

NATIONAL INDIAN GAMING COMMISSION
REGULATORY REVIEW

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San Diego, California
Thursday, April 5, 2012

Reported by:
Claire A. Wanner
CSR No. 12965, RPR

Job No. NJ382668

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Regulatory Review Meeting, at 111 West Harbor Drive, San Diego, California, beginning at 9:21 a.m., and ending at 2:41 p.m. on Thursday, April 5, 2012, before Claire A. Wanner, RPR, Certified Shorthand Reporter, No. 12965.

1 San Diego, California; Thursday, April 5, 2012

2 9:21 a.m.

3
4 MS. STEVENS: As is customary in our
5 consultation, we'd like to turn it over to our host.
6 And in this instance, it is Ernie Stevens, Jr., from the
7 National Gaming Commission to open the meeting with a
8 prayer, if it's appropriate for you, and some welcoming
9 remarks.

10 So, Ernie?

11 MR. STEVENS: Welcome, everybody. I think it's
12 okay to stand. I think that I want to thank everybody
13 for coming here, and, you know, if I get to say the
14 prayer, I might even feel like a preacher for just one
15 second. I've got my brand new suit on this morning. My
16 wife bought me this suit.

17 But I really am excited for what we've done
18 here. And yesterday that listening session, those
19 congressional leaders -- that was awesome. And we got
20 some good points across. And we were so worried about
21 people showing up, and they came. And we had a great
22 message. And so I really want to just take time to
23 thank everybody here before I thank God for helping make
24 this conference successful. So I'll take this time.

25 When I was sitting up there with my good

1 friend, Congressman Issa, he started looking at my
2 stuff. He looked at my phone. And he started to think,
3 is this an Android or something? And he started playing
4 with my phone -- my congressman. I showed him a picture
5 of my grandma. She's 101, and she lives by herself.
6 And my grandson that's here with us -- he's going home
7 this morning -- this one-year-old boy, and he's learned
8 to fist pump. And so I got a picture, just perfect
9 timing. I got it just in time, that he's giving his
10 grandmother Maria a fist pump. So I said, she's 101 and
11 he's one. So it's really a blessing. God is good to
12 all of us.

13 And so we've had a great weekend. I just want
14 to say thank you very much for everybody for all you've
15 done to make it successful, so I'll pray.

16 Grandfather, we want to thank all these
17 beautiful leaders here for allowing me this opportunity
18 to speak with you this morning. And I just want to say
19 thank you so much for bringing these people here to this
20 beautiful place in Indian country we call San Diego,
21 Grandfather, a rich history of relationship here. And
22 this week it's something that's very significant that
23 brings these leaders here safely and successfully to
24 help us do our work. And today, Grandfather, is one of
25 our special times where we complete our work, and we

1 begin our journey back home to our communities. So we
2 ask your blessing this way.

3 I know we have a lot of hard work to do, and I
4 know we have a lot of challenges in our life. And we
5 have a lot of great things, Grandfather, and we thank
6 you for you those as we get ready to do our final piece
7 of energy here this week in San Diego.

8 Grandfather, I just ask you to watch over our
9 communities, our families, our loved ones; and just help
10 us bless Indian country, help us bless America, and this
11 whole world, Grandfather. We just want to do good
12 things on behalf of our communities and our families.
13 So again, we ask your blessings, especially for those
14 people who have economical challenges and physical
15 challenges and struggles in their life. And thank you,
16 Grandfather. We ask you to look out for them first and
17 foremost. So we say thank you here in 2012. We thank
18 you for your great leadership here in San Diego. Thank
19 you.

20 Have a seat, folks. I'll keep talking. I
21 won't talk that long. I wanted to say good morning to
22 everybody. I have a short speech, and I won't -- I'm
23 actually going to ask Jason to say a couple things
24 because we don't want to just boast too much, okay?
25 Because if there's anything that went wrong for any one

1 of you, especially tribal leaders, that guy right there
2 is the one to let know. If we messed up in any way,
3 shape, or form, Jason is right over there. Let him know
4 about it. We had a few of our vendors a little
5 disappointed, but I think we pretty much got everything
6 in place here. We're not perfect, but I think, all in
7 all, this may have been -- and again, I'm not wanting to
8 jump to any conclusions. I told someone yesterday we're
9 coming around third base, and I see the guy coming
10 around third base about to win the game, and he trips
11 and falls almost to home plate. So I'm not saying I've
12 done that, but I'm telling you I've played a lot of
13 baseball in my day.

14 So what we want to do here is we want to make
15 sure that we finish. And I met with my staff this
16 morning, and what we're saying here is we want to
17 finish. And I think that this meeting is really a good,
18 solid finish. So I want to just encourage everybody to
19 have a good day. I'm going to bounce around in and out
20 because I have these awesome grandkids I got to get back
21 to Kansas and Oneida. And so we'll be bouncing around
22 to the airport. And my wife, I'm going to see if I can
23 spend a few minutes with her before we head back. We
24 had a great time. They were at the zoo yesterday, and
25 they attended a couple of events. So we're really

1 excited about what is happening here in San Diego.

2 I think it's important to understand and
3 appreciate that this is a working union. I think today
4 reflects that. So I want to encourage that and say
5 thank you for that because too many of the energies in
6 the past way, you know, long time ago that we get people
7 here that don't go to work. They come to San Diego and
8 they spend time in the Universal Studios and at the
9 beach and do all that, and, you know, we really can't
10 see the beach at nighttime, so we walk up and down the
11 Gaslamp, and we ride in those little carts. So we
12 come -- we came here to work, and the National Gaming
13 Association, today especially, reflects that we're
14 working folks. And so I want to congratulate you. One
15 thing my father always told me, he said, "Boy" -- he
16 always called me "boy," and I'm okay with that. He
17 said, "If you go out there, you work. You get your work
18 done. Don't be a conference Indian." And I'm going to
19 go back to the nursing home, and I got an eagle feather
20 headdress I'm going to put on my dad and say, "Dad,
21 there ain't no more conference Indians" because the
22 majority of us are working and we're getting it done.
23 And the few that spend too much time in the social light
24 or sleep too long, we don't even know they're there
25 because they're the minority. They're all by

1 themselves. We're workers. We get up early. If we
2 want to have fun, we save it for the evening time. Some
3 of us can get away with a little less sleep than others.
4 I'm not sure how that works. But at any rate, we're
5 here to work.

6 I think today was a -- and I want to just say
7 thank you to the commission because there's a little bit
8 of taking a chance on having a meeting on Thursday.
9 Because, I mean, who wants to sit in a meeting on
10 Thursday after you've been working all week? These
11 regulators do. They have a long history of tradition of
12 standing strong for Indian country, and I'm really
13 excited. I was just nervous. But as I counted
14 everyone -- I didn't count them, but I watched everybody
15 come up the elevator. I said, "We're going to have a
16 turn out here," and I think that's awesome. So I'm like
17 a little kid. I'm counting the numbers. I want to do
18 good. And this is what keeps me -- gets me around
19 third, gets into home plate to end this conference.
20 Even though it's the commission's work, this is what
21 makes 2012 a success; that these folks are here; the
22 regulators are here; the leaders are here; the
23 commission is here. So I want to say thank you. I was
24 nervous about this, but I'm very excited.

25 5500 attendees. But my guy -- I want to call

1 him "my guy" -- Executive Director Jason Giles is a
2 stickler. So he says, "We want to see 1500. That's our
3 estimate. But I'm counting numbers, and the number I
4 pay attention to is paid attendees." He told me that
5 this morning. So I think he's telling me, "Don't
6 celebrate too long, okay?" All right. And my boss is
7 over there looking at his watch, so I'll get to the
8 business at hand here.

9 I just want to thank you -- everybody. We
10 have -- we're going to hit the ground running on this
11 dialogue. That first page took a long time, but I'll
12 get through this next one.

13 I want to -- you know, probably the tough part
14 I'll say right off the bat -- Chairmember Stevens, we
15 did pass a resolution. And our people -- you know,
16 we're encouraged to analyze that. I think everybody has
17 talked about it, and we have all talked about it. We
18 bring that to you with complete respect, and we promise
19 to be assertive and respectful. And we may have a
20 little issue, a little concern. I encourage the
21 commission to be patient with us. I encourage our
22 leadership, who will represent us to be assertive about
23 it, and I think we can get through it. And so, you
24 know, it's easy. I'm going to run off to the airport,
25 but I'll come back.

1 But I think that, you know, we take our job
2 serious and the leadership that's spoken. And I think
3 I've spoken with Chairwoman Stevens and her invitation
4 to come up and have this dialogue. And we have an
5 excellent dialogue. And the bottom line is, I stand
6 firmly behind the leadership. I think the commission
7 supports the leadership, at least find that common
8 ground in the middle there so we can get our work done.

9 And then, I also want to just say that we'll
10 hit the ground running. Just squeezing some Internet
11 here because I know that you guys will be comfortable
12 and ready to regulate that, starting tomorrow. And they
13 said yesterday -- and I'm a little nervous about this --
14 but they said maybe there's not -- you know, it's not
15 imminent. The sky is not falling. But Washington D.C.
16 -- stranger things have happened. So we are ready on
17 this Internet discussion, and we will be ready to deal
18 with this. And so we take it very seriously.

19 So even though some folks said relax, you know,
20 it's not going anyplace, I think that's the wrong
21 message for us. Now, the message we get from our
22 leaders, we respect that, but I don't think we can
23 afford to drop our guard. So I'm not taking issue with
24 what they said, certainly not. But I'm saying we will
25 keep our guard up, and we'll keep meeting. We'll meet

1 at Great Plains, we'll meet at NCAI, and we'll meet in
2 July. Those are our three meetings for the Internet
3 gaming and relevant committee. So we always schedule
4 those, and we're going right to work on those. So I
5 think that's pretty much what I have.

6 We have our first commissioner training coming
7 up in June at Laguna, so we're just rolling. And I will
8 conclude. My boss over there wants me to conclude.
9 He's not even listening to me anymore. But I will
10 conclude by saying "thank you." You folks, the
11 commission, the regulators, the tribal leaders, the
12 staffers, the investigators, the auditors -- you guys
13 make this world go round. You are the reason I can
14 stand up to -- I don't stand up to Senator McCain to be
15 much, but I, at least, pretend to, and I'm respectful to
16 him. And when it comes to tribes, I tell them, you can
17 tell me all you want about your -- all your folks. But
18 the bottom line is we are responsible to our
19 communities. We are responsible to tribal government
20 and to the people that they represent. And we're
21 excited about what we're doing on their behalf. So
22 that's the people I'm responsible to. And I did tell
23 Senator McCain that, and I'll tell anybody else that.
24 We have a lot of work to do. And it's not about
25 anything more than protecting the integrity of our

1 community and our operations in Indian country. That's
2 what we're about, and that's what we're doing.

3 I think that, again, in my final conclusion,
4 we're going to do proud here this week. Let's focus
5 here and do great things today. I think that some of
6 the stuff isn't easy, but as long as we're patient and
7 respectful, we can get it done. We can make our points.

8 So thank you everybody for your time this
9 morning, and good luck in today's meeting.

10 MS. STEVENS: I just want to say, normally,
11 what we would do is introductions, and we'll do that in
12 a moment, if that's okay with everybody. We'll
13 introduce tribal leaders. But I know that we have a
14 couple of tribal leaders here who, like Ernie, have to
15 run off to the airport and wanted to say something today
16 before they left.

17 So begging everybody's kindness here, I'd like
18 to see if Chairman Abramson and Council Member Bean had
19 anything that they wanted to say today before they had
20 to leave.

21 MR. ABRAMSON: Thank you, Chairwoman Stevens.
22 Thank you, Ernie, for your speech there at the
23 beginning. I apologize because I have to get people to
24 the airport also. And one thing that the Spokane tribe
25 does is we do appreciate the commission, especially

1 Chairwoman Stevens' leadership. And Dan and Stephanie,
2 you guys are doing a great job. And what it is is the
3 tribal leader, you respect that when you guys work with
4 the tribes instead of trying to constantly butt heads.
5 We've gone through that for quite sometime, and it's a
6 lot more better and more respectful and better to work
7 things out.

8 We very much -- like I said, we respect Spokane
9 tribe has comments. I won't take up much of your time.
10 We turned our comments in. I think my chairman
11 commission turned it in earlier there, so we're taken
12 care of. But we just want to give our appreciation
13 because it's nice to be able to have a commission that
14 works with the tribes, instead of against the tribe that
15 we have to defend or butt heads against. So we
16 appreciate that. Thank you.

17 MR. BEAN: I wanted to say thank you to
18 Chairwoman Stevens for having us share a few words. I
19 do apologize for have having to leave early, and I
20 typically will stand down and wait for elders to speak,
21 but thank you for giving me this time.

22 I just have a quick comment. We strongly
23 support the process of regulatory view that you've
24 undertaken in the past 12 months and maintained a level
25 of consistency and transparency that's previously

1 unheard of. You should be commended for that. Class II
2 gaming is the foundation of Indian gaming, and we
3 appreciate that commitment to follow through on the
4 promise. Though we may occasionally disagree on
5 substance throughout the development regulations, the
6 tribe understands we must have the flexibility for
7 advancement technology and needs of the gaming
8 operation. We do not envy you on this task, but we have
9 confidence that you will weigh these concerns and
10 develop regulations which will include the current
11 regulatory framework.

12 And just one last time, from the very
13 beginning, you told us what you were going to do.
14 You've gone out and done it. And you know, you've
15 listened to us and given us this opportunity to sit here
16 at the table and be a part of that changes. So for
17 that, we raise our hands to each and every one of you
18 for the work you've done. So we thank you.

19 MS. STEVENS: Thank you, David. So at this
20 time, safe travels to both of you.

21 Following along on the agenda, what we'd like
22 to do now is, we generally have our tribal leaders at
23 the table. If we have tribal leaders that are in the
24 audience -- okay. And everyone has signed in, correct?
25 So what we'll do is we'll go around and introduce the

1 tribal leaders that are here. And, Eric, if I can just
2 have you get ready. And we'll start down here on the
3 right. If you can introduce yourself, tell us your name
4 and which tribe you're with.

5 MR. SIMMONS: My name is Brad Simmons. I'm the
6 commission chairperson for the Nottawaseppi Huron Band
7 of Indians.

8 MR. GOMEZ: Good morning. My name is Floyd
9 Gomez, and I'm the tribal secretary for Pueblo of Taos.

10 MR. LUJAN: Good morning. My name is
11 Lawrence Lujan. I'm the commissioner for the
12 Pueblo of Taos.

13 MS. CROSS: Good morning. My name is
14 Virginia Cross. I'm chairwoman of the Muckleshoot
15 Indian Tribe in Washington State.

16 MR. QUIS QUIS: Good morning. My name is
17 Justin Quis Quis. I'm chairman for the San Pasqual
18 Gaming Commission, located just north, about an hour
19 from here.

20 MR. JAEGER: Good morning. My name is
21 Ron Jaeger. I'm the commission chair for the United
22 Auburn Tribe in Sacramento.

