHER:** Do you want me to pull it up at

1 the end?

2 **MR. WHEATLEY:** I am looking at the 2008  
3 document. And at the very end of Section F, correct?  
4 543.3(f). And it appears to be a bunch of federal  
5 register NIGC notations type reference stuff.

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

8 **MS. STACONA:** Right. The first one.

9 **MR. FISHER:** 543.3, right?

10 **MS. STACONA:** Yeah. Little F.

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

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

18 **MR. WHEATLEY:** Except I think we might want  
19 to look at it because the NIGC might have a reason  
20 that it's there. And it might end up there anyway.  
21 Because it appears to be -- I can't explain it without  
22 looking at it and maybe the NIGC can if they are  
23 looking at it. But it has to do with archives for the  
24 federal register and the code and stuff, so it's  
25 referencing different sections within the regulations.

1           **MR. WILSON:** I thought we were talking about  
2 websites.

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

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

10          **MR. LITTLE:** No. This is long before my  
11 time.

12          **MR. MCGHEE:** Well, it was there in 08. In  
13 2010 NIGC or another TAC decided it didn't need to be  
14 there. And that's why it's not in this document.

15                 If there is any other websites take them out.  
16 And that particular one was already taken out.

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

19          **MR. LITTLE:** No. There was no changes.

20          **MR. MCGHEE:** There is a 2010 draft.

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

23          **MR. MCGHEE:** They are not in the 2010.

24          **MR. LITTLE:** We're not saying yes or no.  
25 This is your committee. You do what you want.

1           **MR. MCGHEE:** Take them out. No websites.

2           **MR. FISHER:** So, Kathi?

3           **MS. HAMEL:** Comments have been made that  
4 543.3 was not changed. There were changes or  
5 additions to that section in the TGWG document that  
6 was submitted through Poarch Creek dated July of 2011.

7           **MR. MCGHEE:** There is no red line in your  
8 submission. She's saying there really was some.

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

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

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

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

24           **MR. FISHER:** Brian?

25           **MR. CALLAGHAN:** The 7-28 -- the document that

1 we're talking about, Section 2 -- 543.2,  
2 definitions -- does mention on page 5 of 35 the new  
3 tiers, tier A, tier B, tier C. So this appears to  
4 have already been adopted and changed because there is  
5 no black line version to this.

6 **MR. MCGHEE:** Yeah, but there is no numbers.

7 **MR. LITTLE:** Are you referring to the  
8 definition?

9 **MR. CALLAGHAN:** Yes.

10 **MR. LITTLE:** Okay.

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

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

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

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

24 And so --

25 **MR. WILSON:** Now, Kathi, you are comfortable

1 that what's being pulled down off the portal is in  
2 fact what you have because you had some questions  
3 about that?

4 **MS. HAMEL:** Yes.

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

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

10 **MR. FISHER:** Yes.

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

14 **MR. LITTLE:** Let's clarify that.

15 **MS. HAMEL:** There are no Word documents --

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

18 **MR. FISHER:** Yes. Correct. I misspoke.

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

21 **MR. LITTLE:** Now, I've never heard of this  
22 website, and I am not sure if you had access, but  
23 there could be other versions coming from there.  
24 That's not us.

25 **MR. MCGHEE:** I can't say it's accurate.

1           **MR. FISHER:** Okay.

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

5           **MR. MAGEE:** Second.

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

12           **MR. LITTLE:** That's not correct.

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

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

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

20           **MR. LITTLE:** Comparison documents.

21           **MR. WILSON:** I guess what I am saying is  
22 whatever we're doing is creating confusion because --  
23 I just want to know that -- definitively, that  
24 everybody -- that we can all do our reality check and  
25 say, yes, the document that I'm staring at is the

1 document from the portal and it's from the entire  
2 package. Because you are talking about a document  
3 that was submitted -- the entire Poarch Creek  
4 document, 300-some-odd pages; that that is the source  
5 document that we should be using for our  
6 deliberations. And that the comparison documents are  
7 merely a -- an aid.

8 **MR. LITTLE:** Exactly.

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

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

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

24 We will -- if you want it, we will print off  
25 15 copies of this. I don't know if I can have it to

1 you for tomorrow morning. If everybody wants that, we  
2 will get 15 copies of this available for everybody.  
3 We will get printed copies of every single one of  
4 these documents if that's what you want. We will have  
5 it there.

6           However, we cannot control -- when Robert  
7 sent out a version of these comparisons, he sent it  
8 one time. That is the only time we've ever  
9 distributed this copy. We can't control how those are  
10 manipulated and how those are resent off to the group.  
11 And it obviously has happened. It happened with the  
12 547 comparison document. That's not our doing. We  
13 can't control that.

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

20           **MR. WILSON:** I sense the frustration and I  
21 think the rule that we have to all adopt is that that  
22 is the document that we are all referring to  
23 regardless of what the hell else you get sent by the  
24 tribal gaming work group, by whomever, that that  
25 doesn't matter. The document that you need to come

1 prepared to discuss here at this meeting is that  
2 300-page document.

3 **MR. FISHER:** Okay.

4 Michele, you have your card up.

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

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

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

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

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

21 Now, the way that we are able to use this as  
22 a starting document is through the president's  
23 consultation and memoranda to all federal agencies  
24 that we can use alternative proposals submitted from  
25 tribes and that's what we've done. That's why it's

1 under tribal comments received. That's why it was  
2 submitted through the Poarch Band of Creek Indians.  
3 That's where it's located. That may have caused some  
4 confusion.

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

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

10 **MR. LITTLE:** Yes.

11 And then if you scroll down, you will see the  
12 comparison documents. Those are all based off of  
13 2010.

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

17 **MR. LITTLE:** Right there.

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

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

25 **MR. LITTLE:** Right.

1           **MR. FISHER:** Okay.

2           And that document is in a PDF version, right?

3           **MR. LITTLE:** Right.

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

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

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

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

19           Anybody want to do that? Okay. All right.

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

25           And so -- anybody have anything else before

1 we break for the evening?

2 Everybody ready to break?

3 Okay. So let's --

4 **MS. HAMEL:** Yes.

5 **MR. FISHER:** Go ahead, Kathi.

6 **MS. HAMEL:** I thought we were voting.

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

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

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

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

24 **MR. WILSON:** We would prefer that's on the  
25 record that we went into executive session.

1           The other problem is, if we started in the  
2 morning and then we give you a time -- I don't know  
3 how long we might be in executive session. It should  
4 just be part of the record.

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

8           So let's adjourn for the day.

9           (The National Indian Gaming Commission  
10 Tribal Advisory Committee Meeting was adjourned at  
11 5:45 p.m., November 16, 2011.)

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