

1 NATIONAL INDIAN GAMING COMMISSION
2 REGULATORY REVIEW CONSULTATION
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9 REPORTER'S TRANSCRIPT OF PROCEEDINGS
10 JUNE 22, 2011
11 9:23 A.M.
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16 HELD AT: HARRAH'S RINCON CASINO AND RESORT
17 777 Rincon Way
18 Valley Center, California
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1 Valley Center, California, Wednesday, June 22, 2011

2

3 MS. STEVENS: Good morning. I would like to go
4 ahead and get the meeting started. We are waiting to
5 make sure that everybody that was going to be here is
6 here.

7 So to start, I would like to ask Delisle Calac
8 from Rincon to open our meetings.

9 MR. CALAC: Thank you. My name is Delisle
10 Calac, and I'm Chairman of the Gaming Commission at
11 Rincon. Welcome. I hope you enjoy your visit here. We
12 enjoy hosting these types of things. You're always
13 welcome to come back. I would like to open with a
14 prayer.

15 (A prayer was offered by Mr. Calac)

16 MS. STEVENS: Thank you, sir.

17 This is day two of a two-day consultation that
18 we've scheduled. We'll have many more like this as we
19 increase the number of regulations that we discuss in
20 consultations. They are two-day consultations.

21 Everyone should have an agenda here. If you
22 could, please, I just want to clarify that the table
23 area here is for tribal leaders or their designees as
24 the tribes have appointed, and what I would like to do
25 is do introductions around the table before we begin.

1 I'm Tracie Stevens, and I'm the Chairwoman of
2 the National Indian Gaming Commission, and I'm a member
3 of the Tulalip Tribes of Washington.

4 MR. ROBERTS: I'm Larry Roberts. I'm the
5 general counsel for the National Indian Gaming
6 Commission, and I'm a member of the Oneida Nation of
7 Wisconsin.

8 MS. STEVENS: To my right. Everyone just tell
9 us who you are.

10 Athena Prieto, Campo Gaming Commission.

11 Mark Powless, Big Sandy Rancheria Gaming
12 Commission Director.

13 Good morning. Chad Delgado, Bishop Paiute
14 Tribe.

15 Good morning. Jason Andrews, Big Sandy
16 Rancheria Tribal Gaming Commission.

17 Tracy Burris, Viejas Gaming Commission.

18 Scott Bachtelle, Chicken Ranch Gaming
19 Commission.

20 Jan Costa, Tribal Administrator, Chicken Ranch
21 Rancheria.

22 Jason Maldonado, Pechanga Gaming Commission.

23 Willie Ramos, Pechanga Gaming Commission.

24 Alex Sanchez, Torres Martinez Gaming
25 Commission.

1 Steve Hines, Morongo Gaming Agency.

2 Jerry Shultze, Morongo Gaming Commissioner.

3 Morris Reid, Picayune Rancheria Band of Indians
4 Tribal Council.

5 Sheila Morogo, Executive Director, Oklahoma
6 Indian Gaming Association.

7 Scott Crowell, legal counsel to the Rincon
8 Band.

9 Norm DesRosiers, Commissioner for San Manuel.
10 Sherry Rodriguez, La Jolla Gaming Commission.

11 MS. STEVENS: Okay. Thank you very much.

12 And, again, I do want to emphasize if there are
13 any tribal leaders that are sitting out, certainly feel
14 free to sit where you would like. We invite you to sit
15 at the table with us.

16 Following the agenda here, I do want to
17 introduce the staff that we have here. Also from our
18 D.C. office way over there running the PowerPoint is
19 Melissa Schlichting. She is a staff attorney from D.C.

20 From the regional office, we have the Regional
21 Director, Eric Schalansky, who is right there. Many of
22 you probably work with him on a regular basis. His
23 administrative assistant, which is out in the foyer at
24 the registration table, Pete Angeles; Field Investigator
25 Manny Sanchez, who is right here behind me; Field

1 Investigator Frank Hernandez; Field Auditor Paul
2 Bycroft.

3 Many of you probably work with them on a
4 regular basis. So I want to thank them for helping us
5 put this together. Without them, we would not have been
6 able to orchestrate this and have it go as smoothly as
7 it has. So that's the staff we have here.

8 Going over the meeting agenda, as we did
9 yesterday, we changed up our agenda from the previous
10 consultations. This is consultation No. 9 of a very
11 long schedule that goes out into February, as we have
12 many regulations that we are reviewing as part of our
13 initiatives as a Commission of this -- not even a new
14 Commission anymore. It's part of our objectives during
15 our term to look at the regulations and see how we can
16 refine them and improve the regulatory structure for
17 Indian gaming.

18 So we've broken up these groups -- the regs
19 into certain groups and have paired them with other
20 regulations, and are going out and talking to tribes
21 about each of these parts and whether they're working or
22 not for you, and also having some discussion drafts,
23 when possible, so we have something specific to talk
24 about. This is based on priorities that were given to
25 us by tribes earlier on in a Notice of Inquiry that we

1 published last November.

2 So the meeting agenda, when we were first doing
3 this, we had a small number of regulations that we were
4 looking at. We would talk about them and inform you
5 sort of the backdrop of the regulation and why we were
6 talking about it. Now we're up to many regulations that
7 we're talking about. So we broke up the agenda so we're
8 talking about certain parts on certain days.

9 This is our first two-day consultation. We've
10 been doing one-day consultations, so it was a little
11 easier to manage and have an open forum. We are now
12 breaking these up so that, as we've been asked over the
13 past few days and even in some of the previous
14 consultations, inquiries about what time should I show
15 up because I only want to speak to a certain part, or
16 I've already spoken to a certain part; do you have any
17 new parts I want to talk about?

18 So we've broken them up. Yesterday we were
19 talking about Group One, fees, existing ordinances,
20 process questions on Class III MICS, facility licensing,
21 and the potential (inaudible).

22 We also talked about enforcement and the PO
23 processes, background and investigation and licensing
24 issues and those related regulations. We talked about
25 those yesterday.

1 Today we're going to be talking about part 543,
2 internal control standards for Class II gaming, and
3 later today minimum technical standards for gaming
4 equipment used in the -- to play the Class II games.

5 That's the subject today. And I do want to
6 emphasize that we -- if you weren't here yesterday and
7 you want to make comments about certain parts, you're
8 welcome to. We're not restricting it to just these
9 topics today.

10 We understand that everybody is busy and has a
11 schedule, especially tribal leaders. They have many,
12 many other things going on besides what we're talking
13 about today. I understand that you have a busy
14 schedule.

15 You may only need to make a statement. We do
16 make time. At any time, the mike is open for open
17 comments to give a prepared statement, if you would.
18 That's always going to be a part of the agenda. So that
19 if you need to leave, you can, and if you can give your
20 statement or submit written comments to us here.

21 Generally, what we'll be talking about is Group
22 Three today, Class II MICS and technical standards for
23 Class II gaming equipment. So that is what we'll be
24 talking about. If there's anyone who needs to make a
25 statement, prepared statement, give a prepared statement

1 right now, we do have time on the agenda for that. But
2 absent that, I would turn the microphone over to Larry
3 Roberts, our general counsel, to go over our topics of
4 discussion for the first part of this morning.

5 Is there anyone that needs to address those in
6 some way?

7 Yes, Mr. Crowell.

8 STATEMENT BY SCOTT CROWELL

9 MR. CROWELL: Good morning. I have a very busy
10 schedule today, so I appreciate the time now. And I
11 apologize in advance for not being here yesterday.

12 "Welcome to the Rincon Reservation. It's been
13 my privilege to represent the tribe here for at least
14 the last 15 years or so. And as you can see, the tribe
15 has come a long way.

16 "We hope your stay here has been comfortable
17 and productive. I submit these comments today on behalf
18 of the Rincon Band of Luiseno Indians.

19 "The Rincon Band has previously submitted
20 comments and testimony on Groups One and Two, so we'll
21 focus our comments today on Groups Three and Four,
22 except to note that we are pleased with the progress
23 that has been made on Groups One and Two and with the
24 attention received by our comments as well as those of
25 the other Tribes."

1 Regarding "Group Three: Class II Gaming.

2 "Our comments on Group Three, Class II gaming,
3 will be brief. We had followed the very hard and
4 detailed work of the Class II Working Group and we
5 support their efforts and comments. Although Rincon has
6 a compact, and although California has waived its 11th
7 Amendment immunity, and although Rincon has successfully
8 used the two together to obtain favorable changes
9 through the federal courts, Rincon does not lose sight
10 of the fact that many tribes throughout the United
11 States rely on viable Class II games. Many Tribes are
12 confronted by states who hide behind 11th Amendment
13 immunity to deprive them of compacts, such as Louisiana
14 with the Jena Band and the Choctaw and Texas with the
15 Kickapoo. Many other States use the unfair leverage of
16 the Seminole decision to coerce tribes into unreasonable
17 gaming taxes and intrusions into tribal self-governance.
18 As you consider the regulations of Class II games,
19 please keep in mind that a viable Class II game is the
20 only leverage that many tribes have in the wake of the
21 Seminole decision.

22 "With prior Commissions, discussion of Class II
23 policy flowed into discussion regarding monitoring and
24 investigation - a main topic of Group Four. It was with
25 great frustration that Rincon watched prior Commission

1 Chairman Hogan work so hard to draw a 'bright line' with
2 Class II games only to undermine the efforts of many
3 tribes to leverage Class II gaming to secure Class III
4 gaming compacts. While the NIGC would place many Class
5 II games in to question, the Department of the Interior
6 sat quietly by when it could move forward on Class III
7 procedures where States assert 11th Amendment immunity,
8 and DOJ sat quietly when it could bring litigation
9 against those states on behalf of the Tribes. 11th
10 Amendment immunity is not a viable defense in an action
11 brought by the United States. NIGC, Department of
12 Interior and Department of Justice should work
13 cooperatively under the federal umbrella to develop a
14 collective and coordinated approach to place all tribes
15 in the position that Congress intended - to class all
16 tribes in the position they would be if they had not had
17 the remedy taken away from them by the Seminole
18 decision.

19 "Group Four." Our primary theme is deference
20 to the tribal gaming agencies as the primary regulator.

21 "Group Four covers a lot of territory. Rincon
22 accepts that NIGC needs access to the gaming facility.
23 If we revisit the existing regulations, NIGC should
24 embrace a policy of deference and support of tribal
25 gaming agencies. The TGA is the primary regulator of

1 tribal gaming. The tens of millions of dollars in
2 authorized Tribal Commission budgets, the sheer manpower
3 numbers, and the common presence of the most experienced
4 regulators in the industry, quantify this basic fact.
5 The Tribe itself has the highest incentive to ensure
6 that the games are fair and honest. In the vast
7 majority of circumstances, any Tribe out of compliance
8 has the highest incentive to come into compliance.
9 Rincon encourages the NIGC to embrace a formal policy
10 that ensures that the NIGC will take every effort to
11 identify the problem for the TGA and/or the Tribal
12 Council, work with the Tribe to come in to compliance
13 and only if those steps have been taken and have failed,
14 then take action in the form of an NOV with attendant
15 threats of fines and closures. I hear rhetoric that
16 this is how the Hogan Commission approached situations,
17 but I know of too many circumstances where the NOV came
18 as a surprise to the Tribe and forced the Tribes at
19 issue to panic at the possibility of major fines and
20 closure orders. Even though those situations were
21 resolved with nominal fines, the heavy-handed threat has
22 no place in proper government-to-government dialogue.

23 "The monitoring and investigative authority of
24 the NIGC gives it the ability to embrace a policy of
25 deference and support for TGAs. Using the authority to

1 make the case against a Tribe to show skeptics on the
2 Hill that you are a strong regulator places the
3 objectives of IGRA on their head. In contrast, using
4 the authority to discover problems, and working with
5 TGAs and Tribal Councils to correct those problems
6 embraces with the objectives of the Indian Gaming
7 Regulatory Act.

8 "Rincon has technical comments on the specifics
9 of Group Four, which are set forth in our written
10 statement. We will stop our oral testimony at this
11 point, unless the NIGC has questions or issues that it
12 would like us to address. Again, welcome to Rincon."

13 MS. STEVENS: Thank you, Mr. Crowell.

14 Do we have others that need to make prepared
15 statements or offer a comment due to their schedules?
16 If not, what I would like to do is turn over the
17 microphone to Larry Roberts, our general counsel, to
18 pick up on what page -- page 17 on the PowerPoint.

19 And it is up on the screen there, so I'll let
20 Larry go ahead and go through the discussion on Group
21 Three.

22 MR. ROBERTS: Good morning, everyone. I see a
23 lot of the same faces that were here yesterday. Thank
24 you for attending this consultation. For those of you
25 that did not attend yesterday, I want to make clear that

1 this is a government-to-government consultation between
2 NIGC and tribes, and if you are not here at the request
3 of a tribe, we ask that you not attend this
4 consultation. This is not a public meeting. This is a
5 government-to-government consultation.

6 For those of you that weren't here yesterday,
7 NIGC has gone forward with a regulatory review process
8 of all of its regulations. And not to go too much in
9 detail or to re-cover steps that we took yesterday, but
10 basically NIGC is going through consultations here to
11 hear directly from tribes as to how and in what format
12 and where the regulations should be reviewed and
13 addressed and perhaps amended.

14 The Commission is committed to a clear and
15 transparent process. We're going through this process
16 in sort of three phases, where the Commission is putting
17 forward discussion perhaps, like we discussed yesterday,
18 for physically licensing and fees, to get initial
19 comment back from tribes and the public on those drafts.

20 If, after receiving comment from tribes on
21 discussion drafts, the Commission may then decide
22 whether to move forward with a proposed rule, which
23 would allow, again, consultations and comment from the
24 public on those proposals before the Commission decides
25 whether to go forward with a final rule.

1 The proposed rule stage would typically allow
2 60 days for comment, and the final rule would provide
3 for a 45-day written comment period.

4 As the Chairwoman mentioned today, we're going
5 to talk about Group Three, Class II, internal control
6 standards and Class II technical standards. The
7 PowerPoint presentation for today is going to be
8 significantly shorter than what we had yesterday.

9 Basically we asked, in Group Three, a handful
10 of general questions that we're hoping for feedback on
11 today. The Notice of Inquiry that the Commission issued
12 requested comment on how to proceed with revisions to
13 these two parts. Currently the MICS implementation date
14 is October 13, 2011.

15 NIGC was in the process of drafting changes to
16 the Class II MICS during 2010. And most recently, as
17 probably many of you are aware, the Tribal Gaming
18 Working Group rules have been submitted to the NIGC, and
19 those are currently under review. We're hoping to post
20 those on our website shortly.

21 In terms of Class II minimal internal control
22 standards, the questions that we would like to discuss
23 are what are the key issues that need to be addressed in
24 the MIC? Are there any structural revisions that should
25 be made to the MIC? How should NIGC make revisions in

1 the future to address technology? And finally, should
2 the Commission consider extending the effective date of
3 the MICS for bingo that is -- currently the
4 implementation date is currently October 13, 2011.

5 With that, I'll turn it back to the Chairwoman.

6 MS. STEVENS: So today, like Larry says, this
7 is a very short portion of our PowerPoint. We have not
8 put a draft out. We have the existing regs that were
9 put on the books in October of 2008 with extension time
10 lines for several years for the effective date.

11 We have heard from tribes about the need to
12 address some of the areas in the Class II MICS. These
13 MICS were born from a tribal advisory group, I believe,
14 that was started in -- I want to say July of 2008, but
15 before that, there were other groups that were working
16 on this that was working with the NIGC's tribal advisory
17 group.