23 MR. HOPKINS: Morning, everyone.
24 Harvey Hopkins, chairman of the Dry Creek Rancheria.

25 MR. MAGEE: Good morning. My name is

1 John Magee. I'm the commissioner of the Pechanga Indian
2 Tribe.

3 MR. MALATARE: Good morning. I'm Jim Malatare,
4 tribal council for the Confederated Salish and Kootenai
5 tribes in Montana.

6 MR. MATHIAS: Good morning, everybody. My name
7 is Reuben Mathias. I'm from the Confederated Salish and
8 Kootenai Tribes. I'm the tribal secretary and council
9 member.

10 MR. MAGEE: Good morning. Raymond MaGee,
11 chairman, Cahuilla Band.

12 MR. SMALL: Good morning. My name is
13 Nathan Small. Chairman of the business council from the
14 Shoshone-Bannock Tribe in Idaho.

15 MS. STEVENS: Thank you. Could we have other
16 tribal leaders that are here or elected officials?

17 UNIDENTIFIED SPEAKER: My vice chair is here
18 also, Sofia.

19 MS. STEVENS: You're putting her on the spot.

20 MR. CUTHAIR: Harold Cuthair from the Ute
21 Mountain Ute Tribe.

22 MS. COODY: Lottie Coody, Chief Gaming
23 Regulator for Seminole Nation of Oklahoma.

24 MS. STEVENS: Okay. Thank you.

25 So again, we want to welcome everybody. We

1 appreciate everyone's patience. We knew that we would
2 have a number of people coming in. We also realize it's
3 a long walk, either inside the convention center or
4 getting to the convention center. So we wanted to make
5 sure we had as many people here as possible.

6 I want to go ahead and start to my left here
7 with the commissions and have them introduce themselves,
8 and then I'll have our staff introduce themselves.

9 MS. COCHRAN: Good morning. My name is
10 Stefani Cochran. I'm the vice chairman of the National
11 Gaming Commission. I am a member of the Sioux Nation
12 from Oklahoma, and it's nice to see everybody join us.

13 MR. LITTLE: Hi. Good morning, everyone. My
14 name is Dan Little. I'm the associate commissioner with
15 the NIGC. I want to, first of all, welcome everybody
16 here this morning. I want to congratulate the National
17 Gaming Association for a very successful convention.
18 And I also want to thank all the tribal leaders and
19 commissioners and representatives that I had the
20 opportunity to meet this week. I appreciate you in many
21 instances coming up and introducing yourself, and I did
22 really appreciate that. I just want to thank you all,
23 and I look forward to hearing your comments today.

24 MS. STEVENS: Okay. We'll start from our left
25 here. Nimish, maybe you can start down there and

1 introduce yourself.

2 MR. PUROHUIT: I'm Nimish Purohuit. I'm the
3 gaming technology liaison and the acting director of
4 training and technical assistance for the commission.

5 MS. HOULE: Good morning. I'm Dawn Houle.
6 Chippewa Creed, and I'm the deputy chief of staff.

7 MS. MURRAY: Good morning. My name is
8 Sarah Murray. I'm a member of Cheyenne River Sioux
9 Tribe in South Dakota.

10 MR. MEYERS: Good morning. My name is Paxton
11 Meyers. I'm a member of the Eastern Band of Cherokee
12 Indians from North Carolina. I'm the chief of staff for
13 the National Gaming Commission.

14 MR. ROBERTS: Good morning, everyone. My name
15 is Larry Roberts. I'm general counsel, and I'm a member
16 of the United Nation of Wisconsin.

17 MS. WARD: Good morning. I'm Jennifer Ward,
18 and I'm the attorney with the Office of General Counsel.

19 MR. HOENIG: I'm Michael Hoening. I'm also an
20 attorney with the Office of General Counsel.

21 MR. WEST: Good morning. I'm Rest West. I'm a
22 senior auditor with the audit group for the NIGC.

23 MS. STEVENS: Also want to acknowledge if
24 you're all from Southern California, you know
25 Eric Schalansky. He's our regional director for the

1 Sacramento office. Many of you have seen the staff out
2 front, Kimberly Kuhn and Frank Hernandez. Without their
3 help, we could not have had this organized as well as it
4 is. So I applaud the staff's effort in preparing
5 materials, getting this meeting ready, and greeting
6 everyone this morning.

7 My name is Traci Stevens. I'm a member of the
8 Tulalip Tribes of Washington State, and I'm the
9 chairwoman of the NIGC. Again, I welcome everybody. I
10 appreciate your patience. If you look at your agenda,
11 you know, in a proper way, we do our introductions of
12 people that are here. But we also understand, as was
13 the case for the chairman of the Spokane Tribe and
14 council member, that you have very busy schedules, and
15 we have periods of time throughout the day -- or at any
16 time -- for anyone to make comments on the record,
17 whether it's a subject we're speaking to at the time or
18 not. We realize that you have a number of issues that
19 you deal with or just travel plans. So before we begin
20 in using the PowerPoint, we will open the floor to
21 general opening statements by any of the tribal leaders.

22 And as council member from Gallop observed, we
23 defer to tribal leadership first, or to whom they
24 delegate speaking on their behalf first, and then go
25 beyond that to staff or others who have interests here

1 on the subject matter.

2 And I think it's worth noting, as we move
3 along, that, one, we appreciate the National Indian
4 Gaming Association's accommodation here in working with
5 us. I know it's tough to stay another day when you've
6 been here five or six days already, so we appreciate
7 everyone staying. But, you know, it's not always
8 convenient that we do this on Thursday.

9 As I was speaking to Ernie and Jason, I thanked
10 them because they made room for us. And we make a
11 concerted effort not to interfere with the conferences.
12 We have to deal with a number of conferences, and we
13 bring consultations either out to Indian country or to
14 widely attended tribal gatherings, such as this. And we
15 don't want tribal leaders and their staff to have to
16 decide whether they're going to attend the conference
17 that they paid to attend or come do consultation. So we
18 usually tag onto the beginning or the end of the
19 conference so that doesn't happen. So you have been
20 really great coordinating with us this meeting, and we
21 appreciate your staying together today so that you
22 attend.

23 But also, the purpose of this meeting, so that
24 we can hear as much from Indian country as we can. Some
25 of the subject matter we're going to discuss today will

1 be with regard to regulations that were formed in draft
2 with the recommendation of the tribal advisory
3 committee, and they did a really great job and were
4 timely. And we really appreciate everything that they
5 did, and we also realize that it is our duty to address
6 all of Indian country who may be affected or tribes that
7 may be affected by these regulations.

8 And I appreciate you all coming here today
9 because, while the advisory committee was extremely
10 helpful, I think many of you would agree that 15 tribes
11 does not speak for your tribe. And so we want to garner
12 as many comments as we can today, and if not today,
13 during the written submission portion of this informal
14 discussion draft period.

15 So with that, I do want to open the floor. The
16 meeting agenda is pretty well spelled out on what we're
17 going to talk about. But I do want to open the floor in
18 case anyone has to leave shortly to make any statements
19 or comments today.

20 Just please do know that, if not now, later you
21 need to depart and there's something you wish to say
22 that may be in order or out of order on the agenda, the
23 tribal leaders are certainly welcome to do that at any
24 time.

25 With that, I'll turn this over to Jen, who's

1 going to go through this PowerPoint, which is also in
2 your book. The first thing we're going to talk about
3 the Part 542, Minimum Internal Control Standards.

4 So, Jen?

5 MS. WARD: Thank you. We're going to start
6 first with a couple notes on consultation to set the
7 groundwork. This is a reminder that tribal consultation
8 meetings are between tribal governments and the federal
9 government. And only tribes or their designees can
10 attend and participate in these meetings. They are not
11 open to the public.

12 We're doing consultation under Executive Order
13 13175, Consultation and Coordination with Indian Tribal
14 Governments. Under Section 3, Policymaking Criteria,
15 the order says: "When undertaking to formulate and
16 implement policies that have tribal implications,
17 agencies shall: Encourage tribes to develop their own
18 policies to achieve the program objectives; where
19 possible, defer to Indian tribes to establish standards;
20 and in determining whether to establish federal
21 standards, consult with tribal officials as to the need
22 for federal standards and any alternatives that would
23 limit the scope of federal standards or otherwise
24 preserve the prerogatives and authority of Indian
25 tribes."

1 The commission too is committed to a clear and
2 transparent process. All consultations are transcribed.
3 Our transcriptionist today is Claire. She's over by the
4 PowerPoint. And we ask today that as we speak, please
5 enunciate clearly, state your name, and speak slowly so
6 that she can get it for the record.

7 Written comments and transcripts are posted on
8 the NIGC Web site. Every comment will be reviewed and
9 considered, and any proposed or final rule will include
10 a summary of comments.

11 The agenda today is to discuss Part 542, the
12 minimum internal control standards for Class III gaming,
13 and then move on to Part 547, the minimum technical
14 standards for gaming equipment used with the play of
15 Class II games, and Part 543, the MICS for Class II
16 gaming.

17 And with that, let's move right into the
18 Class III MICS. We know that 24 states have
19 tribal-state compacts for Class III gaming. Of those,
20 15 of the states have compacts that require and
21 establish comprehensive MICS for Class III gaming that
22 are similar to or more stringent than 25 CFR 542. And
23 the record is approximately 82.3 percent of tribal
24 gaming revenue.

25 Six of these states have compacts that either

1 require tribes to establish internal control standards
2 or set forth the standard for discrete areas. Three of
3 the states have compacts that do not expressly address
4 Class III MICS. But for each of those nine states, it
5 appears that every tribe has adopted comprehensive
6 internal controls similar to or more stringent than the
7 NIGC Class III MICS.

8 Since CRIT, NIGC has performed 41 audits of
9 Class III MICS operations. Twelve of these were full
10 audits for tribes with secretarial procedures, tribes
11 that incorporated NIGC MICS into their ordinances, or
12 tribes who specifically requested it. Twenty-nine of
13 those audits were California abbreviated audits. NIGC
14 has never issued a violation for failure to comply with
15 the MICS.

16 Since we started the notice of inquiry in the
17 regulation review process, we've heard several comments
18 from tribes. Many support the idea of issuing Class III
19 MICS in some form of guidance.

20 Some commentators insist that the MICS are
21 already guidance as a result of CRIT and should be
22 updated and maintained in the CFR.

23 Some commentators object to NIGC using fees to
24 update the MICS, even if they are published merely as
25 guidelines.

1 Some suggest that tribes who have incorporated
2 NIGC MICS into their ordinances should pay an additional
3 fee for NIGC to exercise MICS oversight authority.

4 Some suggest that NIGC should maintain Part 542
5 and convene an advisory committee to update the current
6 regulation.

7 And others suggest that we should repeal
8 Part 542 entirely.

9 And at this point we'd like to hear from all of
10 you.

11 MS. STEVENS: Thank you, Jen. We wanted to
12 resume speaking on this subject. We realize that many
13 tribes have found the Class III, Part 542, helpful as an
14 industry standard. And as Jen demonstrated here, you
15 know, the word varies. That part of the regulations and
16 how it affects tribes varies across the country. And
17 we're wanting to hear from you on some of these
18 suggestions, how that might work for you and what might
19 work for your tribe specifically.

20 I can throw some questions out there too. You
21 know, in speaking of guidance, you know, something to
22 consider, whether you discuss this with us today or
23 something you can take back and discuss with your tribe
24 and your tribe representatives with regard to guidance
25 of this issue, what kind of form should it take -- you

1 know, bulletins? How else would that work with regard
2 to guidance? Should that guidance be part of our
3 training and technical assistance? Something to
4 consider, if we don't have comments here today on this
5 subject -- to consider and bring this back around
6 through some submissions to us would be helpful.

7 Do the other commissioners have any comments
8 they want to make on Class III?

9 We recognize that -- right over here.

10 MS. CROSS: My name is Virginia Cross from
11 Muckleshoot Tribe. Thanks, Chairwoman Stevens.

12 As you know, we have bingo and casino at
13 Muckleshoot. We have 300 machines plus two machines at
14 the bingo hall, as well as, you know -- but at the
15 casino we have 31 Class II machines.

16 Our tribe has taken a position that we would
17 prefer guidelines instead of regulations because it's,
18 you know -- where the casino has 31 and bingo has 3300,
19 it's difficult to regulate those quantities because of
20 the difference in the machines that they have. But you
21 know, we can work with anything that you've done. I
22 think that I'd like to say, too, that I think that
23 you've done a great job since you've gotten the
24 position, and we're hearing more comments and need more
25 information, so thank you very much.

1 MS. STEVENS: Thank you, Chairwoman. The
2 chairwoman is from my neck of the woods, and so thank
3 you for those good words.

4 Yes, over here?

5 MR. GOMEZ: Thank you, Chairwoman. My name
6 Floyd Gomez. I'm from Pueblo of Taos, tribal secretary
7 over there.

8 The fees that the tribe pay -- is there any
9 kind of reporting back to the tribes as far as how the
10 money is spent?

11 MS. STEVENS: He's asking is there reporting on
12 how the money is spent. So when we collect the fees,
13 how do we spend that?

14 I think that's an objective of ours to create a
15 transparent budget process. We've -- do you want to?

16 MR. LITTLE: As part of our agency operations'
17 priority, I know that the chair has spelled out our
18 priorities, you know, consistently and constantly to the
19 point where you might be tired of it. But that is one
20 of our long-term goals, you know, actually developing
21 our entire budgeting process so that there is clear
22 transparency.

23 We recognize that this agency is funded
24 100 percent by the revenues that you all provide. We
25 want to be very considerate to those fees and use them

1 responsibly. So one of our goals is to eventually be
2 able to publish our budget online so you have a clear
3 understanding of where we're spending our money.

4 Now, was your question specifically towards the
5 resources we were using to do the Class III audits or --

6 MR. GOMEZ: I think the question is more
7 specific toward the tribes that pay the fee to the NIGC
8 for creating this type of -- anything in general.

9 MR. LITTLE: That's the long-term goal. It's
10 always good to hear reminders. So hopefully, we'll be
11 able to report back to you.

12 MR. GOMEZ: So there's progress happening.
13 What kind of timeline are we looking at before that
14 appears on any Web site?

15 MR. LITTLE: Well, I can just send this down
16 the aisle here to the chief of staff. But without
17 putting him on the spot, we've been going through,
18 making some progress on long-term changes we're making
19 at NIGC as far as budget. And one of the key points is
20 hiring a director of appliance division. Currently,
21 we're developing the position now, and we'll be
22 advertising that soon; and once that person gets in that
23 position, that's going to be their major responsibility.

24 MR. GOMEZ: Thank you.

25 MS. STEVENS: I do want to add that, you know,

1 many of us have come from working for tribal governments
2 and have been in charge of budgets and participated. I
3 know I have. I know Stephanie has worked at a tribal
4 government. And I'm accustomed to having to stand before
5 my council and tell them about either the casino's
6 budget, it's projections, it's revenue, it's expenses,
7 and answers for that. You know, not just a casino, but
8 for departments I was in charge of at the tribe and
9 having a very clear breakdown of line item numbers.

