



**San Manuel Band of Mission Indians
Tribal Gaming Commission
OFFICE OF THE COMMISSION**

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July 18, 2011

Ms. Tracie Stevens, Chairwoman
National Indian Gaming Commission
1441 L Street, Suite 9100
Washington, D.C. 20005

Dear Chairwoman Stevens,

We would like to commend the efforts that you and your agency are putting forth relative to your "total regulatory review". As part of that effort we have noted that you have posted drafts for discussion of potential changes to 25CFR Parts 537, 571 and 573.

We wish to submit the following comments on these drafts for your consideration.

Relative to Part 537 (Management Contracts), the language added to 537.1(a) would appear to simply clarify what is already being done. In paragraph 537.1 (c) (4), it appears that the actual language for the false statement notice may have inadvertently been removed.

Relative to Part 571 (Monitoring and Investigations) we believe that the addition of Section 571.4 would be helpful and that tribes would appreciate knowing if an investigation has been closed.

In reviewing 571.5 (a) we have no comment on adding the words "or any other person". However, we would ask the question regarding the next line "(1)" as to whether the Commission's inspection, audit, etc. authority should be limited to "gross revenues of Class II Gaming...". It would seem that if fees are assessed on Class III revenues as well, that the Commission may want to examine, audit, etc. those books and records also.

We have no other comments on the additional minor revisions to Part 571.

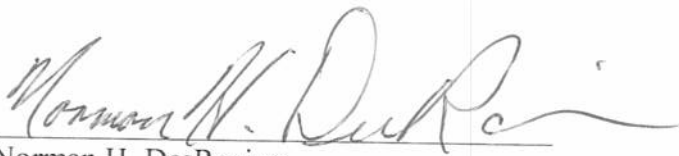
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Regarding Part 573 (Enforcement), we support the concept of trying to achieve voluntary compliance. The additional of Section 573.2 which allows the Chair the discretion to send "letters of concern" before a notice of violation would be welcomed. For a tribe to have an opportunity to correct or remedy an area of regulatory concern prior to receiving a "notice of violation" is a very favorable option for those who would take advantage of the opportunity.

Section 573.5 asks "when does a notice of violation become a final agency action?" The answer provides for only two scenarios, first "if the respondent fails to appeal...", second, if "...the notice is not withdrawn by the Chair...". Would not the notice of violation also become a final agency action if the Chair prevails in an appeal process, and/or if there is a negotiated settlement agreement?

Again, thank you for the opportunity to participate in this consultation and comment process. We hope these comments will be helpful, will receive due consideration, and become part of the public record.

Sincerely,

A handwritten signature in cursive script, appearing to read "Norman H. DesRosiers". The signature is written in black ink and is positioned above a horizontal line.

Norman H. DesRosiers
Gaming Commissioner

cc: Ms. Steffani Cochran, Vice Chair
Mr. Daniel Little, Commissioner