18 We do have, as we said, some alternative
19 standards that were delivered to us by tribes that was
20 done through a Tribal Working Group that was separate
21 and apart from NIGC. The NIGC did not participate in
22 that. That was more of an ad-hoc group that was put
23 together at the behest of several tribes that were
24 interested in putting an alternative option, some option
25 in front of the NIGC. And as Larry said, we're still

1 reviewing that. And we'll post that as a comment for
2 submission on our website as soon as our review is done.

3 So I'm going to open the floor to just anything
4 on Part Three, Class II minimal internal control
5 standards. Any observations, especially from the
6 regulators, and how the current work that was finalized
7 in 2008 -- how is that working for you? What changes do
8 you think will need to be made for these Class II MICS?
9 Any of those issues that would help inform our decisions
10 here.

11 The floor is open on Class II MICS. Anyone who
12 would like to provide comment or ask any questions?

13 STATEMENT BY NORM DESROSIERS

14 MR. DESROSIERS: Norm DesRosiers, San Manuel.

15 I don't have so much as a comment as I do a
16 question, maybe, that might be helpful to most of us. I
17 understand there are a couple of folks here, regulators,
18 from that working group. And I would sure love to hear
19 from them on maybe some of the highlights of what was
20 worked on the change in comparison to the other stuff.
21 Is that possible we can do that?

22 MS. STEVENS: I'm happy, if there are folks
23 that were part of the Tribal Gaming Working Group that
24 are authorized from the tribe to speak, we would be
25 happy to hear from you.

1 Yes. You want to just come right here?

2 STATEMENT BY LINDA MCGHEE

3 MS. MCGHEE: I'm Linda McGhee with the Poarch
4 Band Creek Indians in Alabama.

5 And I was on the 2008 advisory group working on
6 the MICS. And I would like to say, and Norm knows this
7 because he sat in several of them, when we worked on
8 that group, there were -- we were working on Class III
9 documents, but the Class III, they kept getting shot
10 over to Class II regs. And when the Class II regs came
11 out, we noticed that a lot of the regulations in there
12 were still geared towards Class III games.

13 So, in my opinion, the document that we worked
14 on in 2008, if considered Class II, is not a working
15 document. It's -- there's too many things in it that
16 are not Class II. They're more geared to Class III
17 regs.

18 Right now, I'm a member of the tribal working
19 group that's working on the document now, and we are
20 trying to gear it more in line to Class II regulations
21 rather than Class III. We're trying to keep the Class
22 III out of it, because there's a lot of aspects in Class
23 II that, if you put Class III into the Class II, they're
24 not going to work. If that makes sense.

25 MS. STEVENS: Are there specific areas, if I

1 may, that come to the top of your mind about a process
2 for class -- MICS process for Class III that does not
3 transfer over to Class II? Can you name specifically --

4 MS. McGEE: Yeah. There's instances in the
5 technical standards. And there's instances in the bingo
6 standards. There's no bingo in Class III. There's a
7 lot of bingo in Class II. Bingo is one of our biggest
8 sections.

9 And they were trying to -- in Class III, it was
10 called gaming machines. And the gaming machines were
11 fed over into the bingo document. And as a regulator --
12 I'm a director of compliance for the gaming commission
13 at Poarch Creek, and as a regulator, we had a very
14 difficult time trying to do audits based on the gaming
15 machine section, when we were trying to separate out
16 electronic bingo from regular bingo, paper bingo.

17 So, in that instance, bingo is one of the
18 biggest topics, because in Class III, like I said, it's
19 geared to gaming machines. And we don't have gaming
20 machines.

21 MS. STEVENS: Do we have others here that are
22 part of the Tribal Gaming Working Group or the Tribal
23 Advisory Committee that the NIGC sponsored years ago?

24 Yes, sir.

25 STATEMENT BY JERRY SCHULTZE

1 MR. SCHULTZE: Jerry Schultze from Morongo.

2 Tracy Burris was on it with me for quite a
3 while, and basically we started out as another Class III
4 commission. And it got converged with the Class II
5 commission. And that was the one that ended up, I
6 believe, in February of 2008. And part of the process
7 was that we would advise, but our advice wasn't taken.

8 And the attorneys -- there were several, many
9 attorneys that were there present during most of these
10 things, and their view was we needed to keep the
11 electronic needs to bingo as close to bingo as possible
12 and not using Class III terminology. And, from a guy
13 using the Class III, it was a little bit of a shock.

14 But like the bill acceptor and all those terms
15 used in Class III are different for Class II. And the
16 purpose of that is to defend against states like
17 Alabama, Oklahoma, and maybe in the future California,
18 so that they're consistent and all with bingo.

19 And the technical standards, we never even saw
20 those. Those were just handed to us by a former chief
21 auditor from NIGC. We had no say on that whatsoever.
22 So it was basically an advisory committee that advice
23 wasn't taken.

24 So the latest group, they've come along, and
25 they've had a lot more experts -- like in Oklahoma and

1 people like that, they're experts on this Class II
2 stuff. They have a lot of input with a lot of the Class
3 II attorneys. That's what's needed so that we can fight
4 the governments, like in Alabama and Oklahoma or --
5 wherever, you know, they're not fair to the tribes.

6 So that's when that whole process started.
7 That's when it came to be and taken up by the new
8 committee.

9 MS. STEVENS: Just before I go to you Tracy, I
10 want to clarify that, and I heard it from Poarch over
11 here, is that the previous NIGC-hosted basically tribal
12 advisory committee did not -- and the product that came
13 out of that did not necessarily reflect the working --
14 the committee, the advisory committee. Is that -- and
15 that --

16 MR. SCHULTZE: Yeah.

17 MS. STEVENS: -- you know, would be helpful?
18 Are you saying it would be helpful to have another
19 advisory committee --

20 MR. SCHULTZE: If you were to have an advisory
21 committee, you're there because you want to get their
22 advice. And they're there because they have some level
23 of expertise to be able to give you this advice. They
24 don't represent all the tribes, but they represent
25 experience of the tribes.

1 We had some high-powered people on these
2 things. And we were promised a bunch of things, and it
3 never came to be. It was just here it is. And
4 Mr. Hogan -- the directorship was kind of a dictator.
5 It was either his way or else, you know, which was a
6 complete difference from what we were using before when
7 we had Terry and Elizabeth and people like that. It was
8 kind of a slap to us.

9 One commissioner, a good friend of mine, he
10 wasn't always in conjunction with the chair, but he was
11 the vice chair, so you have to kind of go along with it.
12 But we were very, very disappointed. And quite a few
13 members actually quit along the way, because we felt we
14 were being used as window dressing -- you know, we
15 consulted with you guys, but they really didn't. Our
16 input was not taken per se.

17 Different from the other MICS. That was on the
18 2001/2002, and that was verbatim just about what we
19 agreed to, even though if you go back and look at the
20 opening, we said the NIGC didn't have the authority to
21 do this. In the spirit of cooperation, we realized the
22 MICS was important to do this. That was almost taken
23 verbatim from us. And it didn't happen after that.

24 So I'm just saying I think you have assets here
25 that you need to use and you need to use these people's

1 experience and everything else, because we have some
2 evil state governments out there.

3 MS. STEVENS: Well, so do you think it would be
4 beneficial to put together another tribal advisory
5 committee that would be more interactive? If the
6 product that was produced as a result of the other
7 advisory group, the former Commission -- and, you know,
8 we're hearing this all the way up to today. I've been
9 on this now for a year and I've heard this repeatedly
10 and also used to work for a tribe. I know what you're
11 talking about.

12 There's no point in an advisory committee if
13 the advice is not taken or at least considered. We want
14 to make well-informed decisions here. We're not going
15 to operate in a vacuum.

16 Would it be of benefit to you -- are there
17 folks here that think it would be beneficial to try to
18 do a re- -- convene another working group or an advisory
19 committee? And then, if that's the case, there's a lot
20 of questions involved in that. Who makes up the group?
21 How do you decide? Would it be beneficial to have a
22 facilitator?

23 I've been in a -- I got the -- had the fortune
24 of working at Interior and working with some of the
25 facilitators on some really contentious issues that

1 involved tribes, and not just gaming but other things.
2 It was helpful to have a neutral person being able to
3 bring the groups to consensus as their goal.

4 And one of the original members of the first
5 advisory committee -- his name was Jamie Hummingbird --
6 who said yeah, we had a facilitator, and that's how we
7 got to supportive -- some consensus in the group.
8 Otherwise, you're just coming to loggerheads or somebody
9 wins and somebody loses, and/or there's a sense that's
10 what's happened and people walk away.

11 MR. SCHULTZE: First of all, yes, I think an
12 advisory committee is important and would be well
13 received by the tribes. The way our process worked, you
14 were nominated by your tribe to be a representative from
15 this. And then the commission selected 10 members from
16 these people, based on experience or geography,
17 et cetera, et cetera.

18 And we're on this commission, and it was over a
19 year. And we went through all the federal procedures on
20 advisory committee and everything else. And we met once
21 a week for each month for, God, I think our last meeting
22 was April 2002 in Philadelphia. We did have a
23 moderator. She was great. You're right, we had to
24 reach consensus. And there's times that was difficult.
25 We'd have to stop and caucus and everything else.

1 But we gave to the political realities, NIGC
2 representatives gave as much as they could to the
3 political realities. And I think I was telling you we
4 were trying to get the tiers expanded to help the
5 smaller tribes, and stuff (inaudible) at the time, but
6 it wasn't practical, but we got the best we could.

7 We're regulators, but we're trying also to cut
8 responsible regulatory regulations for the tribes so
9 they can keep money from their operation. It's their
10 base. They don't make a lot, and we don't want to get
11 them all caught up in regulations.

12 But back to that, I think if you were to do it
13 maybe based on that finding, is that you guys put out a
14 memo to the tribal governments and asking for
15 nominations. Then you guys go over the resumes and
16 everything else. Like I said, it should be
17 representative all across the country: West Coast, East
18 Coast, South, Oklahoma, things like that. And then kind
19 of empower them a little bit so at least they feel what
20 they're doing. Because it takes a lot of work. It's
21 useful, not just (inaudible)

22 MS. STEVENS: I would be interested in having
23 tribes put forward some names would be helpful, but how
24 do we get to other parts as an industry?

25 MR. SCHULTZE: You deal with regulators. And

1 these meetings are basically -- we allow them to be open
2 to other people if they want to come in and sit. If a
3 tribe wanted to bring in, as an expert, their attorney
4 or a manufacturer as a representative, as an expert on
5 certain issues and things like that.

6 Like we were just getting into digital
7 surveillance at the time, so we were bringing in experts
8 from the different tribes, different manufacturers,
9 things like that. So you look at what you're dealing
10 with. Especially in technology with these issues, and
11 you want to bring in your experts, so you go over that
12 and you try to -- your regs are always going to be
13 changing. So you try to think of maybe three or four
14 years down the road, especially on technology.
15 Otherwise, it should probably be industry standards.

16 We do what Nevada does, what New Jersey does,
17 what Mississippi does. It's all pretty consistent,
18 because from the operations side, they're from all over.
19 We've got people from everywhere, and they come into our
20 place and say, "Oh, this looks like Nevada regs," or
21 "This looks like New Jersey regs," or whatever.

22 And I think you've seen, since our regs have
23 been like that in the last 10 years, I think that you
24 don't hear the sniping anymore, "Oh, you guys don't have
25 regulations," you guys don't do this or you don't do

1 that. You get, "Oh, you have the same regs we do and
2 gee, you guys enforce them."

3 I've got gaming guys in the floor 24/7, and
4 they have the power to pull licenses or do anything else
5 for an emergency. But we spent a lot of time and
6 effort. And that's what we really worked hard on, to
7 get that information out there to commercial gaming that
8 the tribes are equal or better.

9 MS. STEVENS: Okay. Tracy.

10 STATEMENT BY TRACY BURRIS

11 MR. BURRIS: Tracy Burris, Viejas.

12 (inaudible) there's a major difference between
13 the Class III and II regs is server-based. That defines
14 a whole new world. It's not a standalone unit. It's a
15 collection of units or boxes that are based on servers,
16 and so it's the dynamic of separating the technical
17 aspect, technological age to the game of bingo.

18 It makes it extremely -- it's gotten easier to
19 understand. It yet still is, in a sense, complicated,
20 because people can't wrap their heads around the game of
21 bingo. And then trying to mimic what they believe are
22 the characteristics of bingo.

23 And whether it's from paper, the shutter cards
24 to daubers to all kind -- they were just segments or
25 amended to improve the accountability of the game over

1 the years. We went to daubing paper from using
2 (inaudible) and stuff for the shutter deals, because
3 it's easier to keep recycling paper.

4 There was nothing -- you didn't have to daub.
5 You didn't. They marked it with a pencil to keep
6 recycling the paper, so they wouldn't have to buy again
7 for the next day or the next week. So the daubing with
8 the ink, you know disfigured it, therefore they no
9 longer allowed it. It's hard enough trying to keep up
10 with the serial numbers on a daily basis.

11 When we talk about what we've done is -- some
12 misconception about it is that people failed to realize
13 that some of the things that were done were done for
14 managerial reasons or control reasons, not the fact that
15 it changed the game of bingo.

16 So that's what people have had trouble wrapping
17 their heads, if you will, around it, to get a concept
18 what the game is about. As we go into the technology
19 aspect of how will we utilize it, I think we've come a
20 long ways with it. It's still necessary -- as Jerry
21 says, we still need various experts, the technical, IT
22 guys, that understand what a server -- you know, one
23 thing I learned over the years, there's a difference
24 between a system engineer, there's a software engineer,
25 there's a program engineer.

1 I mean, they all have a different function and
2 all have a different school of thought. With all
3 respect to the lawyers here, they all have different
4 schools of thought where they went to law school and
5 their emphasis. Everything has a different school of
6 thought, and IT people are no different.

7 We often -- I often get in trouble -- I've said
8 it before and I'll say it again, software and IT
9 technology is driven by the person, personality. And of
10 course that's how we get certain technology or plays or
11 methods of plays, by someone's thinking of something and
12 you know, patent it. And then we get into those issues
13 where we don't have an infringement on someone's
14 technology, if you will.

15 I'm sure that's why the manufacturers have
16 certain concerns, and, one, we don't go out there and
17 put a -- one manufacturer's system as a preference.
18 Hopefully -- I don't think it has been done. Some might
19 still argue that to some degree.

20 The old people in the system that have been in
21 a long time would say one thing and people who try to
22 say differently maybe, heard different comments over the
23 years. But it's a thing that -- the technical standards
24 are a good thing.

25 The need for an advisory committee, I believe,

1 should be under the negotiated rule-making process. Not
2 just rule making, because that sort of alludes to what
3 Jerry addressed, that the rule-making deals, that you
4 are in an advisory role; the agency can take or leave
5 our advice. And that's fair enough.

6 Under the negotiated rule-making process under
7 the federal system, at least there's input. And as
8 Jerry says, at some point there's ability to caucus and
9 come to an agreement. Hopefully that will be
10 accomplished, coming to an agreement, and it's effective
11 both for the industry -- when I say "the industry," I'm
12 talking about the tribal gaming industry, its concerns
13 and needs for its future. I think that's the greatest
14 concern that we need to maintain is the longevity of
15 this viable economic tool in Indian country.

16 So those are things that we need to do. And I
17 think also the advancement -- let me back up a little
18 bit. Advancement of technology, too, was often driven
19 by lawsuits won and lost. Nobody seemed to say anything
20 when we were getting our butts kicked in the early
21 '90's. And then when we figured out how to -- we
22 adjusted what the court's interpretation (inaudible)
23 that along with the tribes went to the manufacturer and
24 said, "Look, we can't do this. What we can we do? What
25 do you think?"

1 So we put our heads together and see what
2 technology advised us, and we started doing things that
3 we believed would work. And lo and behold, we started
4 winning some lawsuits. There's a little of that --
5 maybe what Jerry talks about, the political aspect of
6 it. There's the practicality we need to make sure we're
7 compliant, because it is an economic tool.