10 NIGC is an independently funded agency. And
11 that means that we're not part of the max system and OMP
12 budgeting process in the same way that the BIA or IHS
13 would be. And so when we came into the positions that
14 we're in now, one of the first things we looked at is
15 what is the budget structure. Because we're all
16 accustomed to saying, "Where's the money? How is it
17 being allocated? How is it being protected? How are we
18 justifying it? How are we taking requests?"

19 And it turns out there's a lot of work we need
20 to do. And we've actually made some progress in getting
21 a bit more specificity on how the money is spent and
22 putting a structure in place, you know, without that
23 being a part of the normal budget system, basically, and
24 government coming up with something that works that's
25 within the guidelines of software that's principal in

1 the federal government.

2 So we will get that done. And I mean, we're
3 shooting for the next, I think, budget cycle, and we
4 have staff working on creating a system that's clear.
5 We don't want to put something out there that's muddled,
6 but we have made progress in sorting out how the money
7 is spent than when we first arrived. So we will do
8 that, and I appreciate you're asking us that.

9 Yes, sir?

10 MR. QUIS QUIS: Good morning.

11 Justin Quis Quis, Chairman, San Pasqual Gaming
12 Commission. Good morning. Nice to see the commission
13 again.

14 Just, I guess, I want to say for the record
15 that, you know, San Pasqual has been in that. We've had
16 a good relationship with NIGC, and we still use
17 guidance. And merely as a guidance -- I mean, our tech
18 system is a go above and beyond. We've recently updated
19 that. I guess, basically, what I want to say for the
20 record, we fall under the first bullet point there, as
21 far as using it as a guidance. We're considering --
22 we're working on our ordinance right now and considering
23 doing what I once called a "carve out," including those
24 in the ordinance still under discussion with the rest of
25 our commission and, obviously, need a blessing of the

1 council. So I don't want to speak too far ahead and put
2 my foot in my mouth too quickly. But I wanted to state
3 that for the record.

4 MS. STEVENS: Yes. Over here. John?

5 MR. MAGEE: John Magee, Pechanga Band
6 Reservation.

7 You know, to us, I believe 543 is pretty clear.
8 Not -- I'm sorry 542 -- and I think in the backdrop of
9 the correct decision. I believe that we kept 542 as a
10 guidance document and not as a regulation. I think that
11 would be more preferable for us.

12 And then I would also state that we will
13 reserve comment and probably put this in writing to you.

14 MS. STEVENS: Thank you. Yes, ma'am?

15 MS. SULLIVAN: Good morning, Chairwoman
16 Stevens. I'm Jan Sullivan. I'm the executive director
17 of the tribal gaming commission for the Cabazon Band.
18 Thank you for hosting this consultation today.

19 One thing that I would like to ask is, at last
20 night's discussion with the congressmen and with
21 gentlemen that were here, there was much discussion of
22 the NIGC playing a regulatory role if the Internet
23 gaming is proposed or passed or any other type of
24 legislation. How do you envision that moving forward,
25 and have there been any comments or work done on that?

1 MS. STEVENS: Thank you for your question.
2 Although it's not a subject that we were scheduled to
3 discuss today, I will let you know what our position and
4 our public position has been in the past and at previous
5 hearings held.

6 The administration hasn't taken a position on
7 Internet gaming at this time, and that includes the
8 NIGC. There is no language out there. It's in the
9 abstract. So we don't have anything to look at to make
10 any remarks to.

11 Although we've been pretty consistent and I'm
12 looking at Larry about -- you know, we're just as
13 equipped as any other federal agency to regulate that,
14 you know, should the body that's, you know, Congress
15 still wish to pass legislation. But right now, because
16 there's no legislation that mentions the NIGC, it's hard
17 for us to discuss in the abstract. Just what's out
18 there doesn't talk to the NIGC at all. If it comes up,
19 we'll have more to say.

20 UNIDENTIFIED SPEAKER: Chairman?

21 MS. STEVENS: Yes.

22 UNIDENTIFIED SPEAKER: Chairwoman Stevens,
23 thank you for hosting us today. I just have two
24 questions, and it does involve travel for us today. And
25 we were wondering if you were going to have anymore of

1 the Class III 542 on the agenda for the rest of the day,
2 or was it all going to be taken care of this morning?

3 MS. STEVENS: As has been customary, if you can
4 talk about what you have time for at the time that
5 you're here. So if you have somebody that you're
6 waiting for that may be coming later to discuss it, we
7 can certainly make time for you to make comments or ask
8 those questions. So we do try to stay with the agenda,
9 but that doesn't rule out discussing it again if we have
10 some other people here that may not be here right now.

11 UNIDENTIFIED SPEAKER: Thank you. And another
12 question. Are we going to have another tribal
13 consultation sometime in the future?

14 MS. STEVENS: We'll continue as we move
15 forward. You know, we did put the Class III discussion
16 on the back burner while we moved forward with Class II
17 issues and then brought this one back up front. So
18 we'll continue to talk about this as we move forward and
19 in these settings with Part 543 and 547 as we move
20 forward in drafting with that.

21 So we'll continue, yes, to include Class III
22 MICS in the discussions, moving forward in our
23 consultations in the next several months.

24 UNIDENTIFIED SPEAKER: Thank you.

25 THE ARBITRATOR: And we do try to give enough

1 advance notice when we give a consultation. We try to
2 give 30 days when we do more. We try to advise tribes
3 in advance when we're going to do consultation of where
4 we're going to be and what we're going to talk about.

5 Over here?

6 MR. SMALL: Good morning. My name is
7 Nathan Small, Chairman, Shoshone-Bannock Tribe.

8 First, I'd like to thank the commission and
9 some of the staff here when we were trying to get our
10 loan for the hotel event center. You guys put a fast
11 track on that so that we could secure that loan. So
12 thank you for doing that for us. And we're moving along
13 on that.

14 But I think that the Shoshone-Bannock Tribe
15 would support either bulletins or guidelines in all
16 regulations concerning the Class III MICS. A lot of
17 times I think that the -- a lot of the internal controls
18 are between the states and tribes and probably should be
19 left that way. But I don't mind any bulletins or
20 guidelines from the National Gaming Commission to set
21 forth and give us some guidelines, rather than
22 regulations. We would support that, that part there.
23 Thank you.

24 MS. STEVENS: Thank you. And I do appreciate
25 you giving acknowledgment and, really, kudos to not

1 necessarily -- just so you know -- the commission, and
2 the staff, everybody that's sitting here, and everybody
3 who you can't see, who are either in our field offices
4 or at our headquarters, both at our management contract
5 division and especially our general counsel's office --
6 for the turnaround time as what you're referring to as a
7 declination letter regarding financial agreements. And
8 I want to thank all the tribes who do contact us in
9 advance or while you were negotiating with your lenders,
10 so that if you are going to ask for, you know, a
11 declination letter, we can work with you and try to meet
12 your timelines.

13 We understand that in your dealings with your
14 lenders, time is of the essence. And so I'm sure that
15 Sho-Ban did coordinate well with our general counsel's
16 office so that we can get good turnaround time, and I'm
17 glad it did work out. So thank you, really, for our
18 staff here, giving praise to them because they deserve
19 it.

20 MR. SMALL: Just from Mr. Small to Mr. Little,
21 thanks a lot.

22 MR. LITTLE: Not the first time I've heard that
23 one.

24 MR. SMALL: Might not be the last.

25 MS. STEVENS: Do we have other comments on

1 Class III?

2 MR. HOPKINS: Again, the declaration, the
3 letter, the tribe struggled to get that loan approved.
4 I want to thank your staff.

5 Also, I want to say that we at Dry Creek have a
6 turnover on our gaming commission counseling, so it may
7 be necessary to have something, guidelines. And I think
8 that our gaming commission is more than -- you know,
9 what you constantly do. So I think this is -- would be
10 a minimum for us. We constantly go a little overboard,
11 but that would be what we do.

12 MS. STEVENS: Thank you.

13 I do just want to note that with any of the --
14 you know, whether it's guidance with this or when we're
15 doing final rules, like we have recently on feeds, our
16 staff is in the process of developing guidance for any
17 modifications to the regulations that are made by the
18 commission. So that when we make these changes, we'll
19 have folks from our field office or from our
20 headquarters out working with tribes to help implement
21 the training or staff, if necessary, if you feel like
22 you need it. So we do get a lot of requests for
23 training and technical assistance from tribes and
24 actually have had an uptake in those requests, as Nimish
25 knows well.

1 And you can count on us, whether it's with this
2 or any of the relations. You will see guidance that
3 comes out. And after that, we will be offering training
4 and technical assistance for those changes.

5 So it's, you know, in -- just so you know,
6 we're thinking about all the steps that come out of any
7 changes that we make so that we can work together with
8 tribes to implement those changes. So just so you know
9 that going -- if you're wondering what's going to happen
10 after any final rules, that's what we're working on
11 right now, like with the fees. We're doing that right
12 now. So just so you know.

13 Others on Class III? And I want to -- the
14 other commissioners here, am I missing something or
15 anything you want to add?

16 Okay. My next question to the group is,
17 although we did get started late, the next section is
18 going to be on 547 technical standards. We're scheduled
19 for a break in 15 minutes. Would you prefer to break
20 now or take a break a little bit later? Now? Okay. So
21 15 minutes. We'll come right back, and we'll go through
22 until noon, and we'll break for lunch.

23 (A brief recess was taken.)

24 MS. STEVENS: Okay. Let's go ahead and get
25 started again. So we'll go through the next part of the

1 agenda, which is Part 547.

2 But because Dan has been heading up this
3 effort, we'll turn it over to Dan and also his staff to
4 go through the next sections of the PowerPoint.

5 UNIDENTIFIED SPEAKER: There is a comment.

6 MS. STEVENS: Can you pull the microphone
7 closer?

8 MS. WARD: And for the record, can you give
9 your name and the tribe you're representing.

10 MS. STEVENS: Pull the microphone right up.

11 UNIDENTIFIED SPEAKER: I want to read some
12 comments from the governor of tribes on concern of MICS
13 of Class III.

14 "Chairwoman Stevens: Thank you for continuing
15 your review of the National Indian Gaming Commission
16 regulations by soliciting comments to 25 CFR, Part 542,
17 and to the preliminary draft changes to 25 CFR, Parts
18 543 and 547, from tribes, in furtherance of NIGC's
19 commitment to adhering to Presidential Executive Order
20 No. 13175. In response, the Cheyenne and Arapaho Tribes
21 of Oklahoma hereby submit the following comments and
22 recommendations.

23 "25 CFR, Part 542, Minimum Internal Control
24 Standards: As stated in our previous submissions to the
25 NIGC, the Tribes oppose any attempt by the NIGC to

1 regulate Class III gaming, pursuant to Section 2710(d)
2 of the Indian Gaming Regulatory Act and the decision in
3 Colorado River Indian Tribes v. NIGC. The regulation of
4 Class III gaming is left to the province of tribal-state
5 gaming compacts negotiated and entered into between
6 Tribal and State governments. The NIGC does not have
7 jurisdiction over Class III gaming. Thus, the Class III
8 MICS should be withdrawn from the regulations.

9 "The authority of NIGC is clearly defined by
10 the IGRA and the subsequent CRIT decision; the NIGC does
11 not have the authority to either promulgate Class III
12 regulations or to enforce those regulations. While some
13 tribes, including ours, have entered into tribal-state
14 compacts, which include the NIGC's Class III MICS, we
15 did so through negotiations with the State and not
16 because of any authority of the NIGC. We, along with
17 other tribes, can amend our compacts to include our own
18 standards, adopt another jurisdiction's standards, or
19 defer to some type of industry-wide standards. As
20 Chairwoman Stevens testified before Congress, a
21 regulatory void does not exist for the NIGC to fill with
22 the promulgation of Class III MICS.

23 "The Tribes propose that the NIGC establish a
24 clear date to withdraw the NIGC Class III MICS from its
25 body of regulations, notices and bulletins. The

1 withdrawal of the Class III MICS will not have a
2 detrimental impact on those tribes whose compact
3 includes or incorporates by reference the Class III
4 MICS. The MICS incorporated into or by reference in
5 those compacts will still be in effect unless the Tribe
6 and State agree to a different scheme. It is our belief
7 that minimum internal control standards should be
8 developed by the tribes and states through negotiation.

9 "The NIGC should not continue down the path of
10 promulgating Class III MICS. The NIGC does not now have
11 and never had the authority to promulgate such
12 regulations in the first instance. It is time for the
13 NIGC to withdraw the Class III MICS.

14 "25 CFR, Part 543 - Minimum Internal Control
15 Standards for Class II Gaming. The Tribes support the
16 complete rewrite of Part 543. The Tribes also applauds
17 the deletion of any reference to the Class III MICS at
18 Part 542 and including provisions where the tribes can
19 develop their own Class II MICS. It has been stated
20 many times that the tribes are the primary regulators of
21 Indian gaming; and by providing a mechanism for tribes
22 to promulgate their own Class II MICS, supports that
23 notion. In addition, we hereby submit the following
24 recommendations:

25 "The NIGC should include a definition of both

1 'hard count' and 'soft count' to its definitions.
2 Alternatively, the definition of 'count' should include
3 both 'hard count' and 'soft count.'

4 "The definition of 'shill' should include the
5 purpose for using the 'shill,' i.e. to start a game or
6 keep a game going.

7 "If a tribal gaming regulatory agency
8 promulgates its own MICS, the MICS should be at least as
9 stringent as the NIGC-promulgated MICS.

10 "If the Chair extends deadlines for approval of
11 alternate standards beyond 60 days, the reason(s) for
12 such an extension should be included in the notification
13 to the TGRA.

14 "Where an agent's or independent agent's
15 signature or initials are required, the agent's or
16 independent agent's unique identification number should
17 also be required. The mandatory inclusion of an agent's
18 or independent agent's unique identification number,
19 along with a signature or initials, will help deter
20 fraud and forging of names.

21 "Rules should be prominently displayed in
22 conspicuous places.

23 "If a coupon is issued for a complimentary
24 item, the coupon should include an expiration date on
25 the face of it.

1 "25 CFR, Part 547 - Minimum Technical Standards
2 for Gaming Equipment Used with the play of Class II
3 games.

4 "The tribes welcome the proposed changes to 25
5 CFR Part 547. The tribes agree that all reference to
6 Part 242 of 25 CFR should be deleted from this part. We
7 also appreciate the fact that the NIGC recognizes tribes
8 as regulators of Class II gaming and provides a
9 mechanism whereby the tribes may establish and implement
10 additional technical standards. In addition, we submit
11 the following recommendations:

12 "'Financial instrument dispenser' should
13 include machines that dispense cash, cash equivalents
14 and coins.

15 "If a tribe wishes to establish and implement
16 additional technical standards, those standards should
17 be at least as stringent as the NIGC regulations.

18 "As stated above, if the Chair extends
19 deadlines for approval of alternate standards beyond 60
20 days, the reason(s) for such an extension should be
21 included in the notification to the TGRA.

22 "The Tribes thank the Commission for its
23 consideration of our comments on the preliminary draft
24 changes to 25 CFR, Parts 543 and 547, and our comments
25 to 25 CFR, Part 542, and look forward to additional

1 opportunities to comment at the proposed rule phase."

2 "Sincerely, Janice Prairie Chief-Boswell,
3 Governor Cheyenne and Arapaho Tribes."

4 MS. STEVENS: Thank you for those thorough
5 comments. And I want to thank you and your chairperson
6 for fully considering what has been drafted and giving
7 us fairly specific suggestions on how, in this informal
8 discussion draft, we could change or at least consider
9 your suggestions. So thank you very much.

10 So do we have any others that need to make a
11 comment to the record before they need to go?

12 With that, I'll turn it over to
13 Commissioner Little for the rest of the meeting.

14 Thank you.

15 MR. LITTLE: The rest of the meeting?

16 MS. STEVENS: Yep.

17 MR. LITTLE: Oh, my. Okay.

18 MS. STEVENS: You're in charge.

19 MR. LITTLE: Thank you, everybody, for coming
20 back here. It's great to see so many friendly faces.
21 And we're going to get into the fun part of the morning
22 and the afternoon, Part 547 and 543. We're going to
23 start off, first of all with 547. I'll make a couple
24 comments here. We'll go through a PowerPoint
25 presentation.

1 As we go through specific parts of it, feel
2 free to interject your questions, if you like. Or if
3 you would like to wait until the end, we'll talk about
4 specific parts of it. So we'll go through that 547,
5 first, and then 543.

6 Specifically, for the part 547, it's revision
7 of current regulation. So on the Web site, you've seen
8 a red line. That, opposed to the 543, which is a -- we
9 took the discussion draft of the Part 543 from a number
10 of sources, which I'll explain later.

11 When we were putting together a discussion
12 draft for 547, as many of you know, we put together a
13 tribal advisory committee last summer, and we began
14 meeting in October in Connecticut. And I just want to
15 recognize because we have some members of the TAC here
16 with us today -- John Magee, Christina Thomas,
17 Robin Lash -- and I saw Matt Morgan and Leah Cooley here
18 earlier this week.

19 I'm not sure if they're here with us today, but
20 on behalf of the commission, we want to thank you three
21 individuals for really all the hard work you did.
22 Sitting on these TACs is not an easy proposition. It's
23 not an easy thing. We had some very heated and good
24 discussion during these TAC meetings. And at the end of
25 the day, I think everybody can agree the goal was for a

1 good regulation. We want a good regulation. How we get
2 there -- it's going to be bumpy, and that's normal. I
3 think that's healthy. That's a good democracy, and I
4 think that's the way it's supposed to be.

5 So while, you know, the TAC could be given
6 different views as, you know, different levels as
7 success, this commission, we view it as a very big
8 success. And we're very grateful for all the work that
9 the TAC provided.

10 Now, the commission has not dissolved the TAC.
11 It's still in effect. And we fully intend to submit
12 additional questions, if need be, to the TAC. So I know
13 there's some comments that the TAC was terminated. It's
14 not. It's still in effect, and we definitely still look
15 forward to working TAC.

16 So I'm going to turn this over to
17 Michael Hoening to continue with the PowerPoint. And
18 like I said, if you have a question that you want to
19 ask, you can jump in at any time. Or you can wait until
20 the end of the PowerPoint, and then we can go back and
21 discuss.

22 So Michael?

23 MR. HOENIG: Thank you. Okay. We're going to
24 start with Part 547.

25 So as was said earlier, this is a preliminary

1 discussion draft. It was posted to our Web site, and
2 it's still there. You can find both 543 and 547 right
3 there on the front page of our Web site. It was posted
4 on March 16th. And the comment period for this
5 discussion draft closes on April 16th, 2012. So get
6 your comments through the web link that was posted up
7 there, the e-mail address. And written comments are
8 appreciated.

9 So moving into 547, specifically, generally, to
10 start off, the first five sections of the discussion
11 draft -- which, by the way, as Commissioner Little said,
12 it's based on the existing Part 547. So the redline
13 version is of that.

14 And the first thing we did is we moved around
15 the first five sections. We rearranged them for --

16 MR. LITTLE: Do you have a question?

17 MS. HOUSE: Thank you for recognizing me. I'm
18 introducing Francine Dupuis, who is also part of the TAC
19 group -- I mean, the board for NGCR.

20 MS. DUPUIS: NGCR, we had some TAC members.
21 And based on what we heard, we had a resolution, and
22 then we brought it to NIGA, and that's where this
23 document came from.

24 And understanding they didn't dissolve the TAC
25 group, but she postponed or canceled their meetings.

1 And our concern was, you made an agreement with the
2 tribes that nominated these people to the TAC group, and
3 you made a commitment to these tribes that you were
4 going to review these things. And then in that process,
5 you decided to cancel whatever reasoning that you came
6 up with. And we feel that it was disrespectful to the
7 tribes that you made this agreement with. So the TAC
8 group couldn't finish their job.

9 So that's why we made our resolution to have
10 you recognize that TAC group have not finished their
11 job. So that's where this -- our NIGA resolution came
12 from, and Sharon probably could explain it better than
13 I.

14 MS. HOUSE: Thank you. She explained it the
15 way it was understood to be explained to me. I'm sorry.
16 My name is Sharon House, and I'm counsel to the National
17 Tribal Gaming Commissioners and Regulators. I'm also an
18 attorney with a number of gaming commissions.

19 And it's very unusual for me to be sitting here
20 trying to present something to one of the most -- I
21 guess, one of the commissions that has actually tried to
22 work with the tribes and, we believe, has presented that
23 position and has worked with the tribes. What happened
24 was that there was a meeting. The National Tribal
25 Meeting Regulators met in Santa Fe, New Mexico a few

1 weeks ago. And as a result of that, there was
2 information presented. And I'm sure many of the tribal
3 regulators also heard that there was rumblings about the
4 TAC group and that there was some issues that were going
5 on.

6 And as result of that, they came -- the TAC
7 group presented information on concerns they had about
8 the process. And it was, basically, the process that
9 there were certain things that came about with the -- I
10 believe it was a facilitator. And some issues came out
11 as far as ending the TAC group's work before it was
12 completed.

13 So in order to get this pretty much nipped in
14 the bud, the National Tribal Gaming Commissioners and
15 Regulators decided that this needs to be looked at so it
16 doesn't happen in the future. As most of you were
17 aware -- because you are with tribes or are tribal
18 members, and you're more familiar with it than I am --
19 is that the federal government, as well as tribal
20 leaders, especially realize that the federal government
21 has, at times, not consulted with the tribes in the
22 manner they should or cut off certain consultations when
23 they shouldn't have.

24 And so in order to avoid this in the future or
25 any ramifications in the future or any disagreements

1 between the tribes and NIGC, eliminate them totally --
2 but the regulators decided that because they're your
3 counterparts within the federal government, the
4 regulators would like to take care of this right away to
5 have explanation. And the reason they would like the
6 explanation is so that there's no question in the future
7 that, hopefully, the TAC, will continue.

8 And I think they understood that you're the
9 first real group that said consultation is important
10 with the tribes when on a government-to-government
11 basis, and you've proven that. And when there is an
12 issue, it's extremely important that it be dealt with
13 immediately. So that's where this resolution came
14 forward. And that the appropriate place that it would
15 go to next would be the tribal leaders because they're
16 the ones who either appoint or designate or delegate the
17 particular regulators.

18 And so with this, it's the wish of -- and I'm
19 sorry. Jamie Hummingbird had to send his regrets. He
20 couldn't stay the extra day. He had to go home, so
21 that's why I'm presenting. Otherwise, he'll tell me to
22 step aside here.

23 And the important issue here -- and that's just
24 my opinion -- and advising the tribal regulators is the
25 issue of the cutoff time. And I believe Francine said

1 it best is that this does not -- there should not be a
2 practice in the future. Just from our prospective, if
3 it was unintended or intended, it's really important
4 that when promises are made to the tribes, that they're
5 followed through on. And so I'm assuming that that's
6 what would have been intended to do, but there were
7 circumstances, whatever they were, that really need to
8 be put forward so that everybody is on the same page and
9 that this would end anymore discussion about what
10 happened with the TAC group.

11 I believe that was Jamie's intent was to get it
12 taken care of and to take those explanations and then
13 have them on the entire issue. Thank you.

14 MS. STEVENS: Thank you both. And, you know,
15 we understand that -- and I think the commissioners
16 recognize the kind of relationship that existed
17 previously and what we walked into and what we needed to
18 repair. It was the first thing that we knew we needed
19 to do. And I think we've had some relative success and
20 reformatting how we talk to tribes, including tribes
21 early on before any formal process or processes are
22 undertaken.

23 And we're not perfect. And we know that. And
24 we also understand that we may not always agree but, you
25 know, we want to -- and I speak for myself -- and the

1 way I was brought up by my leaders is that if we're
2 going to disagree, we do so respectfully and we consider
3 one another.

4 And I -- I'm sorry that there are some folks
5 who feel that we've, you know, done something either --
6 well, intentionally, is what it sounds like -- when I
7 think that we can agree that that's not what we had
8 intended, and certainly weren't trying to be
9 disrespectful, and we apologize. I think those
10 circumstances -- and I think Dan can probably speak to
11 them more because he was handling a lot of interaction
12 when the facilitator and the planning group and -- you
13 know, it was conveyed to us that there was going to
14 be -- the group was finishing up in January based on
15 what we had set out for the group to do and what we'd
16 asked the group to do.

17 And so the word got back to us that there was
18 going to be not enough work for the January meeting. So
19 we thought, well, that's really great. We put out some
20 requests for information, they met them, and we were
21 pleased.

22 And also in the beginning, you know, trying to
23 get an advisory committee that fell under certain
24 exceptions and follow the law, you know, may not have
25 been a perfect process. Some folks on the committee had

1 some issue with the facilitator, but I think at the end,
2 it all worked out.

3 And in the beginning and -- you know, maybe we
4 could look at this, you know, for the future -- is being
5 clear that we tried to stay flexible enough to be
6 mindful of people's schedules -- if we finish early, if
7 we have to go longer, that we can do that. We try to
8 have that disclaimer when we call for the nominees.
9 That's what we were trying to do. And if we didn't do
10 that, we apologize. So that, you know, we did hear a
11 lot of people on the advisory committee say, "I have a
12 lot of other things to do. I have a commission to run.
13 I have a casino to run." So we're really trying to be
14 mindful of that.

15 So I don't know if there's anything you want to
16 add to that, Dan. It's unfortunate, but I hope that we
17 can move on and correctly continue to work with those
18 members as we proceed with these parts. It's not done,
19 and it's not over. There will be additional comment
20 periods. There will be additional consultations, and it
21 will include all tribes. And I'll say it again. While
22 as Mike -- this is different than maybe some previous
23 commissions who did take taxes as consultation. We
24 won't do that. They're advisory, and they gave us
25 information that we need to move forward. But we will

1 not allow a TAC to be a substitute for consultation with
2 all tribes. Because I can think of a number of tribes,
3 in my mind -- and maybe some people who are sitting
4 here -- who would say, "15 tribes don't represent my
5 tribe." And so we'll continue to consult.

6 We've considered and taken into consideration
7 many of the recommendations of the TAC, and they were
8 good. We were really appreciative of all that work, and
9 it helped us quite a bit. But we hope to move on as
10 well, and it will continue -- and we'll continue to have
11 dialogues with this particular committee as we move
12 forward.

13 I don't know if you want to add anything, Dan
14 or Stephanie?

15 MR. LITTLE: I think I would just add, like the
16 Chairwoman said, in December we finished early because
17 there was no more work to progress. And that's how we
18 figured in January we could finish up. And because of
19 that, it allowed us to do what we're doing here today.
20 And that was to get these discussion drafts out there,
21 which provides a better opportunity in a more informal
22 environment to discuss these issues, to give tribes an
23 opportunity to see what we're thinking and to make
24 comments.

25 I mean, it's a lot -- I believe it's a much

1 better process to be able to put out these discussion
2 drafts in an informal way, get back comments on it
3 before we move to formal notice, public rule-making.

4 So like I said earlier, I'm very, very grateful
5 for the hard work that TAC did. I do understand your
6 concerns, and I -- you know, I take them very seriously.
7 But we do definitely believe it was a big success and
8 very, very helpful in getting us to the point where we
9 are today.

10 MS. HOUSE: Thank you very much. I know
11 there's members of the TAC groups that are here. I
12 don't know if you want to recognize them or -- but thank
13 you for your response.

14 For National Tribal Regulators for the TAC
15 group, they may have additional questions. Thank you.

16 MR. LITTLE: Sharon, I had a chance to work for
17 these folks for many hours, and I know they will express
18 themselves very clearly. And I'm actually looking
19 forward to it. So good point. Thank you.

20 Do you want to say something?

21 MS. LASH: Robin Lash, Miami Tribe of Oklahoma.

22 I had the honor to serve on this last TAC, and
23 I do appreciate the work that the NIGC did, the time you
24 put in with us.

25 And there clearly is an issue here. I know

1 that there are probably some people in the room that are
2 kind of wondering what's going on with the discussion of
3 our TAC finishing early and not finishing early. And I
4 think there is a little bit of disparity between the
5 opinion of the Tribal Advisory Committee on the status
6 of our completion. We were able to finish a complete
7 review of 547 and did submit those comments, and we do
8 thank you for all the changes that are in this proposed
9 draft, as a reflection of both the tribal gaming working
10 group and the tribal advisory committee. So we did
11 complete that.

12 However, 543, we were not able to complete our
13 review. I know that you requested kind of a conceptual
14 review of 543 based on the tribal gaming, working group
15 document. But through our meetings, it was evident that
16 we had to go into deeper, greater detail in some areas
17 just for clarification on your part, understanding of
18 the proposed concept of minimum regulations that are
19 supported by guidance documents.

20 And when we received the letter in December,
21 after only three meetings -- we met in October,
22 November, and December -- and on the 16th of December,
23 the TAC received a letter saying January would be our
24 last meeting. We were surprised. And I think all our
25 correspondence back to you before then and following the

1 January meeting was of strong request to allow the TAC
2 to continue our review of 543.

3 And we did meet in Arizona in February, and
4 unfortunately, NIGC was not in attendance. However, you
5 did submit additional questions for our review. And we
6 had a three-day agenda that day to continue our review
7 of 543 and were not able to do that because we had to
8 stop our work to respond to your questions. We had a
9 deadline date of February 14th to submit our report and
10 our recommendations, and it was a very rushed process
11 for us to get that information back to you.

12 So I think that's the disparity in whether we
13 were truly finished or whether there was more work to be
14 done. And we do recognize that we are only 15 tribes.
15 There are other tribes out here that we will receive
16 comments now from through these consultations. But I
17 just wanted to kind of give some supplemental
18 explanation, at least, from the view of the TAC. And as
19 I said, we have 547 complete review, but we were not
20 able to complete 543.