8 As a regulator, I want MICS, I want technical
9 standards. My operations may not, to a certain degree,
10 other than -- you know, if it's cost prohibitive. They
11 also want to be protected, too, from -- you know,
12 maintaining and maximizing their profit, too. They also
13 are having to provide more manpower for monitoring on
14 the internal control systems. Got to be cautious there.

15 And we -- there's those of us in the early
16 years, the '90s, when we first came out with the MICS, I
17 was on that first advisory meeting. It was greatly
18 concerned about the cost, the burden for those of us
19 that were just up and starting and struggling. But I
20 got to say, over the years, over the last three, four
21 advisory meetings, some of us got a little complacent
22 because we had the money. Maybe it was a bad thing.

23 Sometimes we may overextend ourself because of
24 a good thing. It's easy to have 15 people looking at
25 something if you can afford them. But I think the

1 reality of it is we thought this -- I'll say this, I've
2 been sitting in a lot of these meetings for the last 20
3 years listening to tribal leaders. We thought this
4 thing was going to go longer than it has. Not that it
5 still won't, but it's changed. The influence of
6 commercial, states' inputs in gaming has drastically
7 impacted and rule Indian country in a way that we
8 haven't seen, that we didn't anticipate for years to
9 come.

10 So I think we're going to be forecasting
11 different changes. Not to say the controls can't be in
12 place. We have to be practical. Again, we can't have
13 15 people watching something, much less have five. It's
14 an overkill. You know, who is watching the watcher, and
15 the watcher is watching who and who has the authority,
16 and it's got to reasonable and rational.

17 I think, as Jerry said, we've got people on the
18 floor and Nevada does not. We had this conversation a
19 while back. We were in Vegas a year or so ago for one
20 of the deals, and I asked the people -- we were sitting
21 at Harrah's there. I said, "Tell me if you see a state
22 regulator here on the floor." Nobody could point one
23 out.

24 Go to a tribal facility, and chances are you
25 get an idea who -- on a regular basis who the regulator

1 is. I think the tribes, by putting their regulatory
2 people as tribal government officials as opposed to
3 operate-their-business officials, there's the
4 distinction they do have the authority to have a viable
5 (inaudible) reach out and grab someone doing something
6 wrong, whether it's a customer or whether it's an
7 employee. It's done. You know, that's big.

8 I mean, tribes are looking at great expense to
9 have people on the floor and have that separation of
10 authority. They're not security. They're not security
11 personnel. There's a distinction what the role security
12 does on a floor as opposed to what a regulator does.

13 There's got to be -- those things have got to
14 be looked at. If you took a flow chart and put it
15 together and really mapped out what the tribes do as
16 opposed to the other ones, you don't see it.

17 So it's important that -- I think the
18 committee -- advisory committees are coming together.
19 They need to be for the future. They don't need to go
20 away. We'll have other issues as we come and go along.

21 As technology gets better, who knows, we're
22 always worrying about the day we have virtual reality,
23 we see these screens here on the wall that (inaudible)
24 and walking through facilities and playing games, doing
25 their things, but it's going to be a different way of

1 having to look at it. So maybe it works, maybe it
2 doesn't. There's going to be new things that tribes are
3 going to have to do to be more competitive, once again,
4 to get people to rule (inaudible).

5 There are those companies that are fortunate
6 enough to be close to urban centers and there are others
7 that are definitely are not. We're talking maybe 20
8 properties are truly close to urban centers, and the
9 rest are not.

10 If you start getting 20 miles away at 4 and \$5
11 a gallon of gas -- I think when I started this, I think
12 gas was still around a buck. And now we've watched this
13 in the last five years drastically go from less than a
14 buck fifty to \$4 to \$5 a gallon. And that's a big
15 impact to our markets. So we have to be aware of it.

16 Because the interest says it very clearly, it's
17 an economic tool. And that means that -- I truly
18 believe the tribal leaders believe it, it was intended
19 to be an economic tool. And I believe it gives the
20 agency some deference to understand that viability to
21 the importance of that.

22 Like I said, everyone has got comments. Jerry
23 has made great comments, so does Linda, and there will
24 be more. Scott made his remarks, too. There are
25 concerns, and there will be more concerns, because no

1 one knows what five years hold for us. We're going to
2 still be doing it. It's just what advantage or
3 disadvantage we're going to be in. Thank you.

4 MS. STEVENS: I just want to ask some
5 clarifying questions from you, Tracy.

6 Jerry had mentioned, you know, some sort of
7 working group or an advisory committee again. You
8 mentioned negotiated rule-making. I do want to
9 emphasize the time this takes. It's not necessarily
10 associated with my time in office, but I think the sort
11 of incompleteness of what even the last commission, and
12 then look at Norm's, once you're moving out of office,
13 it can change within an administration.

14 So I think our desire is to have some sense of
15 finality of these Class II MICS, because they have
16 been -- the effective date is postponed. We have
17 concerns about how the advisory committee -- you know,
18 products and suggestions and advice was taken or not
19 taken.

20 Negotiating -- how do you all feel about the
21 time it's going to take to do another advisory committee
22 or a negotiated rule-making, which actually, Tracy, is
23 going to take a lot longer than the tribal -- the former
24 commissioner over here -- another former commissioner,
25 Teri, is shaking her head yes.

1 Are you concerned about the time frame it's
2 going to take or, you know, is there -- you know, I have
3 a list of questions here I want to ask the group.
4 Negotiated rule-making versus the tribal advisory group
5 that, you know, can fall under an exception under the
6 fact that we're tribal governments.

7 You know, if you sat through the (inaudible)
8 rule-making, that took many years to do, and can the
9 industry really wait that long?

10 MR. BURRIS: Let's think outside the box.

11 MS. STEVENS: I'm all ears.

12 MR. BURRIS: Assuming and understanding and
13 serving on three of the advisory committees over the
14 years, I understand it's complex. Who says the agency
15 can't put together an advisory group informally? Show
16 up, you know, you could pick 10 or 12 people to come in
17 on a quarterly basis or every six, biannually, and sit
18 down and discuss some of these things person to person.

19 Not official. I don't know if that can be
20 done. But we can get ahead of the group before you have
21 to do something official. I don't know if that can be
22 done, because (inaudible). But in a sense, it seems
23 like it makes sense. I mean, like the TGR, it's a group
24 that's put together, but doesn't mean you can't reach
25 out to 10 or 12 people or five or six and sit down and

1 have strong discussion about things that are coming to
2 the future or are currently impacted that need to be
3 changed, and then move forward with your official
4 process.

5 MS. STEVENS: So do you all think -- I'm
6 looking at the two of you, since you made comment, and
7 I'll get to you in just a minute, Teri.

8 Do you think it could be done within a year, at
9 least on Class II and the technical standards? We
10 already have some products that we'll put in front of
11 us. We have current regulations. I mean, what's a
12 reasonable amount of time that this is going to take?

13 STATEMENT BY JERRY SCHULTZE

14 MR. SCHULTZE: Well, I would say don't throw
15 out the baby with the bath water. You've already had
16 this advisory group going for the last couple years and
17 working on the Class II. I would like to see what they
18 have and what they produced. I know they have had a lot
19 of outstanding people helping them. And most of the
20 people involved in this really rely on Class II as their
21 lifeblood.

22 I'm saying down the road, I think we considered
23 our commission -- Teri, wasn't it a standing committee
24 basically?

25 MS. POUST: Yeah.

1 MR. SCHULTZE: We did everything, whole Class
2 III revised in 10 months. But it took a lot of time and
3 effort. A lot of focus.

4 MS. STEVENS: I'm optimistic about it, given
5 that we have been honoring the executive order
6 (inaudible) combination about considering alternatives
7 that tribes put before us before we start drafting. And
8 that may be helpful, as you have said, that, you know,
9 there may be a product out there in consideration --
10 consider it with the current regulations.

11 Some of that work may have already been done,
12 or it sets the stage for a discussion on how do we come
13 to some consensus between the two if there needs to be.
14 I think some of the work has already been done.

15 I worry about letting this linger much more,
16 because it has been for several years now. I do want to
17 see some movement, closure, as I'm sure you all do.

18 MR. SCHULTZE: Things have changed in the 10
19 years since the first one. What we did was we made sure
20 that we opened it to up NIGA, we opened it up to the
21 National Tribal Gaming Regulators Association. There
22 were about 350 comments or so from the tribes. And
23 every one of them was answered. And some of them were
24 fantastic, great ideas. So we had a lot of (inaudible)
25 on this process.

1 From a practical standpoint, I (inaudible)
2 because the states right now, you know, Alabama,
3 California, they're trying -- you know, it's -- bingo is
4 real simple. You know, it's bingo or it's not bingo.

5 You've got the court decisions. We kicked
6 Justice's butt several times, and they kept coming after
7 and coming after, and I could never understand that. I
8 think they're oh and three when it comes to the bingo
9 things.

10 That's what -- the basic thing is, is that
11 these machines are -- they're either bingo machines or
12 they're not bingo machines. So why make it overly,
13 overly, overly restrictive and things like that.

14 On the Class II MICS, when it started, there
15 was a certain auditor. But he was trying to make it so
16 that because maybe the CRIT decision went out and you
17 guys wouldn't have a Class III MICS, but the Class II
18 MICS was even far more reaching than the Class III MICS,
19 was the cage standards, all of this other stuff.

20 Like what Tracy is saying, man, you've got
21 personnel costs up the ying-yang, you know, that you're
22 trying to keep under control and make it reasonable and
23 stuff like that.

24 So getting back to the point here, I would say
25 let's go with what this present committee has. Let's

1 put it out, get comments on it, and then go from there.
2 I surely wouldn't -- all the time and effort they put in
3 this thing, I wouldn't just let it go down and bring in
4 a new one and start from scratch. I know people on the
5 committee, and they're very sharp.

6 MS. STEVENS: I'm not into reinventing wheels.
7 I only have so much time. My time is a third of the way
8 gone. I do want to give Teri a moment here, and then
9 we'll go to Scott.

10 STATEMENT BY TERI POUST

11 MS. POUST: Teri Poust here representing Poarch
12 Band of Creek Indians.

13 But I was the NIGC Commissioner in charge of
14 the 2001 MICS Advisory Committee. So I'm very thankful
15 to hear this discussion. I think a lot of good comments
16 have already been brought up, good suggestions.

17 My number one suggestion, and I know Jerry hit
18 on this, was using a facilitator. We did use a
19 facilitator, and she was phenomenal. And I think that
20 was one of the main reason why even today people speak
21 very highly of the process we undertook there, for a lot
22 of different reasons.

23 One, she kept us focused and on task. We knew
24 this is what we had to get done in this week's time, and
25 she kept us focused so that we could do that.

1 She was also really good about helping us reach
2 consensus, which I think is really important. She would
3 step in when she needed to when somebody was about to
4 say something they would later regret, and really kept
5 us focused. Because the way we operated was the changes
6 made to the document may not have been your first
7 option, may not have been your second option, but it had
8 to be something that you could live with. And I think
9 that was really important.

10 And I think that our facilitator was very good
11 about, okay, well, Jerry, I hear you're saying this,
12 NIGC, I hear you're saying this. It kind of seems like
13 if we do this, it will make everybody happy. And then
14 we could all go, yeah, that make sense. We can all live
15 with that. Maybe not your first choice.

16 (Interruption)

17 MS. STEVENS: They're testing.

18 MS. POUST: I do think using a facilitator was
19 very helpful. I highly recommend if you do do another
20 tribal advisory committee -- starting with what the
21 tribal working group has come up with, I think is the
22 way to go. Whether or not you want to go ahead and
23 publish it as a proposed rule or a draft rule or
24 something for Indian country to be able to take a look
25 at it and provide comment and then have the advisory

1 committee with the facilitator go through those
2 comments, I think it would be a very good way to work.
3 And I think you could do it pretty quickly, and
4 definitely within a year. It would be kept focused and
5 on task. I think it is very doable.

6 MS. STEVENS: Okay. That's helpful, Teri.
7 It's good to know.

8 I'm a big fan of facilitators, and having come
9 from Interior, we use them often, even though there's
10 some very, very contentious issues between the tribes
11 and the department. And it turned out really well. And
12 I've seen that they are able to get consensus but also
13 move through and keep everybody on task.

14 I like taskmasters, and I like being able to
15 stay on schedule and stay focused and see the end of --
16 the objective at the end, which is we want set
17 regulations that ensure the integrity of gaming
18 operations but are workable for tribes but not overly
19 reaching or overly burdensome; they're not hard on your
20 budgets; that is something that is reasonable regulation
21 and protects the industry.

22 And we do have submitted to us probably less
23 than a month ago the independent working group that's
24 been put together and that has put together a Class II.

25 But we do have the documents. We are wanting

1 to take a look at them. We do plan on putting them up
2 on our website and deciding what it is that we should do
3 with them. What should we do with those? We have a
4 suggestion here from Terry that we put them out and get
5 comments on those and then work from those comments to
6 find, you know, a workable set of regulations for Class
7 II.

8 And you had mentioned this, Jerry, because you
9 were working on both Class II and Class III.

10 MR. SCHULTZE: That's correct. 2006 and again
11 in 2008.

12 MS. STEVENS: But the original group was just a
13 set of MICS with no differentiation between --

14 (Interruption)

15 MS. STEVENS: We might -- go ahead, Jerry.

16 STATEMENT BY JERRY SCHULTZE

17 MR. SCHULTZE: What I was going to say
18 basically the first one was specific towards Class III
19 MICS. It was actually the second committee. Tracy was
20 on the first one that came out in '99. Ours came out
21 in, I think, April or June of 2002, and when Hogan came
22 aboard in 2003, he wanted a standing MICS committee.

23 And some of the original members from the
24 second committee were on it, like Hummingbird and me and
25 a few others, and then we brought new members. And that

1 lasted a while and then he wanted a third one. And in
2 the meantime, Class II was really popping up, so they
3 made a technical advisory group for Class II. Norm was
4 on that one.

5 And eventually they kind of merged to the MICS
6 of Class III and technical of Class II, and, boom, so
7 they were all thrown together. And it was a circus at
8 times. But it was pretty good.

9 MS. STEVENS: Okay.

10 Scott.

11 (Interruption)

12 MS. STEVENS: Scott, go ahead, and I think
13 maybe we'll take a break until we get past this.

14 STATEMENT BY SCOTT CROWELL

15 MR. CROWELL: Can we find out how long it's
16 going to go on, someone from Rincon, during the break?
17 I'll figure out how long it's going on. I apologize. I
18 also apologize for the volume.

19 I want to make a comment and put it in some
20 context, because although I understand the need to move
21 quickly, when you figure out what's the end game here,
22 you know, the end game is to get the issue resolved and
23 resolved in a manner that's going to be beneficial for
24 the tribes.

25 I, several years ago, represented a tribe that

1 got a proposed NOV through noncompact Class III gaming.
2 We worked very hard with the NIGC at the time to take
3 those games out and put in games the NIGC was confident
4 constituted Class II games.

5 We entered into a formal settlement agreement.
6 I installed the new games, only to have the Department
7 of Justice file a Johnson Act violation against the
8 tribe. And we literally had, in the courtroom, the NIGC
9 taking one position and the Department of Justice taking
10 another. It was an outrageous circumstance.

11 It's because of that, that I think some
12 consideration might be given to the negotiated
13 rule-making provisions for the very reason that, you
14 know, the Department of Justice right now doesn't have a
15 chair at the table. I would want to know what the
16 position is before you invited them to the table.

17 But there's the possibility that whatever you
18 come out with, they are already on record saying the
19 NIGC can do whatever it wants, but if we consider it
20 Johnson Act advice without a compact, we're going to go
21 after it.