21 MS. STEVENS: Thank you, Robin. Did somebody
22 over here have something to add? I'm sorry. I thought
23 I saw a hand come up over here. No? Sorry. I thought
24 I saw something over here.

25 MR LITTLE: If there's no more comments, I'd

1 let Mike continue with the presentation.

2 MS. STEVENS: And I do want to say I'm
3 optimistic. I really am optimistic. I come from a
4 tribe that is -- we come together first. And even in
5 the face of our differences -- we like to fight about
6 fish a lot, with even our cousins who are up the road.
7 But we always come back together and remember we're all
8 from the same place.

9 And so I'm very optimistic. And, you know, I,
10 again, apologize that there may have been -- you know,
11 some folks feel that we've been -- we didn't mean it,
12 and we apologize. But we will continue to garner
13 recommendations from the committee. Whether those are
14 different types of meetings in some other fashion, we
15 can certainly take a look back. And that's the benefit
16 of looking back and saying what worked and what didn't
17 work, and maybe we can improve on that.

18 So I appreciate you all bringing this to our
19 attention, and I'll just turn it over to Dan and keep
20 moving on this 547 draft.

21 MR. LITTLE: Okay. Thank you.

22 Are you ready, Mike?

23 MR. HOENIG: Yes. As we go through this too --
24 I meant to say this earlier -- if you have questions or
25 comments about a particular section or slide that we're

1 discussing, please feel free to stop me so we can
2 discuss that.

3 So we were talking about the general
4 rearranging of the first five sections in Part 547. The
5 definitions was moved from 547.3 to 547.2. Who is
6 responsible for implementing these standards was moved
7 from 547.2 to 547.3.

8 The rules of general application for the part
9 was renamed, and it was moved from 547.5 to 547.4. And
10 finally, the "How does the tribal government comply with
11 this part?" was moved from 543.4 to 543.5. So that's
12 how everything was shifted around.

13 In the definition section, there's not a lot of
14 changes here. We added the definitions that are
15 specified in the slide here with EPROM, which stands for
16 Erasable Programmable Read or Memory. And we just had
17 to specify that it has to be nonvolatile storage device,
18 rather than storage area.

19 We also added definitions for proprietary
20 Class II system component to distinguish proprietary
21 manufacture specific systems from the nonproprietary.

22 In 547.3: "Who is responsible for implementing
23 these standards?" This section explains that the
24 standards are minimums, and as was discussed at the
25 tribal advisory committee and one of the

1 recommendations, we inserted language recognizing that
2 TGRAs are also responsible for regulating Class II
3 gaming and that TGRAs may implement stricter standards
4 that don't conflict with the minimums of this part.

5 We moved language from another section into
6 here that says this part should not be interpreted to
7 restrict any technology. If the standard is applicable
8 to a particular machine or game, it doesn't apply. The
9 section still states that it should not be construed to
10 grant or extend state jurisdiction. And the minimum
11 standards and applicable standards, subsections were
12 migrated here from the rules of general application,
13 just because they fit better here.

14 547.4 is the rules of general application. And
15 it sets out just that the general rules that apply to
16 all games. So from here, we removed the minimum odds
17 from the fairness subsection and required, instead, that
18 the test lab must calculate and/or verify mathematical
19 expectations and report to the TGRA. And at the request
20 of the TGRA, the manufacturer must submit the
21 mathematical expectations to the TGRA.

22 We also added a new disclaimer to
23 Section 547.16(c), and you'll see that a little bit
24 later in this presentation. But what it does is it
25 requires the player interface to notify a patron if the

1 odds of winning a game exceed 100 million to one.

2 All gaming and gaming equipment and software
3 must be approved by the TGRA. And this section
4 specifies that all equipment and software must function
5 according to the manufacturer's design and operating
6 specifications.

7 547.5 is: "How does a Tribal government or
8 TGRA comply with this part?" Not a lot of changes here.
9 Only games that were being utilized before November 10,
10 2008, can qualify under the grandfathering provision.
11 And any grandfather games must have been submitted for
12 testing within 120 days of November 10, 2008. The
13 grandfathering games must be brought in compliance with
14 general standards or removed from the gaming floor by
15 November 10, 2013. So that was five years from the date
16 of the original 547 publication. The games may only use
17 remote communication, if permitted by the TGRA. The
18 games must the have ability to enable or disable remote
19 access. The default state of that access must be set to
20 disable.

21 Skipped over 547.6 because there's no
22 significant changes to the current regulation.

23 And before we go into 547.7, if anybody has any
24 questions or comments about .5, or we can -- okay.

25 We'll come back to that.

1 MS. LASH: Robin Lash, Miami Tribe.

2 I would like to ask NIGC why this discussion
3 drafts the recommendation of the committee to delete
4 this section, why that wasn't included in this draft
5 discussion?

6 MR. LITTLE: We're talking 547.5?

7 MS. LASH: Of the grandfather clause.

8 MR. LITTLE: Oh, the grandfather provision.

9 Well, one of the reasons we didn't delete it is
10 we're trying to get our arms around the size of the
11 issue. Went out to tribes, and factors to find out, you
12 know, actual effect of this. We've heard pretty clearly
13 that it does affect some tribes and some manufacturers.
14 We're trying to find out what is the larger, overall
15 picture here. And that was one of the hopes from this
16 discussion tribe.

17 MS. LASH: So you're basically looking for
18 recommendation and going to continue -- there's a
19 consideration for removing this?

20 MR LITTLE: This is a discussion draft. It's
21 not -- it's not set in stone. It's -- it's just an
22 informal, smash outlook at this regulation. And we -- I
23 don't think we've had a consensus from the Commission on
24 where we want to -- what we actually want. These are
25 ideas we've talked about, we've tossed around, and we've

1 thought that it is -- it is important -- it's actually
2 our obligation -- to bring these to the tribes, consult
3 with the tribes, and ask their -- everyone's opinion on
4 it. So that's the purpose of this.

5 Does anyone have any -- so that was -- that was
6 the purpose of it. Like I said -- and I'll probably say
7 this 35 more times -- this is just a discussion draft
8 today. It's not a formal process here; that it will
9 provide another opportunity for the tribes to comment
10 on.

11 MS. LASH: Does the NIGC recall -- I know this
12 language was put in place during the Hogey
13 administration.

14 Do you have any background as to why that
15 administration put this language in and so that it's
16 still under consideration or --

17 MR. LITTLE: We did discuss this. Now, if Mike
18 wants to jump in -- my understanding -- and I think from
19 the Kansas consultation, that I think we heard from your
20 vice chief that I believe the NIGC -- I'm not totally
21 confident -- I think they did an economic impact study.
22 And from that study, they determined that five years
23 would be a reasonable time that the actual market would
24 determine -- I think the machines were even going to be
25 viable, and they thought five years down the road

1 that -- that normal progression of usefulness of these
2 machines would work its way through the system. So
3 that, I think, it was the major factor. I can't really
4 answer for what the last commission decided to do or
5 what they did. I can only look at it, you know, from
6 our perspective.

7 MS. LASH: Thank you. And I would urge the
8 tribes to take closer look at this as well. Because I
9 think this is pretty much a sovereignty issue, you know,
10 to decide on what machines are in place with Class II
11 systems. You know, these are valid machines on the
12 floor, gaming systems on the floor right now, and it's
13 kind of an arbitrary date that suddenly makes a valid
14 Class II game that, you know, there's no threat to
15 safety or anything, you know, to suddenly have these
16 games -- these machines removed because of a random
17 date.

18 I think that's the position of some of the
19 tribes.

20 MR LITTLE: And I do appreciate that, and it is
21 taken. Your comments are very seriously considered, so
22 I thank you.

23 MR. MAGEE: I want to pick up with what Robin
24 is saying. John Magee from Pechanga.

25 It seems to be as you develop regulations,

1 proposed regulations, it should be from -- these are the
2 standards from the state forwarded to, you know, read
3 this grandfather clause. It's kind of cumbersome -- go
4 back and forth. And although it doesn't really affect
5 us -- but I am concerned how it does affect other tribes
6 and other jurisdictions. And, you know, it would be my
7 recommendation on behalf of Pechanga that whatever the
8 proposed date or rule is going to be, it would be
9 machine manufactured of this date and must comply with
10 these standards.

11 And if I can offer that up for suggestion, I
12 know, hopefully, you'll consider it.

13 MR. LITTLE: I appreciate that, John. Thank
14 you.

15 Yes, sir?

16 LEFT ATTORNEY: Reuben Mathias from the Salish
17 and Kootenai Tribe, Montana.

18 I just want to make a comment as to the
19 grandfather clause. You know, as Indian people, we've
20 been here since the beginning of time. And I just want
21 to remind people that when these start coming forward to
22 us and stuff and when we're dealing with our sovereignty
23 issues and stuff, I can't see how one second before and
24 one second after the five-year period it shouldn't be
25 affecting us. But it does, if you keep that in there.

1 It will make everything close. Those that have little
2 casinos and stuff, we'll be run out of the business.

3 So I just want to make that clear that we're
4 here to protect our people, protect our rights and stuff
5 as Native American people. Through the Class II
6 gaming -- I just want to remind you that this isn't just
7 about the machines or anything like that. This is about
8 our livelihood and stuff.

9 MR. LITTLE: That's a very good point, and it's
10 always good to have that reminder. So I appreciate it.
11 Thank you.

12 Anything additional before we continue?

13 MR. HOENIG: So we'll move to 547.7, which is
14 the minimum technical hardware standards applicable to
15 Class II gaming systems. This makes a few changes.
16 References to the SEC have been removed, and a provision
17 was inserted into the test lab reporting requirements
18 that the games must be in compliance with all federal
19 laws or regulations. Just to replace the direct
20 reference to the Federal Communications Commission,
21 their reference to underwriters laboratories have been
22 removed. And the section inserts a requirement that the
23 player interface display the serial number and date of
24 manufacture.

25 547.8 is the minimum technical software

1 standards applicable to Class II gaming systems. Here
2 we adopted a tax suggestion that there be no requirement
3 for entertaining display recall. We also adopted the
4 TAC recommendation and removed the provision that any
5 change in the rules constitutes a new game. We did,
6 however, keep the requirement that any change of the
7 rules must be disclosed to the player.

8 So we're going to jump over to 547.12. We're
9 skipping .9 through .11 because there's been no
10 significant changes to the current regulation.

11 In 547.12, adopted the TAC recommendation to
12 delete requirements that TGRA approve all downloads. We
13 also adopted the recommendation that rather than
14 requiring the TGRA to log each download, that the
15 Class II system itself must be capable of providing all
16 of the same requirement information. Adopted the TAC
17 recommendation that subsection B be changed to require
18 that downloads on the Class II system must be capable of
19 being verified by the Class II gaming system.

20 And again, we're going to skip over 547.13
21 because there's no significant changes to the existing.

22 547.14 incorporated a tribal advisory committee
23 recommendation that certain RNG, the random number
24 generator tests -- that certain of those tests should be
25 mandatory, and you'll see them listed there on the

1 slide. We also adopted recommendation to delete the
2 specific unbiased algorithm requirements, and instead,
3 require simply that an algorithm is used and that any
4 biases are reported to the TGRA.

5 547.15. There's no significant changes from
6 the current regulation.

7 547.16. So as we mentioned earlier, we took
8 out the minimum requirement from the fairness section.
9 And instead, there's a language submitted here in .16
10 that requires patrons to be notified if the game odds
11 are greater than one in a 100 million. So this doesn't
12 require any minimum odds. It required that if the odds
13 are greater than that set number, the patron has to be
14 notified.

15 So 547.17 --

16 MR. LITTLE: John, again?

17 MR. MAGEE: On odds notification, I'm not
18 exactly sure how that would work out yet and how that --
19 is it like a sticker? Or does it come on game recall?
20 Or, I mean, how does that -- how is that to be looked --
21 what's it going to look at? I did have some discussions
22 some with the staff here, trying to figure out how that
23 would work out.

24 But my concern is that this is not something
25 that we require of a Class III machine. And for us,

1 when we have Class II and Class III machines side by
2 side, if we have to put a notification sticker, odds,
3 stating that, you know, these are the odds and
4 probability of winning, I don't see people playing those
5 machines. And so it creates almost an unfair playing
6 field. I don't know how else to state that. But I have
7 a problem with language, and I can't offer any
8 supplemental language except to delete it.

9 MR. LITTLE: We did toss that around, and
10 that's a good point. And obviously, we don't want to do
11 anything that, you know, is going to discourage play.
12 However, you know, there was a thought that, you know,
13 maybe this could be a compromise under the current
14 regulation that by removing the minimum odds and just
15 putting some kind of disclaimer -- I think we've talked
16 about maybe it could be a placard or maybe it could
17 be -- hadn't really gotten there. But definitely, very
18 interested in your thoughts on that.

19 So if you maybe -- you know -- or if anybody
20 here wants to provide some additional comments, we would
21 welcome that.

22 MR. MAGEE: Well, if it was maybe under the
23 help screen and displayed there the way it reads,
24 content leads played, that's the a little troublesome.

25 MR. LITTLE: Okay. Thank you.

1 Robin?

2 MS. LASH: Robin Lash, Miami Tribe.

3 I agree with what John has said, and I do think
4 it makes it unfair for the Class II systems to have to
5 have this continuously displayed. As John said, you've
6 got Class II and Class III games side by side. And, you
7 know, it -- I don't really see the justification for
8 this proposed regulation, and I would hope that you
9 would consider deleting it.

10 MR. LITTLE: Okay. Thank you.

11 Yes, ma'am?

12 MS. HUGHES: Good morning. Celeste Hughes,
13 Soboba Gaming Commission.

14 I guess, for me, I'd like to understand the
15 purpose of having that in the regulation in order to be
16 able to take that back to our council and to provide
17 adequate comment or some changed language.

18 What is the thinking behind NIGC's purpose for
19 putting this in?

20 MR. LITTLE: The disclaimer?

21 MS. HUGHES: Yes.

22 MR. LITTLE: Well, we're kind of -- like I
23 said, once again, this is a discussion draft. And we're
24 trying to come up with a compromise or something that
25 could be flexible and, you know, look at different ways.

1 There are other governmental jurisdictions that
2 do use this type of disclaimer. And once again, it was
3 put therein to stimulate some discussion, exactly what
4 we're doing here today. So it's good to hear your
5 thoughts on this, and we will take it under
6 consideration.

7 MS. OGAS: Catherine Ogas on behalf of
8 Lytton Rancheria, California.

9 I'd like to point out -- and I haven't had
10 another techis -- but one of my other concerns would be,
11 whether adding this now, how easy it is to do since
12 nobody knows how it's going to be done -- but whether
13 the games can actually do this right now or if Lytton
14 has a fully compliant system. If you change this and
15 throw us into grandfathering, that's a big concern. So
16 I just want to point that out and have everybody pay a
17 lot of attention to that, if that helps.