22 In that litigation, if that were to happen,
23 there would be a large amount of discussion of the level
24 of Chevron deference that should be given to the agency
25 interpretation. If you had gone through the negotiated

1 rule-making process, even though it's more
2 time-consuming and probably more costly, (inaudible) it
3 probably provides the tribes better insulation against a
4 hostile Department of Justice.

5 And the focus -- Phil got beaten up -- and I
6 beat Phil up all the time. Phil got beaten up for the
7 last several years, and Norm did, too, for engaging in
8 an agenda to try to develop a bright line. But we all
9 forget that he started that process, in large part to
10 get the Department of Justice out of the game, because
11 they were going around saying we don't care what the
12 NIGC says. We like the Tony Hope definition of Class II
13 gaming, that if you plug it into the wall, it's Class
14 III. And we embarked on a series of lawsuits.

15 When we think about what we're trying to get
16 through, we need to come up with a product that is
17 either going to have Justice stand down or have Justice
18 defer. And I think that that should be part of your
19 consideration on how to go forward with the Class II
20 process.

21 MS. STEVENS: Thank you. We're close enough to
22 our scheduled break, and if there's more testing that is
23 going to take place, if you have comments or you wanted
24 to address us, if you could just hold on to those, and
25 let's give a little time to the facility to get through

1 their testing. And we'll come back and see where we're
2 at in about 20 minutes. Okay. So hang on to your
3 thoughts.

4 (Recess)

5 MS. STEVENS: Okay. Sorry about the long
6 break. It's our understanding that testing should be
7 over at this point. Hopefully we can get some people
8 back here pretty soon. I know I saw a lot of them out
9 in that direction.

10 So we were talking about the process to address
11 Class II minimum control standards, and I know I had
12 some -- Skip mentioned to me that there might be some
13 comments that he has, especially about what we have up
14 on the screen right now.

15 If you want to -- one thing I do need to remind
16 everybody is that our transcriptionist says she is
17 having a hard time hearing people. If you can put the
18 mike up against you, that will help. Okay. Thanks.

19 STATEMENT BY SKIP LAMBERT

20 MR. LAMBERT: I'm Skip Lambert with the
21 Chickasaw Nation of Oklahoma. Couple of points to be
22 made.

23 I think the -- earlier you asked the question
24 of one of the commenters what specifically is out there
25 that's different in the Class II and the Class III that

1 make the MICS document that's out there now what it is.
2 One of the problems -- and perhaps the best example I
3 can give you is in the requirements that if a gaming
4 machine -- what we call the electronic player stations
5 in some of these documents, was paying out at a
6 percentage that was more than 3 percent off the
7 standard, that that created a variance that had to be
8 individually addressed.

9 Well, that works for Class III. It absolutely
10 doesn't work for Class II. Because in Class II, it's a
11 linked bingo game. It's -- when it's in electronic
12 form, it's linked, as Tracy mentioned, by a server,
13 where you have a lot of people participating in a common
14 game.

15 Now, from a MICS standpoint, if for some reason
16 that game, as a whole, does not pay within 2 or 3
17 percent of what it's supposed to, well, sure, that's a
18 variance. And just like you would -- maybe you would
19 treat it as such, but not the individual player station.

20 The variances will be incredibly great from
21 game to game, from day to day. But in the end, over
22 time, it will in fact meet that standard, just not
23 necessarily on a machine level.

24 When -- I've been part of the working groups
25 through this process. I was part of the working groups

1 that Tracy and Jerry referred to going back to, I think,
2 '06 or '07. At that time, I was with a manufacturer, so
3 I was one of the experts with the working groups. Now
4 I'm with the Nation and part of the latest working
5 group.

6 The approach that we've taken in the working
7 group with what we have sent to you as a bit of a
8 skeleton with supporting bulletins, that approach is
9 specifically to deal with your third question up there:
10 How you make revisions that deal with evolving
11 technology. Well, that was one of the big challenges
12 that we saw, because even in those sections of the MICS,
13 coming from prior advisory groups, we knew over time,
14 and there's only been one or two years since that
15 release, there already need to be things changed. There
16 already were new technologies that need to be addressed.

17 So for that reason, our suggestion has been
18 let's make the minimum internal control standards the
19 minimum standards and let's use bulletins to give the
20 detail and explain how to make those work.

21 So that is the approach we've taken. It is
22 specifically relative to your third question. And to
23 your second question, it would certainly be a structural
24 revision. But we think over time, it will be a lot
25 easier to deal with new technologies when something new

1 happens, instead of having to rewrite a section of the
2 MICS. You simply have to add a bulletin or revise the
3 bulletin. That's why we did what we did.

4 MS. STEVENS: All right. Thank you.

5 STATEMENT BY KATHRYN OGAS

6 MS. OGAS: Good morning. Kathryn Ogas on
7 behalf of the Lytton Rancheria of California. And I
8 want to first say I want to concur with everything that
9 everybody before me has said -- what?

10 MS. STEVENS: Speak into the microphone.

11 MS. OGAS: But I did want -- one thing I wanted
12 to point out that I know the NIGC knows, is that Lytton
13 is entirely dependent on Class II and will likely remain
14 that way for a very, very long time. I've been doing
15 this MICS roadshow for quite some time, I think since
16 2004. So I've seen it all happen, some of it good and
17 some of it bad.

18 And to carry on Jerry's comments about that
19 last TAC was very frustrating, especially for tribes
20 that were sitting in the audience that weren't even part
21 of the committee. We were not allowed to even have any
22 input, and we thought we had a lot of good ideas.

23 That being said, I think structurally there
24 needs to be a lot of changes with the MICS. And I think
25 the work that the TGWG has done over the last eight

1 months has put a lot of time and serious effort into it
2 and money. And I would agree with Jerry, I think you
3 should put that work out there for people to comment on.
4 And let's go from there and get this done.

5 MS. STEVENS: Any other commenters?

6 Yes.

7 MR. DESROSIERS: I've been really quiet.

8 MS. STEVENS: Today.

9 STATEMENT BY NORM DESROSIERS

10 MR. DESROSIERS: Norm DesRosiers, San Manuel.
11 Just a couple of brief comments.

12 Getting back to some of the earlier
13 discussions, I'm a huge proponent of tribal advisory
14 committees. And your question about how they should be
15 comprised, my only comment there is Jerry talked about
16 geography, skill and experience. And I think all of
17 those are important, and I support that.

18 You touched on, a little earlier, about making
19 sure that we -- the composition of the committee is
20 indeed tribally authorized representatives, so it is a
21 tribal advisory committee, not a federal advisory
22 committee. So it's a government to government, and you
23 don't get wrapped around the axle of the fact of the
24 requirements. That's almost as bad as negotiated
25 rule-making as far as the complexity and expense and

1 everything else. So that's all I want to say about the
2 composition, in addition to what Jerry said.

3 I would -- and I support the notion of
4 facilitators. I think they're great. I've been through
5 a lot of exercises with them, and they do serve a very
6 valuable purpose.

7 I'm anxious to see what the working group has
8 proposed. It may be premature to talk about an advisory
9 committee until -- I mean, maybe that working group
10 product is worthy of comments, draft. I don't know what
11 it is. But we may want to look at that before we talk
12 about advisory committees.

13 My only last comment on 543 in general is get
14 her done. We've been waiting for years. What Class II
15 internal controls exist? Just don't address the Class
16 II gaming systems issues. And we need those.

17 As you've heard previously mentioned, we have
18 some, I think, inquisitive state regulators that are
19 looking to challenge, you know, a lot of the Class II
20 stuff. And the more we have backing us up on a federal
21 regulatory level, the easier it's going to be for us to
22 keep state regulators out of the Class II inquiry
23 business. Okay.

24 That's really all I have to say on 543. I hope
25 we can get it done. I have a couple comments on 547

1 when we get there, which I hope is not too late in the
2 day because I'm going to have to leave.

3 MS. STEVENS: Thank you. We will get to 547
4 after lunch. Just trying to allow folks now to talk
5 about these, manage our agenda a little better.

6 Do we have any other folks -- you know, I agree
7 with you. I do want to get this done. It has been sort
8 of incomplete for a number of years, prior to my term
9 and your term, prior to your term. This has been going
10 on for a while. And it doesn't -- it needs to be
11 finished so that the industry has what it needs to
12 maintain the integrity of the operations.

13 So I agree with you.

14 Sheila.

15 STATEMENT BY SHEILA MOROGO

16 MS. MOROGO: Thank you, Chairwoman.

17 I'm Sheila Morogo, Oklahoma Indian Gaming
18 Association.

19 I want to echo Norm's comments in terms of
20 let's get this done. It's been a long time of -- and a
21 lot of money, a lot of time spent working through these.

22 What I would say is we also have to remember
23 that the Class II is large and small. And we have to
24 take into consideration smaller operations that may not
25 have the electronic, you know, infrastructure that some

1 of the larger ones have.

2 So when you're looking at these, I would
3 suggest that you get folks in from both the large and
4 the small tribes, so that when you do this and it
5 finally gets done, it is put to bed forever and it takes
6 care of the continuum of what we have in this part of
7 the industry. So that, you know, it is not a burden for
8 the small tribes in this economic environment to do
9 anything new and can take care of the upcoming
10 technological situations that we're going to see.

11 So that's a big bite to take. But I think if
12 everybody puts their nose to the grindstone, I think it
13 can get done.

14 MS. STEVENS: Thank you.

15 So barring anyone else have some general
16 comments they need to provide, I do have a list of
17 questions. We have gone around some of the process on
18 advisory committees versus negotiated rule-making, what
19 went wrong, what went right with former tribal advisory
20 committees that we can draw from.

21 We've heard what -- from some what you would
22 all like us -- to see us do with the tribal working
23 groups draft that has been sent to us so that we can get
24 some feedback. It's also my understanding, I'm told,
25 that that is a part of a number of parts that that group

1 will be putting forward to us as an alternative. It's
2 therefore not complete right now is my understanding
3 from folks that are on the group.

4 There is some supplemental information. I'm
5 cautious about putting it out there, just as a -- what's
6 been submitted to us as an alternative. There's some
7 other working parts that supplement that work, but I
8 will see that when we see it. But you've told us that
9 you all would like to see it in common time.

10 It would be great if we had a representative
11 from the tribal gaming working group. And we did get
12 some of it from Skip on how they went through the
13 process and the -- with Kathy and, you know, what was
14 the process. There's -- you know, but then again, this
15 is the group's draft. And I'm not inclined to ask for
16 or answer any questions on their behalf. I can't really
17 ask or answer questions because it's just a draft, but
18 we'll address that later on as we get more into a set of
19 documents from the group.

20 I've been wondering about this, is if we do
21 move forward, how we move forward. I know in the past,
22 it's been very segregated groups. Is this MICS and
23 technical standards something that can be done together
24 or in conjunction or parallel, one after the other?

25 I'm a little cautious about separating some of

1 these, because you don't have everything at hand which
2 you need to talk about. They're not mutually exclusive
3 from the technical standards and the Class II MICS.

4 Should those be addressed in the same type of
5 working group? Trying to get in my mind, see how that
6 would play out, and how it would be orchestrated with
7 having certain people at the table who have certain
8 expertise, tribes and regulators at the table for
9 minimum control standards.

10 Do folks have thoughts on whether we tackle
11 these together, apart, parallel, consecutively? Some
12 thoughts on that?

13 STATEMENT BY TRACY BURRIS

14 MR. BURRIS: Tracy Burris, Viejas.

15 I guess your administration, Madam Chairwoman,
16 has expressed a lot more deference towards being, if I
17 may use the word "reasonable," then I guess the question
18 would be in moving these groups forward is what -- maybe
19 there has to be a clear, concise what is reasonable.
20 What part of the minimum -- sort of an age-old question
21 is what is a minimum standard?

22 And I think both for the agency in the past,
23 also for some of the TGRAs, what does that really mean?
24 In other words, you know, it's fair to say some of these
25 regs are beyond minimum, to a point.

1 Maybe it's just a -- sitting down and going
2 through the idea of what we're really trying to do. You
3 know, what is the agency's expectation, and what is its
4 sense of being minimum? What does that really, really
5 mean? And how do we achieve minimum, as opposed to
6 leaving the TGRAs, with the exception of writing that
7 regulation more stringent that makes it necessary;
8 therefore being on the tribal level of being adjusted,
9 in the event of technology changes and stuff, quicker?

10 That's the greatest concern I have, because
11 we're talking about a philosophical difference that the
12 previous administration seemed to have. Their idea of
13 minimum, I think it's fair to say, is extremely
14 stringent, overbearing, in my opinion, on some things.
15 Not all things but on most things.

16 You know, is that the difference? Are we
17 talking about the MICS? Are we talking about the actual
18 cash handling? Are we talking about movement of paper?
19 You know, there's some basic points that we're -- you
20 know, obviously if we rank and utilize our risk,
21 obviously in our facilities, we worry about whether we
22 have cash. What about everything else when we don't
23 have no cash? And to what extent do we do that?

24 The irony of it is, is that we went to so
25 much -- to take it in and take it out -- and I realize

1 it's being treated as currency. But the ability to
2 track and void and all of that is so easy anymore, that
3 sometimes I wonder if our philosophy has changed enough
4 by treating it too extreme.

5 It's something to think about, because the
6 system is tracking us in ways it's never tracked before,
7 the back-of-the-house systems. So I just want to be --
8 how are we going to use technology in that sense, in
9 terms of tracking out ticket in and ticket out?

10 And I mean, I'm just wondering how much cash
11 anyone ever handles, actually, other than what they
12 handle at the cage when they cash out and the initial --
13 once someone inserts a \$20 bill in the machine, after
14 that, it becomes a ticket in and ticket out.

15 We've looked at it. We often shake our heads
16 at times and pull out how much tickets we have as
17 opposed to currency. So it's just something to think
18 about, I think, you know, to better understand -- I
19 understand yours, as the Chair, but the other
20 commissioners, but -- you know, the reality is that is
21 that you're staffed. What is the agency's staff concept
22 on this?

23 I think someone alluded to -- Jerry alluded to
24 earlier about the -- because of CRIT, whatever, I know
25 the agency has a lot of auditors that looked at Class

1 III environment, and maybe there's a point that some of
2 us thought some of these regs were being written --
3 these MICS were being written in order to preserve
4 people's (inaudible) in an agency.

5 You know, we all have to face cuts,
6 unfortunately, in these times. And if there's truly a
7 need for that much oversight. I mean, I realize we have
8 a role of oversight. But if that's what it is or
9 there's a role of actually -- you know, do a forensic
10 audit as opposed to doing an audit and things like that,
11 and how much detail does it take?

12 I'd be a little curious about that to be able
13 to get a grasp on that. Because some of us take a
14 defensive role from, again, past experience.

15 Thank you.

16 MS. STEVENS: Yes.

17 STATEMENT BY KATHRYN OGAS

18 MS. OGAS: Kathryn Ogas, Lytton Rancheria.

19 I think you need to do them at the same time,
20 tech standards and MICS, for a lot of reasons. I mean
21 they complement each other, and they do even have the
22 same terminology. And I think if you get them at
23 different groups, different times, you might start
24 coming up with more definitions and more changes than
25 you would want to have.

1 MS. STEVENS: I asked that question, just in
2 looking back at the previous technical standards, and it
3 was clear separation between the working groups and what
4 they were charged with, the advisory committees. And I
5 recall frustration in being -- in sort of being in this
6 silo.

7 And would it be beneficial to do these together
8 so it's not mutually exclusive, and it's inclusive, when
9 there's crossover, there has to be some reference to
10 other parts, that you're not boxed in?

11 And I always wondered about the necessity of
12 these sort of silos that were created with these working
13 groups. Especially if this independent working group is
14 working on both of them, it sounds like it's beneficial
15 to do both.

16 What about, you know -- and you all were
17 charged with this, but the segregation of Class III,
18 whether it's a reg or a guidance. That puts a whole
19 other spin on whether or not these should be addressed,
20 in whatever form they come out. Because that does need
21 to be addressed as well.

22 Is there any benefit on the down side of trying
23 to tackle these in different groups or doing them all
24 together somehow in terms of what the groups work on?

25 Any thoughts on that?

STATEMENT BY NORM DESROSIERS

1 MR. DESROSIERS: Norm DesRosiers, San Manuel.

2 Going back down memory lane, before we had
3 technical specifications, any Class II gaming product
4 that wanted to be offered for public play had to be
5 subjected to analysis by legal counsel, NIGC, and then
6 an opinion rendered, yeah, it's Class II, or no, it
7 isn't. Obviously that slowed down the industry and
8 limited what products got on the market, limited --
9 extended the length of time for approval of a product.
10 And it wasn't working.

11 I mean, the manufacturers didn't know what
12 specs to manufacture to, test labs didn't know what
13 specs to test to, tribes didn't know what products could
14 qualify. So the technical specifications that
15 eventually, painfully were promulgated at least
16 eliminated that nonsense.

17 It set some standards, which was a win/win for
18 all of the stakeholders: The tribes, the test labs, and
19 manufacturers. At least we had some ground rules on
20 what a product functionally and physically had to be to
21 be Class II. And certified by a lab.

22 But technical specs were just that. They were
23 more addressed to the physical box, the server, the
24 software, the programming, the security of the box, the
25

1 functionality, what it had to do, where your controls --
2 and of course we often, throughout the discussions, had
3 disagreements -- not disagreements but debates over,
4 well, is this a technical specification or is this a
5 control, you know? What box do you put it in?

6 And I understood that. And probably, in large
7 part, a lot of work controls. But controls now are
8 designed to do, I think, two primary jobs: Controls
9 address accounting, accounting for the money, who gets
10 access to the money, the metering of the money,
11 protection of the money, and how it's handled and how
12 it's received, how it's taken out of the box, what
13 account it goes into. That was all accounted for in the
14 meetings. And security, as well, for access to software
15 and who can -- you know, mess with the software that
16 controls the games.

17 So those are -- you know, the controls of
18 access and accounting are really a separate function
19 from the main -- the box and the server and software and
20 all of its functionality.

21 So there is a real distinction between
22 technical standards. Personally I don't care if the
23 same group addresses both of them. I understood from
24 Skip the discussion, during the break, there's not a
25 whole lot that the working group is looking to change in

1 the existing technical standards. So I don't think
2 that's going to be an obstacle to holding back progress.

3 I think the controls is going to take the bulk
4 of your time. What little have to be done with
5 technical standards, you can throw that along with it.
6 I don't care. I just want to make sure that people
7 understand the distinction of what the technical specs
8 do and what the controls do.

9 MS. STEVENS: Linda.

10 STATEMENT BY LINDA MCGHEE

11 MS. MCGHEE: Linda McGee, Poarch Creek.

12 My thoughts were along the same lines that
13 Norm's were, but I also wanted to point out that if you
14 did, in the future, elect a committee, just make sure
15 it's diversified. Because there are a lot of tribes out
16 here that are not only Class III but also work Class II.

17 And I know the committee that I was on, there's
18 was only one Class II representative, which was me, and
19 the others were Class III. But yet, we were told that
20 we reviewed the Class II regs, which we did not. But in
21 that, you need to make sure you have as many Class III
22 experts on the table as you do Class II; otherwise, it
23 gets confusing.

24 I know I was the only pull tab expert in our
25 group. So what I said basically went, and that's not

1 fair to the other tribes. You need more people out
2 there speaking that have expertise in those fields. So,
3 you know, I'm all for working groups. They're
4 excellent.

5 You know, a lot of tribes come together, and
6 you hear a voice from all areas throughout the country.
7 But just make sure if you do form a group, that it is
8 one that's diversified, that it has both Class II and
9 Class III on it if you're going to work on both
10 documents.

11 MS. STEVENS: Charlie.

12 STATEMENT BY CHARLES LOMBARDO

13 MR. LOMBARDO: Hi. Charlie Lombardo,
14 representing Poarch Creek today.

15 I was on the original tech committee which --
16 first meeting was actually May of 2004. And at that
17 point in time, as we went through the technical
18 standards, we separated out -- because there's a lot of
19 misconception, we separated out what was the technical
20 standard and what was a minimal control.

21 So going forward, I think the two documents
22 need to go parallel, need to go together forward --
23 forward together. And there's a lot of terms and
24 documentations that kind of will make sense, if both of
25 them are together, and may not make sense if they get

1 separated.

2 From the question of Class II and Class III
3 MICS, being an operator, I will tell you that as many
4 similarities as there is in the two, there's many, many
5 differences. And to try and combine them would be a big
6 mistake.

7 MS. STEVENS: Glad you addressed that, because
8 I've had tribes come to me and say you're asking me to
9 have two separate processes, and it's costing me money.
10 And all of the money is moving the same -- we have the
11 money moving the same way. And now I'm having to
12 duplicate processes or have separate processes from
13 Class II from (inaudible) originally a Class II game to
14 a Class III game, and it is causing me headaches.

15 You know, we had tribes tell me we'll just
16 follow the set standards. It might be a higher
17 standard, but they do it. And that, you know, I'm glad
18 you addressed that, because I've heard it.

19 MR. LOMBARDO: Again, there's a lot of
20 functionalities are the same, and there's no reason why,
21 as an example of a Class II, money can't be counted at
22 the same time as Class III money that's coming off the
23 casino floor. That's not -- those are the things that
24 are similar.

25 The things that are different have to be

1 addressed and have to be maintained differently and
2 separate.

3 STATEMENT BY KATHRYN OGAS

4 MS. OGAS: Kathryn Ogas of Lytton Rancheria.

5 I just want to follow up on that from being a
6 Class II-only operator. I've heard the same things
7 you're talking about with Class III (inaudible). And I
8 sympathize with them, but on the other hand, I don't
9 want the Class II in the Class III when that's all we
10 operate. And there are some things that are different.
11 So I would like to see them kept separate where they can
12 be kept separate.

13 STATEMENT BY NORM DESROSIER

14 MR. DESROSIER. Two follow-up counts.

15 For what was just said, that's precisely one of
16 the reasons we made a new part 543, for controls Class
17 II unique. And 542 was meant to be Class III unique.
18 So that you had some separation. So -- in all classes
19 so they have, you know, their own set of rules.

20 Not to mention 542 is pretty convoluted right
21 now because it's a combination of both, none of which
22 address or question gaming systems. So it's a mess that
23 needs to be cleaned up.

24 The other, I think, consideration for a need
25 for separation between II and III, obviously it should

1 be that our revenues in MICS states for Class III are
2 accounted for independently, and we don't want the
3 accounting commingled of Class II revenues and Class III
4 revenues so that the states get their nose into that and
5 try to determine, well, do they owe us or not on a
6 percentages of revenues for that.

7 So there really needs to be certainly a
8 distinct separation, both in accounting and not
9 commingling any of the rules.

10 MS. STEVENS: Yes, Charlie.

11 Am I ignoring anybody over here? I apologize.

12 STATEMENT BY CHARLES LOMBARDO:

13 MR. LOMBARDO: Just as a follow-up to that,
14 again, functionally may be the same. Separation of
15 money or funds, it's a revenue audit. The
16 functionalities on the floor itself don't necessarily
17 have to be separated. They can be done simultaneously.
18 It's a revenue audit, and computer systems, they
19 maintain the separation for us.

20 So, you know, part of what the DSA standards
21 has actually done is allow us to operate some of those
22 functionalities together. So again, it's not the -- the
23 physical part. It's really a lot of the
24 behind-the-house stuff that needs to be separated.

25 MS. STEVENS: Scott.

1 STATEMENT BY SCOTT CROWELL

2 MR. CROWELL: I have to point out, that
3 overlaps into the issue of the authority regarding Class
4 III. If you do what I think the court clearly directs
5 you to do is get out of the Class III business, then
6 there's not going to be this issue of putting Class II,
7 Class III together. NIGC MICS will be only Class II
8 MICS.

9 Doing that doesn't prevent you from saying
10 that, you know, in those situations where there's both
11 Class II and Class III games, and certain functions meet
12 certain requirements, that they can be done together.
13 That's something that can be written into it.

14 The easiest way to keep them separate is for
15 the NIGC to do what the court told them to do, which is
16 to get out of the Class III process altogether. I think
17 that takes care of that issue. And Norm -- (inaudible)
18 and I point out just from also going further down the
19 line in terms of I'm the lawyer, always looking at the
20 down-the-road legal challenge, the more you commingle
21 Class II and Class III, the more difficult it's going to
22 be to unravel them in future court decisions.

23 MS. STEVENS: Is there any more on -- excuse
24 me -- on minimum internal control standards for II? I
25 think we were getting a lot of feedback here at least on

1 II with some shades of III in there, in terms of
2 opinions. We can stop and be clear about what I mean.
3 And if not, then it is break time. And we'll come back
4 at 1:30 and start talking about the technical standards.
5 We're all good with that?

6 We'll be back at 1:30, then.

7 - - -

8 (LUNCHEON RECESS)

9 - - -

10 MS. STEVENS: Okay. Good afternoon. So we're
11 continuing on with our agenda. We're going to discuss
12 547, which is the technical standard for the Class II
13 games.

14 So as I said earlier today, we have made time
15 on the agenda for people who want to provide their
16 prepared statements to us, if there are any folks here
17 that have comments on the technical standards or any
18 other parts, if you were not able to attend yesterday or
19 this morning's session.

20 Do we have anyone that needs to make an opening
21 statement for the sake of their own schedule?

22 If not, then what I'll do is turn over the
23 microphone to Larry again to talk about what we're
24 looking for with regard to -- this is Group Three. This
25 morning we talked about minimum internal control

1 standards for Class II games. This afternoon it's for
2 the technical standards for gaming equipment for Class
3 II games.

4 So I'll hand it over to Larry, and we'll open
5 up the floor afterwards.

6 MR. ROBERTS: I think for purposes of the
7 discussion this afternoon, the following things that we
8 would like to discuss with folks are in the technical
9 standards that -- the grandfathering issue of gaming
10 systems, the limitation on odds, the entertaining
11 display requirements, tribal testing laboratories,
12 variances, remote access, and compliance with MIC
13 standards, and anything else that should be added to the
14 discussion for technical standards.

15 So this is really an opportunity -- I know some
16 of these issues have been around for a long time. But
17 we would really like to open the floor and have tribal
18 comment on any of these issues.

19 MS. STEVENS: Yes.

20 STATEMENT BY NORM DESROSIERS

21 MR. DESROSIERS: Thank you. Norm DesRosiers,
22 San Manuel.

23 I just have two of those bullet points that I
24 would like to comment on. And the others, I'm sure,
25 will be appropriately addressed by everybody else.

1 But the limitation on odds, first thing. And
2 I -- I'm no expert in this. A lot of the discussions
3 that -- when we went through technical standards were
4 over my head, but one thing I learned about bingo math,
5 thanks to some of the experts in our advisory committee
6 was that -- I mean, it is really complex far beyond
7 what -- mostly what I understand. And then you have the
8 odds of getting an interim prize versus the game-winning
9 prize and the game-ending prize and all of these other
10 prizes.

11 And keep in mind, when I was on the Commission,
12 when it came to that and then the entertainment display,
13 which is the other thing I'm going to comment on, I
14 really took my NIGC hat off and I had my tribal
15 regulator hat on.

16 And I was very adamant about those two things
17 in this respect: The -- you know, and I hate to compare
18 the two, you know, Class III and Class II, but every
19 jurisdiction in Class III has a limitation on odds. I
20 mean, this is the only way you can face the public with
21 a straight face and say this game is fair and there's a
22 reasonable opportunity to win an advertised prize is if
23 you set the odds. And the regulators need to do that, I
24 think, in the interest of the public.

25 And we did that, the original technical

1 standards, with a lot of debate. But conceivably, from
2 what little I learned, you could do the math on odds in
3 these bingo games for a prize, a top of jackpot, that
4 could be posted and advertised that virtually could
5 never be won. The odds would be so skewed with such an
6 infinite number of possibilities that that could
7 conceivably happen. And that was admitted by the
8 experts during our advisory committees and everything
9 else.

10 So in the interest of the public -- and I think
11 we have to -- of course, most of our interest is in
12 protecting the tribe. But we do have a responsibility
13 to protect the public and make sure the game is
14 reasonably operated.

15 And so I'm a very, from a tribal regulator's
16 perspective, firm believer that some limitation has to
17 be set on the odds. If you don't, again, you can
18 conceivably have prizes that are likely never to be won
19 or are very, very, very infrequently won.

20 So that's an important point that I'm sure
21 other math experts in here will contribute to. But you
22 have to have something. If you don't, if there are no
23 odds, and you have a public inquiry or a media inquiry
24 or a legislative inquiry on, well, what are the
25 limitations on these games, and you say, well, there are

1 none; we just leave it up to the tribes or the
2 manufacturers, or whoever, to do the math and figure out
3 the odds, then you're not going to look very good as a
4 regulator.

5 So I feel very strongly about that. And I
6 don't know that I want to beat it more to death. That's
7 as clear as I can make that point.

8 The entertainment display requirements, I'm not
9 sure what the issue is there, but I know during the
10 course of developing the technical standards, there was
11 a lot of pushback on last-game or last-three-game
12 recall, to be able to pull up what that display was
13 during the last game. Again, having had my staff tied
14 up endless hours, even to this day, investigating patron
15 disputes over what the display said -- you know, "It
16 said I won." Well, if I can't recall it to show it,
17 what symbols were displayed on the last play, I'm
18 handicapped, as a regulator, to investigate a patron
19 dispute. I need to be able to have that capability.
20 That's the first issue.

21 And the second issue on the entertainment
22 display is I feel when you have got a pay table on a
23 Class II system that says three cherries will pay this
24 and five 7s will pay this, or whatever your symbols say
25 on your pay table, I don't care if you've got signs on

1 the box that say "This display is for entertainment
2 only," if I'm a customer, if I'm a player, I have the
3 right to expect if I get these three symbols, that's
4 what it is supposed to pay.

5 If you don't have that expectation or that
6 right to expect that as a player, then you're deceiving
7 them. So if you're going to have an entertainment
8 display and you're going to have a pay table that says
9 for entertainment only, but if you get these symbols,
10 this is what it is supposed to pay, then that's the way
11 it should be.

12 And if you get those three symbols and it
13 doesn't pay that, then there's either something wrong
14 with the system or the game that needs to be fixed or
15 investigated, you're going to be in a patron-dispute
16 investigation again to figure out, well, why did these
17 symbols come up, but it didn't pay that?

18 So those are things, as a tribal regulator, in
19 the interest of fairness to the public, that I firmly
20 believe in. And it's also in the interest of the tribal
21 regulator to help them do their job in the
22 investigation. So I don't know if I made those points
23 clear enough. But those are the only things that I feel
24 very strongly about.

25 And again, it wasn't as a National Indian

1 Gaming Commissioner when I argued those things. It was
2 as a tribal regulator.

3 MS. STEVENS: While you don't -- those are the
4 only two things that you wanted to comment on? Nothing
5 on the grandfathering clause? Because that has been a
6 contentious issue as well.

7 MR. DESROSIERS: Quite frankly, I don't
8 recall -- I haven't studied it, and I don't remember
9 what that clause was, but I'm thinking we're ending the
10 near -- the end of that grandfather period. So -- in
11 fact, a lot of the manufacturers just skipped that and
12 manufactured products that were -- you know, that wasn't
13 even applicable on the new products being manufactured
14 out there.

15 So I don't really know what the issue is. I
16 thought the grandfather period was coming fast to an
17 end. So I can't comment on that.

18 MS. STEVENS: All right. Charlie, Tracy, who
19 wants to go first? If you can enlighten us a little on
20 some of the topics, that would be great.