18 MR. LITTLE: Very good point. Thank you.
19 Sharon?

20 MS. HOUSE: Sharon House, Attorney for
21 Shoshone-Bannock Tribes.

22 One of the concerns we have with this -- what
23 was already presented to you -- but it just seems that
24 this was one of the issues -- and not to get into too
25 much detail, but when the -- for instance, in the

1 resolution, it identifies the fact that some of the
2 regulations and recommendations that are coming forward
3 were too detailed. And this comes from not so much
4 these new ones, but from the past, as where the
5 regulations were so specific that if you needed to
6 change, you couldn't change anything. You have to go
7 back and change the regulation. And this is in our
8 community. This is one of those. And if it requires an
9 additional disclaimer, I'm still trying to find out --
10 from what everybody is saying -- is what is the purpose
11 in that? From what Celeste said, she was trying to find
12 that out also. And I think that's the issue. What is
13 the purpose? Is it just a notification? If there's
14 some technical reason for it that we're not familiar
15 with, if that could be explained.

16 MR. ROBERTS: I just wanted to add a little
17 bit. What we're trying to accomplish with this language
18 in 547.5, as it currently stands in the regulation
19 itself that was promulgated and it's in effect, that
20 regulation basically provides that no progression has a
21 probability of winning less than one in 100 million. So
22 that's just like a flat cap. And I think the Commission
23 was looking at, okay, we've heard that that might not
24 work. So how do we adjust that to give flexibility but
25 still provide some sort of notice to folks that it

1 exceeds some sort of odds?

2 And so I think -- I don't want to speak for the
3 Commission, but I think the idea was to recognize and
4 provide more flexibility so tribes can adjust and
5 actually offer games above that threshold; whereas,
6 under the regulations now, they wouldn't be able to do
7 so.

8 MS. HOUSE: Thank you.

9 MR. LITTLE: John?

10 MR. MAGEE: Just one final comment. Again, I'm
11 coming back to the notification part of it and how the
12 practicality is what we play out. And if we think about
13 session bingo, you know, this is what we're trying to
14 mirror with electronic aids. And with bingo, we don't
15 tell people your odds of winning up front. We
16 don't -- you know, we play the game. And if you win,
17 you win. And we don't -- we don't -- I don't want to,
18 say, put square tactics out there because that's what
19 comes to mind. But in my mind, we're trying to mirror a
20 session bingo game for all intents and purposes. And so
21 I would keep -- from Pechanga's standpoint -- any
22 disclosures about this, like, off where you have to
23 notify them out front like this.

24 MR. LITTLE: Appreciate it. Thank you.

25 MR. HOENIG: Okay. So we'll go to the last

1 Section, 547.17. And this used to be called
2 "Variances," and it's been changed now to an "Alternate
3 Standard." And this was done -- and you'll see this
4 also reflected in 543, the Class II MICS. And this is
5 done primarily because in the MICS section, the term
6 "variance" was used a couple different ways. And it was
7 a little confusing, so we figured with this section,
8 let's just call it an "alternate standard" because
9 that's what it is. And so it sets out how the TGRA
10 applies to implement an alternate standard required by
11 this 547.

12 So under this, the TGRA has 30 days to submit
13 an approved alternate standard, and then the chair has
14 60 days to approve the alternate standard or to object.
15 And in talking with some of the staff the NIGC field
16 staff that goes out and looks at these alternative
17 standards researches, how they're done, they said 60
18 days is more than enough. They said sometimes,
19 depending on how complex it is, 60 days is not enough
20 time. So the 60-day deadline is extended be an
21 additional 60 days by the chair, if necessary.

22 And then the appeals section, this section used
23 to have it's own appeals process. And just to be
24 consistent with the rest of the regulations, we have
25 taken that out of here, and it will be migrated into

1 subpart H to just be done the same way.

2 So that's 547.17, and that's all of 547.

3 MR. LITTLE: Okay. I'll open it up to any
4 questions. Is there any questions on Part 547?

5 MR. MAGEE: I have a question. I'll defer.

6 Well, the only comment, I do want to thank the
7 gaming commission for allowing me to serve on the TAC.
8 That was a great honor. I do appreciate it. And by and
9 large, 547 came off really well. You incorporated a lot
10 of TAC recommendations, and I think it will serve Indian
11 country very well. If we can clean up just a couple
12 areas -- I'm sure more than what I've pointed out that
13 people concerned with. But by and large, I think we
14 have a really good working document.

15 MR. LITTLE: Thank you, John.

16 Robin?

17 MS. LASH: Robin Lash, Miami Tribe. I
18 definitely agree with what John has just stated. We do
19 appreciate the many recommendations that were included
20 in this draft.

21 I'd like to comment quickly on 5473 A, minimum
22 standards. That point passed me too quickly, and I
23 didn't have opportunity to make a comment.

24 The language that was recommended states that
25 tribal gaming regulators are the primary regulators in

1 Class II gaming, and I notice the change in our drafts
2 say that tribal TGRA also regulates Class II gaming.
3 And I wondered if you could explain that change. It
4 doesn't quite mirror the language of the Indian Game
5 Regulatory Act that states tribes are primary regulators
6 of Class II gaming.

7 MR. LITTLE: I think we can talk about that
8 during the TAC, and I do appreciate your raising that
9 point.

10 We do understand that it is a sovereignty issue
11 there, and we do understand the point. And we do know
12 that it's in the 543. But we will definitely look at
13 that as we progress with that. We'll take that comment
14 under advisement. So thank you.

15 MS. ROWE-KURAK: Good morning. Janice
16 Rowe-Kurak, Chairman of Iowa Tribe of Oklahoma.

17 I'd like to call on Elizabeth Homer at this
18 point. Elizabeth is one of our representatives in the
19 room.

20 MS. HOMER: Good morning.

21 Elizabeth Homer. Everyone can hear me anyway.
22 A couple of things that, you know, were not in the
23 presentation that I wanted to bring to your attention is
24 the separability provision was deleted from this
25 version. We were wondering about that, if that was an

1 accident, oversight, or something that was intentional.

2 MR. LITTLE: I'll turn it over to

3 Michael Hoenig.

4 MR. HOENIG: It was intentionally deleted, and
5 I forgot about that. I forgot to put that into the
6 slide. I think the purpose was it's something that we
7 typically see in contracts, but I'm not familiar with
8 that being under regulation. So it just seemed kind of
9 out of place. But definitely, if you think there's a
10 good reason to have it included -- we weren't sure. I
11 guess I wasn't sure of the purpose behind it. So
12 definitely be interested in hearing about that
13 provision.

14 MS. HOMER: Well, I guess the concern is that
15 with a separability clause, if any piece of this were to
16 be determined to be unlawful, it makes it clear that
17 it's not intended to take down the entire regulation.
18 And so a separability clause is kind of a good thing to
19 have in the rule. A lot of statutes well have a
20 separability provision in them. It just clarifies that,
21 you know, one provision not being lawful does not take
22 down your entire rule. So we would like to see the
23 separability provision put back into that just for that
24 purpose.

25 And the other issue was the question about the

1 applicability -- only applicable standards apply. I
2 heard you mention that earlier. You said that you moved
3 that to a different section?

4 MR. HOENIG: Yes. It's now in -- it should be
5 in 547.3 now. 547.3(c), yes.

6 MS. HOMER: The other thing you have that we
7 noticed -- and again, we're still working on our
8 comments on this. So, you know, we -- I was here all
9 week, so I haven't gotten to do the in-depth level that
10 I'd like to do. But, you know, I've done some issue
11 spotting, so some of these are just kind of questions
12 that jumped out.

13 One of the things that I think is a concern is
14 the grandfather provision because new standards were put
15 into the grandfather provision, which, the way I see it,
16 renders the grandfather provision or -- that those new
17 claims would be standards so we could not apply in --
18 the original certifications that were done had to come
19 in compliance with the rule originally, which means that
20 we would -- that none of them really will achieve
21 grandfather status now because there's new standards and
22 that could not have been met then.

23 Though the question is: Does that invoke a,
24 you know, requirement for a new grandfather time frame?
25 And if so, I noticed it wasn't included here. But when

1 you kind of change the standards retroactively, it's
2 going to affect those certifications. It may require
3 everybody having to recertify, again, in order to, you
4 know, use whatever is left of the grandfather to get
5 their machines compliant.

6 So it's kind of one of those catch-22 kind of
7 things that we would hope that you guys would take a
8 look at, just to make sure that we haven't inadvertently
9 gotten some language that's going to make us start all
10 over with respect to the grandfather.

11 MR. LITTLE: And that's a good point. And we
12 have been made aware of it. We're looking at
13 different -- some different language to maybe address
14 the issue without causing this problem and drive it to
15 sovereignty. So we are looking at that. It's a very
16 good point. Thank you.

17 MS. HOMER: And I think that there are a few
18 little things. Like, there was some changes in the
19 language that talks about electromagnetic interference
20 and those kind of things or some definitions like that.
21 We have a group of us. The TGWG has talked to some of
22 the laboratory folks, saying that, you know, there is a
23 better technical definition. So we bring that to your
24 attention to take a look at that, and also to make sure
25 that we watch our adjectives. So because, you know, I

1 think that there is one phrase in there that said "may
2 not be corrupted or in any way affected by..." You
3 know, if you're dealing with electronics, you know, you
4 can't guarantee never never never will an electronic
5 component not be affected by some kind of external
6 force. And, you know -- and I don't think that that
7 language was put in there to, you know, create an
8 impossibility standard, but it might. So just some of
9 the adjectives need to be looked at. I mean, it
10 shouldn't be corrupted. You know, if people put a
11 magnet on the side of your game, it shouldn't be
12 corrupted. But of course, our Class II systems are
13 server based. They're not mechanical. But the
14 electronics can always be affected by environmental
15 factors, so --

16 MR. LITTLE: Definitely. What we're looking
17 at -- and like it was said earlier -- we don't want to
18 do anything that's going to prohibit future technology.
19 But we'd be really interested in hearing some suggestive
20 language, if you have that.

21 MS. HOMER: And actually, we will -- some of us
22 will be providing some, you know, proposed definitional
23 language that we'll put in our written comments here.

24 I think that when I stood up, I scrolled my
25 iPad, so if you'll forgive me. Those were kind of some

1 of the hot spots. I think that everyone is concerned
2 that we move forward with the 547 because these are
3 relatively minor comments that we're making, except for
4 the fact that everyone feels very strongly. But the
5 grandfather, we're really in a good place.

6 This close on the 547? I don't know, listening
7 to the discussion, how close we necessarily are going to
8 be on the 543. We would hope that those two things
9 would not necessarily have to be married, that we're so
10 close on the 547 that maybe we should just kind of
11 proceed with that rule-making, you know, in short order
12 and not necessarily consider these things, like, joint
13 package.

14 And I think -- Robin, was there anything else
15 that the TGWG was talking about in terms of the 547 that
16 I haven't mentioned? There were --

17 MS. LASH: Robin Lash, Miami Tribe.

18 I think there was some concern with the
19 definition of proprietary Class II system components.

20 MS. HOMER: The proprietary language, yeah.
21 And you had mentioned that, Michael. You said you want
22 to make some distinctions about the proprietary
23 terminology that's never been used before.

24 MR. LITTLE: I'm going to let Nimish talk about
25 this because he can give you the actual reason why

1 that -- actually, I think there's just confusion and
2 maybe we might just need to clarify it a little bit.

3 MR. PUROHUIT: Nimish Purohuit, NIGC.

4 The reason I recommended putting that in here
5 is to make sure that -- back in the old days when you
6 had five different system manufacturers with their own
7 ticketing solution, everything was contained in that
8 Class II system. So that's what this is referring to.
9 If it's still one of those legacy products, then that
10 has been these tested. But now, if anything is
11 connected to the back outhouse system, then that doesn't
12 apply to the standard. That's left to the TGRA,
13 whatever standard they have for that. So that was the
14 intent over here.

15 So if there's any clearer language that you
16 might want to address that -- you know, understanding
17 this, please feel free to send that as well.

18 MS. HOMER: Our concern when we read that is
19 that that language can be construed to say that it all
20 has to be proprietary and Class II gaming system and --
21 you know. So in other words, if I'm the X manufacturer
22 system, X manufacturers every component of that system.
23 And, you know, so I think that that language could be,
24 you know, reworked in a way that's not so confusing in
25 that regard because that was of concern. You know,

1 we'll use -- you know, different components can be
2 brought into the system. It doesn't necessarily mean
3 that's all manufactured by the same company. And that
4 language kind of suggested that could be construed that
5 way.

6 MR. LITTLE: That's a very good point. And
7 that's the purpose of the discussion here, so thank you.
8 And we'll definitely -- if you've got some suggested
9 language -- and I know we'll look at it again to see if
10 there's a better way we can explain what we're trying to
11 accomplish here.

12 UNIDENTIFIED SPEAKER: Nate McAllister
13 (phonetic). I'm also a representative of the Iowa Tribe
14 and a couple other tribal governments.

15 And really, I would again urge NRGCC to strongly
16 reconsider the deadlines that are -- that are contained
17 within the grandfathering provisions. We realize we've
18 kind of got passed that before I had an opportunity to
19 comment. And I've actually spoken with a couple of
20 commissioners about this, except for the chairwoman. So
21 I didn't know. One of the concerns for some of our
22 clients and potentially all of them, depending on the
23 viability of, you know, bringing some of the old games
24 out, the old legacy games that are, you know, the
25 subject of federal court decisions that -- that allowed

1 the play of those games.

2 Under the regulation as it stands -- of course,
3 they wouldn't be able to be played -- I'm fairly certain
4 that none of those were even considered as an option in
5 the future, so they weren't subjected to many testings
6 prior to 2008. They weren't certified. They weren't.

7 So, you know, I think, though, that it's
8 important -- it's an important weapon in the tribal
9 governments' arsenal when we're considering how to best
10 utilize the games available to us and the -- what
11 options that we may have to, you know, basically support
12 the livelihood of all of our people, which is the
13 purpose of Indian gaming.

14 So that being said, I think the questions
15 that -- and I, like Elizabeth -- we've not fully written
16 comments on each of these issues. But my thoughts are,
17 at this point, that, you know, these games may be -- and
18 they should be an option for the tribes to be able to
19 put on the floor and play. I'm not aware of any
20 evidence that says, you know, there are threats to life
21 or limb or that any evidence submitted that they're
22 not -- that somehow they could be violated in some way
23 that's a risk to the gaming facility.

24 So that being said, my question would be, you
25 know: Why should they be precluded? And I would like

1 for the Commission To consider, you know, what would be
2 the purpose of prohibiting the play of them, if the
3 tribes chose to?

4 MR. LITTLE: I mean, addressing the question,
5 it's my understanding that those court cases involved is
6 called "game classifications." So -- but your point is
7 well taken, and we will look at it.

8 UNIDENTIFIED SPEAKER: Well, you know, Dan, we
9 sort of had this discussion the other day, and I
10 certainly understand your point, that you're not saying
11 that they're not Class II games anymore. You know, and
12 maybe that's the topic of some interesting litigation if
13 anybody chose to engage that. But I thought we were
14 talking about making a rule that facilitates and
15 protects Indian gaming.