21 STATEMENT BY CHARLES LOMBARDO

22 MR. LOMBARDO: I would just like to follow up
23 first on the first comment Norm was talking about. And
24 we were talking about limitations of odds.

25 My first comment, before we get into that, is

1 many of the regulators, their only point of reference is
2 Class III, with very little reference to Class II. And
3 there's a big difference.

4 Bingo math is quite complicated. When you add,
5 as an example, 75 numbers but you have a bingo card with
6 only 24 numbers or 25, the number of different
7 combinations you can have on that bingo card is an
8 astronomical number. And when you look at the number of
9 people playing and the number of cards, we started
10 writing odds down, we could go circle this room, and
11 that's how big the combinations are.

12 I don't think there's anybody that says that we
13 shouldn't have limitations on odds. I think the
14 question always was we should be competitive with the
15 marketplace, whatever that may be. So there's lottery
16 odds, there's Class III gaming odds that are much higher
17 than what was ever suggested by the NIGC. I think that
18 tribes only want to be competitive in Class II. I think
19 that really becomes the issue.

20 From a entertaining display requirements, we
21 have to remember that we're playing bingo and we're not
22 playing a slot machine. And I'm not a lawyer, but there
23 was court cases that were decided in favor of using the
24 entertainment displays, and IGRA allows the tribes to
25 play bingo with the entertainment display.

1 And the entertainment display has absolutely
2 nothing to do with the outcome or the results of the
3 game. The only thing it does is the bingo portion. So
4 if you want to look at what the bingo card had and what
5 the balls were drawn and how that determined the outcome
6 of the game, then that's fine. But the entertainment
7 display has nothing to do with the outcome of the game.

8 MS. STEVENS: How do you address recall? If
9 you've got somebody disputing -- just to address Norm's
10 concern, how do you go back on a Class II bingo machine
11 and verify it?

12 MR. LOMBARDO: It's the bingo pattern. So you
13 look at the bingo card, bingo balls drawn, and the
14 pattern covered.

15 MS. STEVENS: Can you do that a number of games
16 back?

17 MR. LOMBARDO: Yes.

18 MS. STEVENS: Okay.

19 STATEMENT BY TRACY BURRIS

20 MR. BURRIS: Tracy Burris, Viejas.

21 On that, too, on the number of recalls, you got
22 some assistance on the Class II, because they're server
23 based, that would let us go back as much as a hundred
24 last games played. And because, when we use the
25 original player card, tracking on the original Megamania

1 stuff, we could actually go back close to a thousand,
2 wasn't it, Skip?

3 It takes some time to pull it up, but it shows
4 the whole pattern that player used to activate their
5 card in their system. We can actually recall their
6 whole play. It was a combination of things happening,
7 because they're server-based.

8 MS. STEVENS: May I inquire, from the display
9 or from elsewhere?

10 MR. BURRIS: Well, from elsewhere. From the
11 server.

12 Remember, it's not the machine that's doing it.
13 And that's why it becomes important about this play.
14 And if we take it one more step further, when you talk
15 about -- one thing that is not up there, maybe, and that
16 reflects the technology, is that if we try to coordinate
17 bingo, Xs, Four Corners, Postage Stamp, and Straight
18 Bingo, any of the variations of the bingo patterns, to
19 correlate to symbols, cherries, 7s, single bars, triple
20 bars, double bars, if they're coordinated, then I would
21 think that would give the argument that we are playing
22 with a bunch of technology, because now we're trying to
23 picture a pattern or win or, even more specifically,
24 anything going wrong on that last recall being
25 reflective of the beginning game.

1 Because we had this years ago. I mean, this
2 very thing. Because when we first started, when I first
3 started in Class II, all of my studying was done on
4 Class III. So I had those concerns.

5 As I learned, and as I do -- what I do know
6 about bingo, doing it for as long as I did, was that
7 when we talk about bingo patterns, the perms, limited to
8 75 numbers, and we're talking about different series of
9 paper available out there, and the ability to -- didn't
10 I say perms or the patterns on each five columns, five
11 numbers, from B to O, you know, what you can do, there
12 is a limitation that you can do. And you cannot do it,
13 as you can with the math of a standalone machine of
14 meeting three symbols only. Three cherries, three bars,
15 three other bars, or whatever that combination, is a lot
16 different than on bingo patterns.

17 Because bingo is bingo. It is bingo. There is
18 an extreme difference in that. So I think that's -- I
19 mentioned that in Minneapolis recently. I wish we had
20 the paper. The paper -- we can see it from one of the
21 distributors for the (inaudible) showed how that worked.

22 But you got to keep in mind, this is a game of
23 bingo. It has nothing to do with a slot machine and
24 that concept. And I mean, I don't know if you guys get
25 that. There is a distinction difference.

1 So my concern would be in the entertainment
2 display part of it, I know the biggest complaint was how
3 big it had to be on the machine. I don't think it has
4 to take up the whole machine. I don't think it has to
5 be everything, but I think that some of the things --
6 the choices that are out there are complimentary. I
7 like the (inaudible) personally, because there's that
8 true distinction that it is a bingo game.

9 As a regulator, it does illustrate it's a bingo
10 game, shows the ball draw, and you still have that
11 entertainment display. So I don't have a problem with
12 that because I can distinguish that when I have a
13 dispute, that it is not a compacted game as we know it.
14 It's a Class II game.

15 So I think there is that distinction, and I
16 think that's how you achieve that. We have to give our
17 players a little credit, you know. We can't assume
18 that, even though they choose to play (inaudible) at
19 times, but we also know as well as we do now, that when
20 we have those disputes with them, if they're using their
21 player tracking card, I go back on my system 1 anyway,
22 and it gives me a good indication of how they played and
23 how they wager on every transaction.

24 So there are other elements that are available,
25 when dealing with a dispute, that can be brought

1 forward. Does it make it easier always? No. But it
2 does help. And it will rise in the credibility as to
3 how well that -- whether it's our techs or whether it's
4 our IT people, who's ever doing it, how knowledgeable we
5 are of our products.

6 And that would be the ultimate deal is how
7 knowledgeable are we on this product? I'm telling you,
8 if I just had to justify just this single unit, it's
9 easier. I don't know what Jason has. Maybe I don't
10 know what he has. It's a different unit. As it stands
11 by itself, it's a lot easier to debate and turn off if
12 there's a problem.

13 On a server-based, when you turn it off, you
14 might be turning it off (inaudible) for 40 machines, 400
15 machines. You don't have one unit you can seal off and
16 say, oh, we can have it tested, and we know what it
17 might be, because power surge or this. It's not the
18 case.

19 Now, do individual ones go out? Yeah,
20 monitors, whatever. But if there's something wrong with
21 the server, it affects everything on that server. So
22 there is that distinction.

23 And that's what I alluded to earlier about that
24 people had certain mindsets, assuming that you don't get
25 it because it's a standalone machine. It's easy. Just

1 turn the damn thing on, seal it off, nobody has to mess
2 with it. But you can't do that on a day-to-day basis.

3 So, you know, I mean, granted, it could be --
4 some of this could be said more eloquently than I've
5 sort of -- I've dealt with too many of these disputes,
6 if you will, and I understand it now. After 18 years, I
7 get it, to a point. There's all nuances to be surprised
8 by technology.

9 That goes back to how detailed we're going to
10 get with the network engineer. Do I need a network
11 engineer? Do I need a software engineer? Those are
12 some of the technical questions that come about. So
13 that's the remote access.

14 We had the Class IIs, and I think that we
15 use -- for our property now, we have it pretty well of
16 tracking it. I think it goes back to -- I know people
17 questioned it. It comes to a point that I learned with
18 a server-based, we hope someone hasn't manipulated it.
19 We hope that someone hasn't come in and manipulated the
20 software or whatever at some point. It's always a
21 possibility.

22 I know that the companies, as a whole, try do
23 it with integrity, too. There's always that
24 possibility, just as there is with someone getting the
25 wrong chip, E-prompt chip, there to one of my standalone

1 units, too.

2 What we hope for is that the controls that we
3 have in place -- which is why we had MICS, too. It
4 makes it important for these two documents to go hand in
5 hand. And the reality is if it were to happen anyway,
6 it would take us time to be able to audit it backwards
7 to develop any case in order to really truly determine
8 whether or not, you know, someone deliberately impeded
9 the integrity of that system.

10 So those are things to -- the remote access, I
11 mean, there's ways that we can track that. Again, it's
12 about tracking it. It doesn't mean that we can stop
13 something bad.

14 Every tribe has its different protocols by --
15 by which the agreements that they have with that Class
16 II manufacturer utilizing the machines, on how they come
17 in, what they need to do, based on -- a lot of it is the
18 technology and software and hardware and all of that.

19 So it's complicated, but it has to be taken
20 into consideration. And it's actually more work for the
21 TGRA to try to understand the manufacturer's system.
22 And they're not the same. They are not the same. They
23 all have different platforms. There are different
24 things that are different about it. So there is an
25 impact there.

1 So that's my two cents on it. That's all it's
2 worth.

3 MS. STEVENS: Thank you, Tracy.

4 STATEMENT BY RON HARRIS

5 MR. HARRIS: Ron Harris with the Miami Tribe of
6 Oklahoma.

7 On a couple of these issues, the
8 grandfathering, is one year dear to our market, we
9 argued with -- quite a bit with the previous Commission.
10 And it has to be said that the grandfathering of a
11 system itself and the boxes, or whatever component of
12 that system we're talking about, when you hit this
13 magical five-year window and all of a sudden, what used
14 to be legal, what used to be played in tribal gaming
15 facilities around the country, mysteriously is no longer
16 legal.

17 There's a lot of legal issues that I think the
18 attorneys spoke very eloquently about for some time,
19 about why you can't just arbitrarily pick out a
20 five-year period in this case. But the point, I think,
21 the Commission is focused on here, too, is what it does
22 to some of the smallest tribes in the country. And you
23 see it in the Class III business.

24 You don't -- there are a lot of tribes around
25 the country that might be in a remote area that has a

1 very small population base to draw on. That piece of
2 equipment that's five years old works out fine. A piece
3 of equipment that's already been depreciated may not
4 warrant a new \$36,000 box, that, A, that they couldn't
5 pay for themselves or that would come in on a revenue
6 share, because the manufacturer might not want to go out
7 there in this location to put it in there.

8 But these smaller depreciated boxes, now all of
9 a sudden, you put a tribe that has the ability to, A,
10 acquire them or, B, that a manufacturer would literally
11 justify their investment to go into remote locations
12 with used equipment and earn -- the tribe earns \$30 a
13 day. Now, all of a sudden, that make sense.

14 So when we come up with this grandfathering
15 thing, I think the primary focus needs to be on the
16 world of haves and have nots. There's a lot of tribes
17 that desperately need gaming in their facilities that
18 this grandfathering system will impact greatly.

19 Our little company, we're impacted by this, in
20 that -- not so much on the boxes itself, but on the
21 system itself. There's another provision, at least,
22 that TGWG advised to also back off of is that mystical
23 day that you had to show up and put your software in the
24 lab within 120 days of promulgation of the regs.

25 We weren't smart enough to run in and take all

1 of our systems and put it in a lab. We had our current
2 software we thought the market was going to go. So here
3 we are with the game of the Rocket Classics. It's the
4 only game ever produced that has a DOJ letter that
5 says -- a Department of Justice letter that says this
6 game is a legal Class II bingo game. The NIGC also
7 wrote letters on this.

8 Well, the commercial viability of that game had
9 dropped off, and it wasn't in play. So we didn't go and
10 take it into a lab and incur the expense of doing it.
11 Well, lo and behold, within the last 12 months, we had
12 tribes reopen their bingo facilities. We've had
13 customers that remembered those games, said, geez, we
14 want those games, but Rocket can't go back and rewrite
15 that system because it's not economically feasible.

16 We can go in with a cheaper machine with a
17 system that still works perfectly fine. The system
18 integrity is there. All of these other things are
19 there. But guess what? It's written in Windows 2000.
20 Microsoft doesn't even support that anymore.

21 So these old systems are still kind of like --
22 like they have the old Tack Force, you got the Monkey
23 Tattoos, you got the Megamanias, things that have won
24 significant court cases that said this is Class II, and
25 yet you marked -- picked an arbitrary, capricious date

1 to say up to this date, it's no longer viable. And I
2 think there was an old Meister study -- I call it
3 meister.meister (inaudible) study that showed the
4 economic impact of that in Indian country, and it was
5 significant.

6 Limitation of odds. I think Charlie hit it
7 pretty well there that -- I don't know that the argument
8 ever was that there shouldn't be a limitation on odds.
9 There's two pieces of that argumentative. First of all,
10 who says what that odd should be?

11 We look at it as it's TGWG group can write this
12 as the primary regulator is the TGA. It's the tribe.
13 It's not a federal standard. The tribe is the one that
14 the TGA decided what odds they want in their facility,
15 and I deal with it every day. The tribes decide what
16 odds they want, they decide what wages they want, max
17 bet, the whole gamut. It's done at a tribal level.

18 Now, in this particular case, the government
19 did feel they needed to set a standard. And then the
20 547 as -- when it was promulgated, had the reasoning
21 behind it of some of the things they did. The odds were
22 set at 1 in 100 million.

23 We did try to make the argument to say why
24 would you put a tribe at a disadvantage over a state
25 lottery? The Kickapoos in Texas, guess what, their

1 biggest competitor is the Texas Lottery run by Texas.
2 They have got better odds than we can put in a bingo
3 game. Why is that? It's 1 in 175 million, but yet
4 we're limited to one in 100 million.

5 Then you get into slot machines in Class III
6 facilities. You've got Class II facilities that have to
7 compete with state-run Class III facilities. And guess
8 what? There are slot machines out there at this time --
9 and we made this argument back several years ago,
10 there's slots out there with 1 in 400 million. Why did
11 we pick one in a hundred million? Why?

12 I reread it on the airplane coming in, and it
13 basically said in the preamble, well, geez, we think
14 it's fair to set an odd at 1 in 100 million because we
15 think that means that jackpot -- there were some
16 mathematical computations there -- could be won once a
17 year. We set a jackpot. We think it should be won once
18 a year.

19 That, first and foremost, in my opinion, and I
20 think, mainly the tribes that I deal with regarding a
21 tribal gaming regulatory decision, the tribe itself
22 should make that decision. But I also think that's an
23 awful arbitrary number to have picked, to sit and say
24 that a bingo pattern should be won once a year.

25 I can take you to tribal bingo balls that have

1 had blackout dollar amount for paper bingo up there for
2 18 months, two years. The players know it will be won.

3 Also, this whole issue on odds is a little
4 interesting, because I think some of the game plans at
5 the time were arguing, geez, you should set the math for
6 this, you should disclose the math for this, because how
7 else will a player know? And you get back into the
8 Class II mind-set.

9 You're right, when you walk up to a slot
10 machine out there on the floor, you don't know the odds.
11 Who can go in and look at that little chip and see what
12 the odds are set at? The difference in Class II bingo
13 is you have rules. You pull up the game rule screen.

14 We have our competitors, just like we do with
15 their machines as well, you can figure out somebody
16 else's math simply by going into the machines and
17 looking at their game rules, taking a picture of that,
18 write it down, whatever you want to do, and look through
19 all of the bingo patterns. You have to close the bingo
20 patterns to play. So if I know the rules how you're
21 playing the game and I know all the bingo patterns, I
22 can reverse engineer anybody's math. It's on display
23 for the players to see.

24 So there is a difference between a Class III
25 approach to setting odds versus Class II. It's not as

1 player beware, like you have in a slot machine. Bingo
2 is different. We post the rules, and it's there for
3 them to see. So, again, I think that the fairness
4 issue, tribal bingo, Class II bingo, should have
5 comparable odds to what is in the industry.