16 And so if that's our goal, you know, a part of
17 that facilitation would be for the tribes to have every
18 benefit that may be out there as far as, you know, a way
19 to profit from their game collections.

20 MS. HOMER: If you'll forgive me, I found the
21 right spot on my iPad, and I have a couple more issues
22 that I wanted to bring to your attention on Part 547.

23 And among these is that on the installation
24 provision, a lot of this is just kind of minor language
25 changes, but it has significance in terms of the gaming

1 system itself. For example, I know what you're trying
2 to accomplish in this game initiation and play section,
3 which is that, you know, this game doesn't change up on
4 the player without their awareness of it. But the way
5 it's written, it could be construed that you can't go
6 into a bonus that has maybe a different rule than the
7 actual game that you're playing.

8 And so, you know, just kind of being aware of
9 those kinds of possibilities and making it clear that,
10 you know, you can go into a bonus feature on a Class II
11 gaming system, and that bonus game may have slightly
12 different rules. It's not changing the rules of the
13 underlying game that you're playing. But, you know, we
14 just want to be careful about those -- you know, those
15 kinds of things.

16 And remember, I circled this TGWG, which is
17 this huge compilation of techis and subject matter
18 experts, and they combed through this very carefully.
19 Lab guys are doing it too. They're participating with
20 us too. So they bring these things to our attention.
21 Some of these things may just be the way that we're
22 construing it and the way that it's drafted. So with
23 those kinds of circumstances, I think it's really good
24 that we take the time to make clear that this is not the
25 intended consequence of that.

1 MR. LITTLE: We certainly appreciate you
2 raising those, Liz. And before Sharon House slaps me, I
3 need to let her speak. But then I'll come right back to
4 you.

5 MS. HOMER: Oh, sorry, Sharon.

6 MS. HOUSE: Actually, Raymond kept saying,
7 "It's almost lunchtime. Hurry up."

8 Sharon House, Shoshone-Bannock Tribe.

9 547.171A. We would like to make a
10 recommendation because this has always been an issue as
11 far the the time period that happens in between when
12 there can be a variance or what's not called an
13 alternate standard implemented. And it seemed like it
14 would just clarify in regard to 1, where it says: "A
15 TGRA may approve an alternate standard and just
16 recommend may approve and may implement."

17 Because there's a section there that says: "No
18 alternate standard may be implemented unless approved."
19 But you can't tell if you have to wait until after NIGC
20 chair approves it and just clarify it because that's an
21 operations issue. Sometimes you need to have those, and
22 you may have the explanation immediately as far as what
23 that alternate standard is, and you don't want to have
24 the operation if it's done appropriately internally.

25 And then that brings forward the issue of,

1 then, the tribal regulators would be able to have their
2 process in place to say when it can be implemented.

3 MR. LITTLE: That's a very, very good
4 suggestion, and we appreciate it. Because our goal here
5 was just -- this is how the TGRA approved these
6 alternative standards. So it's very helpful
7 information, so thank you.

8 Sharon, are you done?

9 MS. HOUSE: It's almost eating time. Thank
10 you. Yes.

11 MR. LITTLE: Again, I'll go back over here.

12 MS. HOMER: The final thing I would bring is
13 there was a change in the definition of reflective
14 software. A phrase was dropped out of it, which is
15 "board deprives a player of a prize." And we're just
16 wondering, you know, about the change to the definition.
17 This was recommended language from the TGWG. It was
18 based on, you know, something that had happened in, I
19 think, a foreign jurisdiction. And we felt that this
20 actually made it more clear as to what reflects the
21 technology would not allow. And we noticed that that
22 had been deleted, so we were just wondering about that.

23 MR. PUROHUIT: The thinking was that it was
24 really general. Any outcome received must be delivered
25 in its entirety. It's not necessarily awarding a player

1 with a prize. It was looking at it both ways, not
2 necessarily depriving, but looking at the awards as
3 well.

4 So the idea is there can be no other
5 substitutions for that outcome coming in. And that's
6 the one thing, you know, that takes care of that one
7 scenario that you talked about, when it's depriving a
8 player, but also making sure that they're not
9 necessarily awarded any other extra prizes either. So I
10 don't know if that makes sense. It's just taking a look
11 at a general testing requirement that results have been
12 to be delivered in its entirety. That's it. Nothing
13 can be, kind of, intercepted as far as bingo ball
14 information is concerned, and the player received it.

15 MS. HOMER: So you're saying you can't give
16 them less or can't give them anymore. You think that's
17 covered by the language with the deletion of the
18 additional phrase "or deprive a player of an award"?

19 MR. PUROHUIT: That was the thinking. Yes.

20 MR. LITTLE: But if you've got some better
21 language or something to include that would be clearer,
22 please, please put --

23 MS. HOMER: I think the additional phraseology
24 provides additional protection, but, you know, that's
25 what we want -- it's not anything I want to fall on my

1 sword over but, you know, I was surprised, frankly, you
2 know, that language was deleted.

3 Thank you all for the opportunity, though.

4 MR. LITTLE: Is there any other comments on
5 Part 547 before we break for lunch?

6 Sharon, any other comments?

7 MS. HOUSE: No. I'm hungry also.

8 MR. LITTLE: Okay. I guess, in accordance with
9 the agenda, we are scheduled to come back at 1:30, so
10 we'll see you then. Thank you.

11 (A luncheon recess was taken.)

12 MS. STEVENS: I'll turn it back over to Dan.

13 MR. LITTLE: Good afternoon, everyone. We're
14 going to get right back into this, into the Part 543,
15 minimum internal control standards for Class II gaming.

16 As we did with the previous draft, we're going
17 to go through the PowerPoint presentation.

18 Now, this one, because of the size, we will
19 stop after each section and allow you to make comments,
20 and then we'll continue to the next section. And then,
21 at the very end, if there's other comments you want to
22 make, we welcome that. So a little different than 547.
23 So we'll break after each section for comments, and then
24 we'll continue on.

25 So at this point, Jen Ward is going to go

1 through with the PowerPoint with us.

2 MS. WARD: Jumping right into Part 543, the
3 MICS for Class II gaming.

4 This part addresses only Class II games and
5 associated functions. This discussion draft, unlike 547
6 and most other drafts that you've seen based off of
7 other documents -- this is an entirely new animal with
8 ideas and language drawn from several sources, including
9 the current MICS, TAC recommendation, TGWG guidance, and
10 2010 proposed MICS.

11 And sections have been reordered from the
12 existing MICS and the TAC recommendation to group
13 similar functions and activities together. As you go
14 through, you'll notice that even the section numbers
15 look different than some of those other documents from
16 the past.

17 First section is 543.2, definitions. And this
18 section, again, looks very different from the existing
19 MICS. And the difference reflects the goals of
20 simplifying the MICS and making them more
21 reader-friendly. There are a few items, like kiosks and
22 entire interfaces, that have been added to reflect the
23 widespread advances in technology and several other
24 terms, such as "game server," have been removed since we
25 new have everyday common meanings.

1 If you come across a term that you may believe
2 is a multiple definition or the definition is unclear,
3 please let us know, along with any suggestions you have
4 for defining those terms. There are three changes, in
5 particular, that are worth reviewing before we get to
6 the section they're covered in. One is the section of
7 gaming promotion. It's been altered to include only
8 those promotions requiring game play to participate.

9 There's also "sufficient clarity." The
10 definition continues the 20-frames-per-second minimum,
11 but adds "clearly identify" to the requirements.

12 And the minimum thresholds for Tier A, B, and C
13 have been raised. Tier A now starts at \$3 million,
14 rather than the existing MICS, \$1 million.

15 MR. LITTLE: Is there any questions on that
16 section? Okay. We'll continue along.

17 MS. WARD: Section 543.3. "How Do Tribes
18 Comply With This Part?"

19 I want to note that these are minimum
20 standards, and TGRA may establish additional controls
21 that do not conflict with this part. It's expected that
22 TGRAs may implement additional standards to suit the
23 needs of their particular operations. One important
24 change coming from the TAC that recommends that TGRA
25 variances will be investigated rather than having

1 arbitrary amounts to the federal government. This draft
2 incorporates that TAC suggestion. In fact, the final
3 item. Nearly every section of this document requires
4 that TGRA determine a variance threshold for that
5 particular section.

6 Additionally, this draft commission has far
7 more extensive TGRA involvement than past regulations.
8 Nearly every section calls for controls to be
9 established and procedures implemented that meet certain
10 minimum criteria.

11 MR. LITTLE: I think we have a question here on
12 the left.

13 UNIDENTIFIED SPEAKER: Yes. Thank you.

14 I believe that Elizabeth House had a question
15 regarding this. Thank you, Elizabeth.

16 MS. HOUSE: On the definition section, there
17 was a change in the recommended definition for the term
18 "agent." What was deleted from that definition was to
19 allow a -- you know, an electronic system to replace one
20 agent or to, you know, also serve the function of an
21 agent. And we noticed that that definition was not
22 adopted, and so we're kind of wanting to reiterate that
23 that's really important when you're -- for your staffing
24 levels.

25 You know, if you have a reliability in your

1 system, like, to do a hand pay or something like that,
2 you know, your system can verify, you know, that
3 transaction. So you don't necessarily need two people
4 to verify it, as long as you're operating under a
5 system. So we would like to see that -- that term put
6 back in, you know, that a part of the system can operate
7 as an agent.

8 MR. LITTLE: My recollection -- and I'll ask
9 maybe Mike -- that that was one of the recommendations
10 of the TAC that they remove -- we did discuss that
11 during the TAC, that that was removed. That was the
12 reasoning for removing it.

13 MS. HOUSE: Well, I think that that is
14 something we probably ought to -- we all want to talk
15 about some more, that definition.

16 MR. LITTLE: Thank you.

17 MS. WARD: One more thing to note under 543.3
18 is the existing facility compliance date. Existing
19 facilities under this draft have one year to implement
20 and an additional six months, if necessary. But new
21 operations must comply before gaming begins.

22 Under 543.4, that's largely unchanged from the
23 existing -- from past recommendation. The small and
24 charitable thresholds, though, have been raised to
25 reflect the change in the tier minimum threshold, so

1 it's going to go up to \$3 million.

2 MR. LITTLE: Robin?

3 MS. LASH: Robin Lash, Miami Tribe.

4 Going back to 543.3(a). I have the same
5 comments that I had with the technical standards with
6 the TGRA also regulating Class II games, instead of
7 appropriate language of primary Class II gaming.

8 MR. LITTLE: Thank you.

9 MS. WARD: Under 543.5, "How Tribes Apply to an
10 Alternate Standard." This was also discussed in
11 Section 5.7, to draft that. Again, the reasoning is
12 that it used to be called "variance procedures." And
13 "variance," especially in the MICS is used in multiple
14 ways to understand the difference between what you're,
15 statically expecting and what actually is happening.
16 And also, variances between dollar amounts that you're
17 expecting and the amount that you have. So we wanted to
18 create a new term for this. It's "alternate standard"
19 that tribes can implement.

20 Under this section, TGRA may implement a
21 standard other than the one required by the MICS, if it
22 demonstrates that this alternate standard accomplishes
23 the purpose of the standard it is replacing, and the
24 chair and commission agree.

25 Please also note that this section is meant to

1 apply only to control held out to the equaling to the
2 MICS. The TGRA may always establish more stringent
3 standards without approval.

4 No. 543.7. "MICS for Class II Gaming System
5 Bingo." Although both paper server bingos are the same
6 game under Class II definitions, they present different
7 MICS issues. And to prevent confusion trying to figure
8 out which standards are applicable to either manual or
9 server-based bingo, the controls have been separated
10 into two sections.

11 Class II gaming system bingo contains elements,
12 such as comparing manufactured math sheets against the
13 server information to discover statistical variances,
14 player interface to constitute one verifying signature,
15 setting standards for vouchers, and requiring shipping
16 information to be filed.

17 543.8 covers the MICS for manual bingo. The
18 bingo sections, in particular, defer to the TGRA and
19 operations. This section sets forth minimum standards,
20 but leaves it to the TGRA and operation to develop and
21 implement procedures that meet those minimum standards.
22 The price verification thresholds of \$1,200 for bingo
23 and \$600 for pull-tabs are unchanged from the current
24 mix levels. The amounts were selected because they
25 coincide with the IRS reporting requirements, and it may

1 be easier to remember one number for each game rather
2 than two. The TGRA may always set a lower threshold.

3 MR. LITTLE: John?

4 MR. MAGEE: John Magee, Pechanga.

5 Can you explain to me why the separation of
6 electronic bingo from regular bingo is separated in two
7 sections, not the way it was done prior.

8 MR. LITTLE: You know, this wasn't discussed
9 during TAC, and I know it wasn't a recommendation. But
10 it was talked about, and I think it would be something
11 that would work. Sounds like Mike or Jen could talk
12 about this a little bit more.

13 MR. WEST: Rest West.

14 During the TAC meetings we were discussing the
15 problems determining which standards applied to manual
16 bingo, electronic bingo, and both. So that was the
17 reason behind separating the standards of the two.

18 MR. MAGEE: I guess what comes into play here
19 is the legal ramification by separating them out. And
20 if we're talking about bingo, and trying -- if we're
21 separating out section bingo from electronic-version
22 bingo, my concern would be the legal implications down
23 the road. And I just think we need to probably consider
24 that section a little closer. I think we could -- I
25 think we'll submit comment in written form to further

1 submit the rationale behind that.

2 MR. LITTLE: You know, the purpose of
3 discussion drafts is to stimulate some discussion. And,
4 you know, this was an area that we did touch upon at the
5 TAC. You know, the commission felt, you know, this is
6 something we should -- maybe there is an opportunity
7 there to, you know, more clearly explain things. So you
8 know, your comment would be very helpful. So we'll look
9 forward to that.

10 Yes, sir?

11 MR. MATHIAS: Reuben Mathias.

12 The shouldn't be separated. We need to keep
13 that together because we're only Class II gaming.

14 MR. LITTLE: Thank you, sir.

15 MS. LASH: Robin Lash, Miami Tribe.

16 I agree also with the comments stated thus far.
17 There may have been some discussion about clarification
18 of language in the bingo section, but I don't think
19 there was ever an intent for actually separating it. I
20 think it needs to be put back together.

21 MR. LITTLE: All right. Thank you.

22 MS. WARD: Section 543.10 is "MICS for Card
23 Games." And this section leaves it to the TGRA to
24 review and approve a cancellation or removal procedure.
25 It's an example of where we eliminated some of the

1 specifics that are in the existing regulations and tried
2 to get the TGRA more flexibility. This draft also
3 continues the standard that no administrative or
4 overhead fee be taken from player pool funds for
5 Class II card games.