6 Now, at one bit -- more little bit. And I
7 believe that should be decided for by the TGA. Why is
8 that? Because that's maximum flexibility. If you're at
9 a Hollywood Park (inaudible) facility in Florida, they
10 may say, look, we want this stuff to go -- you know, we
11 don't need to advertise most things. It got to the
12 point we want to see what's on this (inaudible), turn
13 through here, here is what we want our odds to be.

14 But in other parts of the country where they
15 need to market an \$80 jackpot to bring people in, that
16 has a radius of a hundred miles from which to draw their
17 customer base, they may want a big jackpot up there to
18 draw on (inaudible). I believe that kind of marketing
19 condition should be left up to local TGAs.

20 We do have it in these proposed regs that we
21 manufacture these games, so we have to disclose it and
22 labs have to test it and also prove here is what the
23 odds of winning it are and disclose it to the tribe.
24 The decision should be left to a tribe.

25 Entertainment display is another interesting

1 argument that we talked about over and over and over
2 again, and we weren't successful in our arguments. The
3 attorneys, there's the legal arguments of getting
4 credibility. We kept listening that we have to have a
5 bright line between Class II and Class III.

6 The minute you say you're giving legal
7 deference to spinning 7s or the horse race or the car
8 race or whatever you're showing there, you just left the
9 smoking gun for that DOJ or state regulator, whoever it
10 is, to say see, that really isn't bingo; it's a slot
11 machine.

12 You're giving legal credibility -- and we've
13 got some attorneys in here that can -- you know, we
14 wrote a position paper and provided it to the NIGC that
15 you shouldn't do that for those issues alone and
16 clouding the situation between the Class II and Class
17 III.

18 However, as a manufacturer, we built it in
19 there anyway, because it only takes one Norm out there
20 that we work for, when we go into a tribe, that the
21 tribal gaming regulator calls the shots here. So if we
22 go in and (inaudible) says we want 1-in-50-million odds,
23 Rocket better be ready to be 1-in-50-million odds. And
24 if Norm says, by the way, I want to see those game reels
25 as it's replicated, we better be ready to do it. And I

1 think all manufacturers do it.

2 What we push back on is it should not be a
3 federal standard. That's the right of the tribe.
4 They're the primary regulator. That's where the
5 decision should be. Then we make a commercial decision
6 whether we want to meet that or not, which all
7 manufacturers that I know do.

8 There's also a conflict -- and, again, the
9 attorneys here can talk until they're blue in the face,
10 but we have got an issue in the technical standards of
11 promulgating. It says you have to show the entertaining
12 display in the video, but you don't have to do it with a
13 mechanical. Right?

14 So if it's a stepper for -- I don't have to
15 replicate what the player would have seen in a stepper,
16 but I do in video. You know, you get back to the parent
17 who who does he normally or she normally -- the old joke
18 about you normally discipline the good child because the
19 bad one, why waste your time. You get back into
20 something like this.

21 Video was easier to put this bridle on that was
22 mechanical, so we're going to go after the video. You
23 have two standards here. One, you're saying you've got
24 to replicate it, one you're saying you don't. I think
25 there's issues with that as well, from a legal basis.

1 I think those were the three things that I was
2 commenting on was grandfathering, limitations, and the
3 entertaining displays.

4 MS. STEVENS: Thank you.

5 Were you waiting, Tracy?

6 MR. BURRIS: Yeah.

7 MS. STEVENS: Okay. Tracy, and then, Linda,
8 did you raise your hand? Okay. Linda and then Charlie.

9 STATEMENT BY TRACY BURRIS

10 MR. BURRIS: I just wanted to reiterate what
11 Ron said -- this is Tracy Burris, Viejas.

12 On the Meister report, that's the 2006
13 report -- I have it here in front of me, and one of the
14 things that's important about it, as he said, "According
15 to the Proposed Rules, Class II machines would have to
16 meet the following requirements:

17 "Bingo and other games similar to bingo.

18 "Players must compete against one another.

19 "Although the NIGC encourages play with six or
20 more participants, a game can begin with a minimum of
21 two players if six players do not enter a game within
22 two seconds after the first player enters.

23 "Bingo cards must be used; however, those cards
24 may be electronic.

25 "Bingo cards must be provided to players before

1 numbers are drawn.

2 "Each card played in a game must have an equal
3 chance of obtaining a winning pattern.

4 "Alternative technologic displays of game
5 results (game theme graphics, spinning reels or other
6 imagery) are permitted as long as the game results on
7 the electronic bingo card are always shown.

8 "Numbers must be randomly drawn in real time or
9 very near real time to the actual play of the game."

10 I think this study does very well. The reason
11 I say this (inaudible) because there's a lot more to
12 even look at it, because back in March when I had a new
13 council come on from the end of January, they wanted to
14 know about Class II. So I sat down and I was trying to
15 figure out how to do it. And I remembered this report.
16 So I used a lot of this trying to explain Class II to
17 them.

18 I hope I did. I attempted to. I don't know
19 whether I succeeded or not. When you think about it, as
20 opposed to as I said, I can pull that single unit --
21 unit playing machine, there's a big difference. I mean,
22 this has to be reiterated constantly to remind even
23 myself at times, it gets complacent with my Class III
24 games. It's easier to manage my Class III games, my
25 slot machine than it is to manage my bingo games. And

1 maybe that's a way of saying it.

2 So the reports is one -- the Commission
3 commissioned to have it done. And it was an interesting
4 conversation I had with Alan Meister about it anyway, at
5 the INGL, a couple weeks ago. And he uses -- he is one
6 that testifies on behalf of different companies, other
7 states, whatever. He is an expert witness, if you will.

8 And I think it's fair to say that I don't
9 always agree with the man, but it is a good report. And
10 I think it was very objective, from a bird's eye view,
11 and things that he pointed out, I think it should be
12 something that NIGC uses as sort of a preamble with
13 dealing with Class II games. Thank you.

14 MS. STEVENS: Linda.

15 STATEMENT BY LINDA MCGHEE

16 MS. MCGHEE: Linda with Poarch Creek.

17 I just wanted to bring up, from a regulator's
18 viewpoint, on the entertaining display requirements.
19 When we have a problem, a customer has three red 7s, and
20 naturally it's a malfunction of the machine if they did
21 not win, because the bingo pattern is showing that they
22 didn't get a bingo.

23 Our customers, believe it or not, they're not
24 stupid. Gamblers around the world, if ours are anything
25 to tell by it, they're not stupid people. If we have a

1 dispute and we clearly indicate to them you're playing a
2 bingo pattern. If you look at the bingo patterns that
3 we recalled, there is no win there. The three 7s was a
4 malfunction on the display, and that's all.

5 And nine times out of 10, you can convince
6 these customers that, hey, the bingo pattern didn't win
7 anything. So to us, it makes no difference whether the
8 entertaining display is recalled or not, because we're
9 concerned with the bingo card. It needs to be recalled.
10 The game play on that needs to be recalled, because
11 that's what we're telling our customers: You're playing
12 a bingo game. You're not playing, you know, triple red
13 7s or whatever. That's just there to entertain. Of
14 course, we are very careful on using the word "that's
15 there to entertain," because sometimes they take offense
16 to that.

17 But really all in all, customers, once you
18 convince them they are playing a bingo game and show
19 them those bingo patterns and they didn't win on that
20 bingo, then, you know, they're satisfied.

21 The ones we have problems with are ones that,
22 in my opinion, would be the type of people that would go
23 into Walmart and purposely knock over a can of liquid so
24 they could slip and fall on it and get a big lawsuit.
25 But for the most part, we handle all of our complaints

1 just by explaining to them you're playing a bingo
2 pattern, you're playing a bingo card. And see, none of
3 these bingo cards -- the last one you played didn't have
4 a win on it, the one prior to that didn't have a win on
5 it, and this one here that you won didn't have a win on
6 it. You didn't win. It was a glitch on the box itself
7 caused those three red 7s.

8 And most of the time, we can convince the
9 customers, okay, I didn't have a win. And they're okay
10 with it.

11 MS. STEVENS: Thank you, Linda.

12 If you would, Charlie.

13 STATEMENT BY CHARLES LOMBARDO

14 MR. LOMBARDO: I would just like to follow up
15 with one more item on the limitations on odds.

16 In a Class III game, if I have a million-to-one
17 odds to hit any award, that means that game has to have
18 a million handle holds or spins of the reels, or
19 whatever you want to call it, on average before it will
20 hit. The average casino probably gets, oh, anywhere
21 between 4- or 5,000 hand pulls or games a day, so that
22 means somewhere around 200, 300 days or so before that
23 will hit that particular award.

24 In a bingo game, you have multiple players
25 competing for the same prizes. I can have a game within

1 just a few seconds where I'm allowing 50 to a hundred or
2 more players per game. I can hit that same
3 million-to-one odds in just a matter of a few days.

4 And so, in saying that, to say that bingo can
5 have an unfair advantage, bingo actually has a much
6 fairer advantage in paying the awards they advertise to
7 the players.

8 STATEMENT BY RON HARRIS

9 MR. HARRIS: It's Ron Harris again.

10 There's another distinction that we should
11 point out when we talk about this entertaining display
12 issue.

13 Nevada has one of the best laws in the country,
14 which is malfunction voids pays to plays. All of the
15 players -- the only thing the player relies on is the
16 screen, the spinning symbols. Right? So we go back
17 into the argument that the NIGC had before is what -- we
18 need to see all evidence and give some credibility to
19 this entertainment display so the player may see
20 increased odds in conjunction with their bingo card.

21 In a Class III environment, in Vegas all you
22 see is the three 7s. But if the manufacturer shows up
23 and says, geez, I have a documented software glitch and
24 I can document the software glitch, it shouldn't have
25 had three 7s, guess what? It voids pays and plays.

1 In Class II, you have a bingo card, you're
2 entered into a game. Here is your bingo card, here is a
3 ball draw. You see what it is. Again, it's like
4 opening up the RNG chip inside a Class III box and
5 showing it to you in real time. It's up here. That's
6 why we have legal credibility to the people (inaudible)
7 You're playing against somebody else.

8 And if this glitch is over here, this game is
9 already over. Bingo is over. Bought the card, daub the
10 balls, game over. Or but now I'm going to show it to
11 you in a different way. But the fact is that pattern
12 did not get won or didn't win is documented by the
13 patterns on it.

14 So, again, Class II has something that Class
15 III doesn't. But yet Class III has got a heck of a lot
16 better, more user-friendly rules than we're imposing on
17 Indian country for Class II gaming. Again, that's where
18 we think that's wrong.

19 That does not mean that we don't -- as a
20 manufacturer, we've had it from -- we've been doing this
21 since 1996. We've always had the ability to look up and
22 see what that game was in real time. We record whether
23 you touched the dauber or you touched the screen. We
24 can tell you exactly what they did.

25 So again, it goes tribe by tribe what they want

1 us to do. It should not be a federal standard.

2 MS. STEVENS: Tracy.

3 STATEMENT BY TRACY BURRIS

4 MR. BURRIS: You bring up great points. Tracy
5 Burris, Viejas.

6 To add the emphasis to it is that there are
7 times when nine times out of 10, manufacturers
8 (inaudible), my experience on the malfunction on a Class
9 II device is nine times out of 10 the wager has not been
10 taken. Because it loses connectivity with the server,
11 or whatever the malfunction is, it never took the wager.

12 More often than not, I've had seven out of 10
13 where my Class III, my slot machine took the wager. So
14 when you're trying to be objective in hearing that, I
15 believe when I make that decision is if it took the
16 wager, what was the expectation? If it didn't take the
17 wager, what is the expectation?

18 You do have a -- operations has a nightmare of
19 dealing with that, but it's less than -- most players,
20 as Linda says, when you point certain things out to them
21 that occur, being objective is that it didn't take the
22 wager, you know. You did have the attempt to have the
23 wager happen, but it didn't take the wager. It
24 malfunctioned. It came up, let's say, a jackpot.

25 So I think, in fairness to this, throughout the

1 jurisdictions, if it doesn't take the wager, did that
2 transaction ever occur? I mean, there's those things,
3 and that's one thing in a Class II system does work.

4 I do know (inaudible) complicated Class II
5 system that said where that occurred and then further
6 investigation, it ended up those manufacturers are no
7 longer with us. I mean, I can tell you 10 years ago,
8 they were -- at one point, I had 60-something requests
9 on my desk to look at different Class II systems. I'm
10 sure today there are probably 10, maybe, eight.
11 Manufacturers aren't even around. I don't know, eight
12 or 10 left on Class II systems.

13 MR. HARRIS: I believe I count -- last I heard
14 was 12 out of about 43 at one point that we --

15 MR. BURRIS: A lot of those others, they
16 were -- in all fairness, their systems were not
17 accurate. And there's those that get lost out for
18 (inaudible) proper integrity.

19 Having said that, too, again, those are the
20 things that we have to take into consideration, and that
21 leads us to the TGRA to make that decision, you know,
22 being objective in its role with hearing a dispute.
23 Those are the things that occur.

24 By the way, I've never seen a happy gambler.
25 How many times have you seen someone hit -- you know,

1 oh, I wagered a dollar and I hit \$15,000. You know
2 what, if I had done three, I would have tripled that.

3 The point with me is -- to Linda's point is a
4 gambler is never happy. And our biggest
5 dissatisfaction -- because most of you -- how many have
6 had your screens busted, monitors, at \$118 apiece? How
7 many get your bill acceptors with the coffee dumped in
8 them because they weren't winning? How many, even more
9 so today, in the last year, you watched your economy go
10 down and your number of plays go through, so you have
11 machines sitting for a day or two, and someone comes in
12 and dumps 2- or \$300 and are frustrated because they're
13 not winning?

14 Well, nobody tells them, "Well, they haven't
15 been played in two days. That's why you're not
16 winning." As to the days when we had people stacked,
17 packed and racked everywhere. Things were moving. It's
18 moving. It's playing.

19 These are the things that we have to deal with
20 on a daily basis and things we have to take into
21 consideration (inaudible). Then there's that viability
22 of the Class IIs. I think, it's been proven in those
23 Class II markets where it's utilized, sometimes the
24 bingo games move faster and pay faster because they
25 eventually equal out as the play increases on those more

1 popular nights, Friday and Saturday night, than during
2 the course of the week.

3 So those are things that we have to take into
4 consideration when doing all of this. And I just wanted
5 to pass that on. Thank you.

6 MS. STEVENS: Yes, Ron.

7 STATEMENT BY RON HARRIS

8 MR. HARRIS: (Inaudible) to follow up
9 (inaudible) which is entertaining displays and the
10 malfunction voids pays and plays and these kind of
11 things, we put ourself with these regulations, as
12 written, in a legal quandary.

13 And since 1996, when you're able to show and
14 replicate that there is a problem, it's not a legal
15 decision, malfunction voids pays and plays, but you
16 still then put the tribe in a position to make a
17 business decision, versus what happens at the MGM and
18 Mirage and Las Vegas casinos. The law is clear. If
19 it's got a software bug, malfunction voids pays and
20 plays regardless of the display. And whatever the
21 player sees, it doesn't matter. There was a glitch, a
22 malfunction voids pays and plays.

23 What these guys do, which our experience is
24 most tribes do as well, is they make a business decision
25 and they say, geez, yeah, you know, we understand you

1 think you should have won \$3,000 and you didn't, because
2 it was letter X pattern, and that plays a hundred
3 credits.

4 But then you get into the decision-making mode
5 of business decision. This is one of your best, most
6 loyal customers, who spends thousands and thousands and
7 thousand of dollars a month there and they have for 15
8 years, you're going to say, you know what, I'm going to
9 give you a \$2500 consolation, here is your free meals,
10 or -- you know, you get into this whole thing how you
11 treat the customer.

12 That is another reason why this can't be
13 handled at a federal level. It's handled by the primary
14 regulator and by the tribe itself, in your operating
15 procedures on how to handle these kinds of things.

16 STATEMENT BY NORM DESROSIERS

17 MR. DESROSIERS: Well, I, of course,
18 respectfully disagree on a couple of points.

19 It is a legal matter. To try to say it isn't
20 is to -- maybe not in some jurisdictions, maybe that
21 tribal regulator on the floor is the ultimate, finished
22 end of end-all be-all of the decision-making, but in
23 many jurisdictions, at least mine, the due process
24 allows a dispute to move on to, at least in my case,
25 tribal court. And I'm sure some may have arbitrations

1 and some may have any number of due-process things.

2 And it becomes a legal issue. And I have to
3 prove my case, and the appellant has the opportunity to
4 prove their case. In this day and age, I've got two
5 cases right now -- not Class II, but people are taking
6 pictures on their cell phones of the display and saying,
7 you know, I should have been paid this. I mean, it's
8 hard to convince a judge, when somebody has got a
9 picture, you know, of what it said and they didn't get
10 paid.

11 So to say this shouldn't be or isn't a legal
12 issue, it is. It very definitely is. And I guess I
13 take issue with the notion that there shouldn't be
14 federal standards on some of these issues. You know, if
15 there isn't, then what does the manufacturer know to
16 build it to, what does the lab know to build it to,
17 unless they're going to 240 different tribal
18 jurisdictions and sorting through 240 sets of individual
19 technical specifications.

20 You know, I mean, certainly in most
21 environments, tribes have the right to exceed the
22 minimums, but I would urge the Commission to consider
23 you know, taking responsibility for setting some
24 standards.

25 MS. STEVENS: Thank you, Norm.

1 Skip.

2 STATEMENT BY SKIP LAMBERT

3 MR. LAMBERT: Let me say that I agree with
4 Norm, in that it is a legal issue. I respectfully
5 disagree as to what that legal issue is.

6 In my mind, the legal issue is this is a Class
7 II game. It is a bingo game. The only reason that
8 legally it can be on my floor is that it's a bingo game.
9 As soon as there's a federal requirement which says that
10 you can use the entertaining display to determine a
11 player dispute on a win-or-loss question, you have now
12 opened up the door to be challenged by DOJ or anybody
13 else to say ah-hah, it's not a bingo game. You didn't
14 award that prize based on the result of the bingo game.
15 You rewarded that prize arbitrarily based on the result
16 of that entertaining display.

17 That's a legal place I don't believe the NIGC
18 should go, for that very reason. These are bingo games.
19 That's why they're legal. And yes, it is a legal
20 question.

21 MS. STEVENS: Thank you, Skip.

22 Do you have other commenters? Are you coming
23 up, Charlie, or --

24 MR. HARRIS: Yes.

25 MS. STEVENS: Okay. Sorry. Wasn't sure if you

1 were just cruising the room.

2 STATEMENT BY RON HARRIS

3 MR. HARRIS: Ron Harris.

4 To make one last comment, actually, I think my
5 position isn't greatly different than Norm's, in that it
6 is -- it can be made a legal issue. But I think our
7 tribe's position has always been it should be a tribal
8 court issue and not a federal court issue.

9 STATEMENT BY CHARLES LOMBARDO

10 MR. LOMBARDO: This is Charlie Lombardo again.
11 I just wanted to kind of give an operator's view.

12 As an operator, if a player won, I wanted to
13 pay him. There is never, ever a reason why we felt that
14 the player had legally won an award that we did not pay
15 them. But you also have to remember as an operator, our
16 job is to protect the assets of the tribe. And if there
17 is a claim on a jackpot that did not win or pay out of
18 any type, then we have procedures to go through, which
19 lets the proper people make those decisions.

20 And Ron was absolutely correct. Many times it
21 becomes the manufacturer's issue and not the operator's
22 issue, because the game malfunctioned. And every game
23 out there, if you go out there and look now, Class II or
24 Class III, they'll all say malfunctions void all pays
25 and plays.

1 They say that for a reason. Because there's a
2 history of people making claims against a casino. And
3 we need to make sure that we're protecting ourselves.
4 That is one piece.

5 The other thing I wanted to kind of touch on,
6 as far as the odds for displays or anything else in a
7 Class III world -- it's also true in a Class II world --
8 that any operator can make a request of I want special
9 odds, I want special displays, I want special features
10 on my game. Because as long as you're willing to pay, a
11 manufacturer will make it, the labs will test it.

12 And as far as having a thousand different
13 projects -- products out there, there is for any one
14 manufacturer too many different customers. While they
15 may look the same, it plays differently.

16 If you go to any of the -- this place we're in,
17 as an example, Harrah's, has their own set of rules and
18 odds and displays that they like to have just for their
19 casino, because they have so many and are so spread out
20 across the country. As long as they're willing to pay
21 for it, the manufacturer will make it.

22 MS. STEVENS: Thank you, Charlie. See what
23 time it is.

24 So we have a flurry of comments on technical
25 standards. Does anyone have any comments right now?

1 What I suggest we do is go ahead and take a
2 break, come back at 3:00 and see if we have any other --
3 anyone has an epiphany during the break, we'll be here
4 to add to the discussion on Class II standards and the
5 list of items that we have up there and give some
6 thought to some questions about how the current
7 standards, as the regulators, have they helped or
8 hindered your ability to regulate those games? How to
9 move forward with advancements in technology.

10 Because, you know, these electronic games
11 evolve rather quickly, the software that's involved with
12 them. Are there other areas up there that we haven't
13 listed that we need to take a look at or that the
14 current standards don't address that they should
15 address? I think we've talked about grandfathering,
16 odds, talked about recall.

17 I don't think there's anything more up there.
18 But if we're missing something, please let us know. Let
19 us know what your experience has been with the current
20 standards as they are. Things to think about during the
21 break. Or if you're not able to stay for future
22 meetings or your future comment to us, if you're
23 providing anything in writing.

24 So think about those things and we'll take a
25 break for about 15 minutes.

1 (Recess)

2 MS. STEVENS: Okay. So it is 3:15. I believe
3 we have a few more folks that wanted to make comment on
4 the technical standards, give some thoughts to the
5 questions that I posed prior to the break, if you would,
6 about is there anything missing from that list, and what
7 has been your experience in dealing with the technical
8 standards as they are now.

9 Yes. Why don't you come right up and have a
10 seat here. You'll probably have to pull the microphone
11 right up to the stand.

12 STATEMENT BY GARY LOEBIG

13 MR LOEBIG: Ms. Chairwoman, I would just like
14 to make a couple of comments on previous testimony on
15 the record. My name is Gary Loebig with Poarch Creek
16 Band.

17 This relates to product. It related to a
18 display. And I would like to make a comment.

19 First of all, any reliance on the entertaining
20 display encourages fraud. As most people in the
21 business know, there's a certain percentage of the
22 players who will take any advantage of the facility. If
23 they understand a facility can be put under pressure
24 because an argument that the display is valid, then they
25 will attempt to put that pressure on the -- by saying

1 that the display -- because they understand sometimes
2 the facility will pay off on a display (inaudible)
3 strong enough, then it encourages them to solicit
4 somebody in the facility themselves to collude with
5 them.

6 They're going to complain about the display.
7 The person that has been brought into their association
8 on this makes a decision very readily, because the
9 facility has been doing that readily, because it's
10 allowed, to go ahead and pay off the player. And so
11 therefore, it kind of opens the door for encouraging the
12 opportunity for fraud.

13 And in my prior life, even on Mega Bingo, which
14 is a very (inaudible) which is a very simple game, we
15 were running a ball draw to generate the outcomes, we
16 had employees from some facilities going to another
17 facility to play the game, in cahoots with a third
18 facility, that actually was generating or playing the
19 game.

20 And so the internal players were actually
21 winning or -- related to the employees of the facility
22 were actually winning the game. And it was through
23 forensics at that time we determined that there was --
24 something was up, and the FBI came in and in fact
25 confirmed that. So it's not something new to have

1 inside complicity with an outside encouragement going in
2 and trying to commit fraud.

3 And so it's important that the players know
4 that the entertainment display is just that, it's an
5 entertainment display. You can run these games, and
6 everybody knows this, without that entertainment
7 display. You put up a giant bingo card and have the
8 same game.

9 But for novice players, it's easy to understand
10 a win if there's three cherries or a four corner win.
11 So if the tribe encourages players that might not play
12 because they don't understand bingo, to come and play
13 the game, because they don't have to know the
14 intricacies of bingo, they know they got three cherries,
15 they have to hit so much, that's a four-corner win.
16 Because the three cherries helps them get there quicker
17 by understanding that. So my point is any reliance on
18 the display encourages fraud because it encourages
19 collusion.

20 Additionally, there's all kinds of
21 recordkeeping issues that -- or it can cause confusion
22 in recordkeeping, because there's all kinds of other
23 variances that you have to capture. And it sets a
24 pattern for allowing that, so it's harder to detect, I
25 think, for the auditors to know they probably

1 (inaudible) this is another malfunction, with -- it's
2 another variance that will allow, because some player
3 complained it was the symbols and not the bingo game.
4 So it becomes a pattern allowing things outside of the
5 rules and variances to occur in the recordkeeping. It
6 just becomes standard.

7 Second thing I would like to comment on is
8 cameras -- requirements of cameras over the devices that
9 the players play on these -- the bingo system is a giant
10 computer system, not unlike the NIGC has in its offices.
11 Each terminal happens to be a giant dauber in this case.
12 The game is never on the terminal. You're using the
13 terminal simply to daub the card.

14 It's an electronic card. All of the data that
15 was tracked and captured, just like your computer system
16 in your offices. You may have some stuff that resides
17 on your desktop, but all of the real data, all of the
18 real information is on your server.

19 Same thing applies to these bingo games. The
20 playing devices that the players are sitting in front of
21 are a convenience to the player to help them to
22 understand the game, and understand if they win or lose,
23 has nothing to do with the game. It's a giant dauber.
24 Requiring cameras on those daubers -- on those daubers,
25 which is what they really are, is tantamount to causing

1 it to require cameras on the bingo players playing bingo
2 paper, for example.

3 I was formerly Multimedia, and Multimedia had a
4 million dollar game called MegaBingo. MegaBingo, one
5 game people -- players were playing for a million
6 dollars. That's a very large prize. They would daub
7 their cards, and you would inspect the cards for
8 alterations, those kinds of things. But we did not have
9 a camera on every player.

10 The same thing applies to these machines. The
11 data is always on the server. That's how you really
12 determine which was the winner, by sending information
13 back to the true card, everything is captured there.
14 You really don't need a camera on every machine. The
15 machines are irrelevant. They're just giant daubers.

16 Thank you.

17 MS. STEVENS: Thank you.

18 Were there other comments?

19 STATEMENT BY CHARLES LOMBARDO

20 MR. LOMBARDO: Thank you. I'm Charlie
21 Lombardo.

22 I just would like to make one general comment
23 on the technical standards. One of the things, when
24 these standards were written, we gave a lot of care to
25 making sure that we were forcing the vendors in the

1 tribes to do things right, to remove the gray-area tag
2 around Class II and make -- and try to observe that
3 nobody was given an opportunity to do something that
4 could be perceived a little bit illegal or a little bit
5 out of the norm.

6 So there's really a lot of thought that went
7 into all of those processes and all of those standards
8 that were written. And I think part of the reason today
9 that we're down to so few vendors is that when this
10 process started, we started to squeeze the so-called
11 gray-area guys out of the business. Because they -- we
12 brought in an awareness to what Class II really was, and
13 you know, forced people out.

14 So I think we've already done a good job of
15 cleaning up and getting things going in the right
16 directions, and these things will only make it better.

17 MS. STEVENS: Thanks, Charlie.

18 Other comments on technical standards? Class
19 II? Okay. Anyone?

20 If not, I think this has been a really healthy
21 discussion this afternoon. And what -- I think what
22 we'll end with is that we are going to be -- we've got a
23 three-week reprieve here before we're on the road again.
24 We'll be out at the Northwest Indian Gaming Conference
25 and Tradeshow at Tulalip July 14th and 15th, which is a

1 Thursday and Friday, at which time we will be discussing
2 all five groups.

3 Does someone have the list? Sorry. It's a
4 lot. So that's the whole sort of buffet of issues that
5 we wanted to bring out on Group Five.

6 I think some interesting things that will come,
7 in addition to the first four groups that we'll be
8 discussing over these past two days, we will be
9 discussing sole-proprietary interests, self-regulation,
10 and what to do about Class III, on how to address Class
11 III.

12 We've heard everybody's position. I'm pretty
13 clear on everybody's position on what -- you know, how
14 Class III minimum internal control standards effects
15 them, who enforces them, how it's written, the
16 enforcement is written into either the compacts. They
17 work with the states. They work with us. Into an
18 ordinance.

19 Part of Group Five is how we proceed forward
20 based on what we've heard thus far. And several
21 meetings from that point on -- (inaudible) sore several
22 meetings thereafter at Tulalip, and it's posted on our
23 website, we will be talking about all five groups for
24 about five or six of the meetings.

25 After that, the following week we'll be in

1 Albuquerque. We'll be back in D.C. at the end of July.
2 We'll also be at the Oklahoma -- in Oklahoma, we'll be
3 talking about all five.

4 Group Five includes -- yeah, I hit them all.
5 What do you know, I remembered? Self-regulation of
6 Class II, and how to address that right now. We only
7 have two tribes that are certified to be self-regulating
8 -- for self-regulation. The concept of sole-proprietary
9 interest regulation, and also how to handle the Class
10 III, minimum internal control standards. That's the
11 whole cornucopia we're going to start talking about over
12 the next two months.

13 What we will be doing, as we have done here
14 today, is breaking out our agenda so everybody has a
15 better idea. It's been brought to our attention that if
16 we put it on our schedule, they have a better idea when
17 they should show up. They don't have to sit through the
18 whole two days painfully on subjects they might not want
19 to hear about, to get their opportunity to speak. If --
20 and some will be doing that.

21 We'll be breaking up the agenda, like we did,
22 and tell you when we are going to be discussing certain
23 groups. And also don't want to have this firehose
24 effect at the beginning of the meeting where you're
25 having to listen to us like Charlie Brown's adults in

1 Charlie Brown. It gets to be too much.

2 So that's going to be the format going forward
3 at those next meetings over the next two months for all
4 of those groups. So we look forward to any attendance
5 you might be able to -- if you can attend, that would be
6 great. We will be having other subjects come up.

7 We will also have more discussion drafts come
8 up on some of the groups that we've covered yesterday,
9 not necessarily today -- maybe today, depending what
10 else we get from the Tribal Gaming Working Group.

11 You will start seeing discussion drafts posted
12 on the website, and we'll circulate those discussion
13 drafts so that, as we get to these next five meetings,
14 we'll have lots to talk about. We'll have actual drafts
15 that we can -- and solicit input from.

16 So that's what is coming up. And I appreciate
17 you all sitting through this with us for two days. Most
18 of the rest of the consultations are two days; are they
19 not? They are two-day gigs. So we'll try to get this
20 information out to all of you well in advance so that
21 you can prepare and make your plans, know when to show
22 up on the areas that you want to talk about or at least
23 sit and listen.

24 And if you have any questions at all, please
25 contact us. We have all of this was information up on

1 the website, all comments are being put on the website,
2 all transcribed notes -- I'm getting really tired --
3 transcriptions are going to be on the website.

4 So again, I appreciate everybody attending. I
5 know many of you came a long ways to attend. And I look
6 forward to seeing you at one, if not more, of the
7 consultations in the future. In the meantime, safe
8 travel home and to be continued.

9 Thank you.

10 (The meeting concluded at 3:30 p.m.)

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IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: _____

JANE BRAMBLETT, RPR
CSR No. 7574

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