6 543.12 covers "MICS for Gaming Promotions &
7 Player Tracking." The gaming promotion standards are
8 limited to those promotions that require game play to
9 win. So this new definition excludes promotions like
10 door prize raffles, where visitors put their name to be
11 drawn later. It does include, however, bingo
12 tournaments or prizes associated with game play, with
13 player tracking information.

14 540 -- we have a --

15 MR. LITTLE: Go ahead, John.

16 MR. MAGEE: John Magee from Pechanga.

17 Being consistent with my comments from the TAC,
18 here we believe -- Pechanga believes that promotions
19 fall outside -- I don't want to say jurisdiction, but
20 I'm going to say authority of NIGC. We firmly believe
21 this is a business tool that we use as part of marketing
22 and not really within the realm of NIGC's authority to
23 regulate. And for the record, I'll make my statement.
24 I know I've made it to you before, so just reaffirm my
25 statements.

1 MR. LITTLE: And we did take that into
2 consideration when the commission discussed this. And
3 that's why we did try to limit any opportunity to be
4 viewed that these would be any promotions that were not
5 associated with game play.

6 So whether it be a drawing, like a tumbler
7 where you put your name in, that would not be included.
8 However, any ideas that you're putting a card in a
9 machine and you have to win money in order to
10 participate in that promotion, then it would be a
11 violation.

12 MR. MAGEE: That makes sense.

13 And I also want to follow up my comment that I
14 have not fully read these and ask that you give me more
15 time to go through and fully understand. But restating
16 my comments, I do believe that we'll probably submit
17 further written comments to this section.

18 MR. LITTLE: Thank you. Go ahead, Robin.

19 MS. LASH: I have a question, please.
20 Robin Lash, Miami Tribe.

21 The section was separated in the Porch Creek
22 Proposal by the Tribal Gaming Working Group. And can
23 you explain why they were put back together promotions
24 and player tracking?

25 MR. LITTLE: They were just very small

1 sections. And there was some -- it flowed easier. Put
2 it that way. But interested to hear your comments if
3 that was not the right decision.

4 MS. ROWE-KURAK: Janice Rowe-Kurak, Iowa Tribe
5 of Oklahoma.

6 I believe that we have requested more
7 clarification. Nancy Green is another one of my
8 representatives here.

9 MS. GREEN: I keep forgetting my name is Green,
10 just for the record.

11 UNIDENTIFIED SPEAKER: Just for the record, I'm
12 trying to remember.

13 MR. LITTLE: It's a very distinguished name.

14 MS. GREEN: Actually, I had a question on
15 543.10 and did -- apologize. I don't know your name.
16 But did you say -- Jennifer? Sorry.

17 Did she say that there were no administrative
18 fees to be allowed to be taken for player funds? Did I
19 hear that?

20 MS. WARD: Yes. It's in the existing MICS as
21 well.

22 MS. GREEN: Obviously, something that will be
23 the topic of later comments but, you know, just for
24 clarity's sake, I wanted to be sure.

25 MR. LITTLE: Thank you.

1 MS. WARD: 543.13. "MICS for Complimentary
2 Services/Items." This section requires the TGRA and
3 operation to establish specific controls and procedures,
4 and it requires the TGRA to establish a threshold for
5 recording comps.

6 MR. LITTLE: Go ahead, John.

7 MR. MAGEE: Pretty much I'm going to agree with
8 my same comment. Pechanga firmly believes this falls
9 outside the jurisdiction authority of the NIGC, and we
10 believe, again, this is a marketing tool and not a
11 gaming item, for the record.

12 MR. LITTLE: Thank you.

13 MS. LASH: Robin Lash with Miami Tribe.

14 And I'll follow John with that same comment. I
15 think everything the TAC did was by consensus. So we
16 have 15 table governments; that it was the consensus of
17 the TAC and those 15 tribe governments, that these
18 topics that John is mentioning fall outside the
19 authority of NIGC.

20 MR. LITTLE: Thank you.

21 MS. WARD: 543.14. "MICS for Patron Deposit
22 Accounts and Cashless Systems." The only big change is
23 that there are nonrestricted player accounts. Bank
24 secrecy acts prohibits these acts, and references of
25 them have been deleted from this part.

1 And as for 543,15, the lines of credit.

2 Although the TAC recommended eliminating the lines of
3 credit section, some operations still do extend credit
4 to players, and controls are necessary.

5 The drop and count section, 543.17, is a blend
6 of all sources mentioned at the beginning and has been
7 streamlined. This draft covers what must be done, but
8 leaves discretionary details to the TGRA and operation.
9 The existing MICS, for example, detail exactly how to
10 make count corrections. They require single
11 strike-through instruction written in ink above the
12 original amount, initialed by two people, et cetera.
13 Also, the existing regs require that prior to the drop,
14 surveillance had to insert a new tape into the VCR and
15 activate the recording in cameras. These regs simplify
16 that which included the regs under drop and count. For
17 example, they require that they notify surveillance
18 before a drop is to be conducted. And then that leads
19 to surveillance, and the operation determines how to
20 respond.

21 MR. LITTLE: Do you have a question?

22 MS. LASH: I have a comment on this section.
23 Robin Lash with Miami Tribe.

24 This section specifically was a hard section to
25 review because of the blend from the different areas.

1 Is there any way that the language can be cited so when
2 we're reviewing we -- I know it's difficult to redline
3 when you're bringing together four different documents,
4 but it would be helpful if there was a way that these
5 different areas would be cited. Didn't know if that was
6 something that might be a possibility.

7 MR. LITTLE: We can talk about that and see if
8 we can provide something.

9 MS. WARD: 543.18 is the "MICS for Cage, Vault,
10 Cash, Cash Equivalents, and Kiosks." In keeping with
11 technology, kiosks have been added to the MICS since
12 they operated as an electronic cage. They require that
13 any cage increase or decrease of \$100 or more must be
14 verified, documented, and recorded; and promotional
15 payments of \$100 or more must be documented.

16 These were numbers that, at the time, seemed
17 like they weren't too big or too small. But if you have
18 comments on them or you prefer to leave to TGRA
19 discretion to set a threshold, those are comments we'd
20 also like to hear from you.

21 543.20 is "MICS for Information Technology and
22 IT Data." It's a new section, and most of the topics
23 have been adopted from the TAC. And they include a
24 whole list of things. I'll just highlight a couple
25 here.

1 Class II gaming systems and physical controls,
2 logical security, remote access, data backups, and
3 software download. The technology is prompted in an
4 entirely revamped IT section, and the provisions have
5 been, again, taken largely from the TAC recommendations.

6 Section 543.21 covers surveillance. This
7 section retains the use of sufficient clarity for three
8 sets of areas for count room, card tables, and cage and
9 vault. But it defined at 20 frames per second and
10 resolution to clearly identify the intended activity,
11 person, object, or location.

12 Surveillance Class II. Gaming systems must
13 also include the server and a jackpot leader. And TGRA
14 approved procedures for reporting suspected crimes and
15 sufficient activity. There we added the requirements
16 that TGRA must establish those procedures. And this
17 pairs with the existing requirement that surveillance
18 retain footage of those events.

19 543.23. "MICS for Audit and Accounting." This
20 section sets forth the indoor requirements, and they
21 largely adopt the TAC recommendation.

22 543.24 is "MICS for Revenue Audit." Here we
23 separated this section from audit and accounting, and it
24 specifies frequency of each testing procedure. And it
25 sets forth game sections, the Class II gaming system,

1 bingo, pull tabs, and card games. Those are largely
2 from the TGWG items.

3 And that covers all of the MICS sections. So
4 does anyone have questions or comments?

5 MR. LITTLE: Are we going to defer to Robin?

6 MR. MAGEE: John Magee, Pechanga.

7 For the record, you know, we need to coordinate
8 our problems. You know, I understand we're on a
9 deadline here of April 16th. We want to get comments
10 in. This week has taken up a lot with the trade show,
11 then the volume of material in this section, I
12 anticipated time to review. And here's my comment, if
13 we could -- I'm going to ask -- request, actually, if we
14 could get an extension of the April 16th deadline by a
15 couple weeks. I'm thinking maybe the 1st of May to
16 allow tribes to fully read this, have the staff read
17 this, have the commissions read this, and then, you
18 know, maybe have council review. I just don't think we
19 can do this by April 16th on our end, and I'm sure
20 there's probably other tribes that are probably in the
21 same circumstance as we are. So Pechanga -- and I
22 represent -- respectfully requests if we can have a May
23 1 deadline instead of an April 16, and I request that
24 you consider that.

25 MR. LITTLE: I think the commission will talk

1 about that and review all the notes, and we'll take that
2 under consideration.

3 MS. STEVENS: And this isn't the only time that
4 there'll be -- as we said earlier -- opportunities to
5 comment and also have consultations. We've been pretty
6 consistent in how we are performing in these. You know,
7 if we look back at some of the previous -- well, all of
8 the discussion previously, they're all 30 days, and we
9 discuss more. So I just want to remind everybody it's
10 not the last opportunity to comment.

11 MS. OGAS: Hi. Katherine Ogas from Lytton
12 Rancheria. I would make the same request. And I do
13 understand we have to stay consistent, and that's great.
14 And I know it's just a discussion, but these are some
15 really large documents, and there's a lot of bigger
16 concepts for MICS to go through. So I just want to give
17 some backup for that support.

18 MS. ROWE-KURAK: Also, we would like to back
19 that up, also. And I know you're trying to get this
20 address fairly soon, but if we stop and think right now,
21 we're talking about 10 days away. And it's not a lot of
22 time for travel. And you know, we've got a holiday
23 coming up. And I know that this is important to
24 everyone, but it's -- 10 days isn't a lot of time left.

25 MS. LASH: Robin Lash of Miami Tribe.

1 I wanted to ask, are these documents
2 necessarily moving forward together with 547 and 543.
3 Or you know, there appears some work that needs to be
4 done on 543, maybe some further review. We're pretty
5 close with 547. I just wondered if you could let us
6 know what your thoughts are.

7 MR. LITTLE: In preparing the draft, we, at the
8 recommendation of TAC, did talk about this quite
9 extensively, trying to make sure that those parts that
10 are in -- should be in 547 are in 547, and those parts
11 that are in 543 are in 543 because, you know, there was
12 some friction there. We spent a lot of time ensuring
13 that the definitions, you know, are the same where they
14 can be. So in some regards, it's only natural that we
15 work on these roles together, but we have not
16 established any kind of time frame yet, when we're going
17 to have it ruled out or where we are.

18 So we're going to look at all the comments, sit
19 down with the Commission, and go through them before we
20 decide how we're going to move with either regulation.

21 Yes, sir?

22 MR. MATHIAS: We'd like to ask to make that
23 request also, as Pechanga did.

24 MR. LITTLE: For the additional time? Okay.

25 MR. MAGEE: Ray MaGee.

1 (inaudible) ...been twelve years. We have
2 written down 20 frames per second on recordings.
3 Standard realtime recordings are 30 frames per second.
4 Standard clarity -- I don't know if anybody wants to
5 include that -- is 420 lines. So just that's the latest
6 surveillance.

7 MR. LITTLE: This clarity was an issue that TAC
8 did discuss extensively. A lot of good information came
9 about, you know, that we heard. And we're really
10 interested in hearing comments from everyone. So if
11 there are some ideas that you have, please present them
12 in writing and send those in. We'd really like to hear
13 them.

14 John?

15 MR. MAGEE: I just to follow up with that. The
16 reason why we came up with sufficient clarity is because
17 we didn't want to lock ourselves into technology that
18 may be coming out here on. So we said, "How can we
19 address this without getting too specific?"

20 Just back on the record, by the way, Ray and I
21 are related.

22 UNIDENTIFIED SPEAKER: I'll throw it back at
23 you. VCRs are standard.

24 MR. LITTLE: Well, thank you.

25 MS. HOMER: I know I said it earlier. I'm

1 going to say it again and jump on board with everybody
2 here. I've done one read through of the MICS, and I
3 have probably 30 pages of notes. Not all of it is
4 end-of-the-world, earth-shattering stuff. Some of it is
5 going to be small, minor things. But I think that the
6 big issue -- and the one we haven't talked about yet --
7 is that, you know, the idea that the TGWG began with --
8 and which I think was endorsed by the TAC is that we
9 would work together, much more focused, minimal
10 regulations, and then do comprehensive stuff with the
11 guidelines, with the guidance documents, because we can
12 put more into the guidance documents.

13 And, you know, I commend to your attention the
14 Title 31 regulations. For some reason I had spent some
15 time on the Title 31 regulations recently and was
16 looking at their guidance documents. They have really
17 wonderful guidance documents. Their regulations are
18 pretty tight. They're not 200 pages worth of
19 regulations, but there's a lot of procedure involved in
20 Title 31, obviously.

21 And it works really well, and I think that that
22 was kind of the concept that we had -- you know, that we
23 had been advancing. And it seems that on the working
24 draft that that is a rejected concept. You know, I'll
25 just say it. I'll just put it on the table. It looks

1 like it's a rejected concept from the -- you know, from
2 the document we got back.

3 The document we got back also, you know -- and
4 I realize it's a working draft, and I realize that you
5 guys put it together really fast because a lot of us
6 were urging you to have something for us to react to at
7 this consultation session. So I'm not throwing stones.
8 I know that it's still probably a rough draft, but it is
9 such a rough draft. I mean, parts of it, you know, are
10 kind of -- you know, kind of tight and concise and, you
11 know, you dropped in some of the stuff that the TGRA or
12 the TAC had recommended. And then there's parts of it
13 that don't work because they come from a different
14 regulation. And so it's not a -- it's not a perfect
15 kind of match, structurally. I think that there's still
16 some numbers issues in it.

17 You know, this has been a useful walk-through
18 today, but there's a lot more that's coming back in this
19 document than, you know, we had an opportunity to go
20 over this morning. And there's lot of issues here. And
21 I think all of us, we want a good regulation. We're not
22 like, you know, trying to be problematic or
23 trouble-makers, if you will. We want a good regulation
24 that's going to work for our industry, that's going to
25 bring integrity to our industry. But at the same time,

1 you know, is not an overregulation and not building in
2 specific procedures that, you know, reflect a
3 one-size-fits-all kind of approach of how you do things.
4 Technology is changing all of the time. A lot of things
5 that we used to do by hand, we don't do by hand anymore.
6 But some of that is still in here. Some of that is
7 captured. There's also old terminology in here that
8 we're not using much anymore. So there's a lot of these
9 kinds of things that need to be addressed.

10 If this is the approach that the agency has
11 settled on, then we also need to understand that -- you
12 know, so that we can come back to you with our comments
13 around that. So I just kind of throw out these
14 big-picture items just to get some guidance as to what
15 the agency is thinking.

16 MR. LITTLE: Thank you for those comments. And
17 we want to keep in mind that -- not only are we really
18 grateful to the TAC, we're very grateful to the Tribal
19 Gaming Working Group. We understand that tribes spent a
20 lot of money to develop a work product, and a lot of
21 energy and a lot of hours went into that. And we want
22 to be mindful and respectful of that.

23 In developing our draft, we -- you know, there
24 was some areas that we thought could be improved. And
25 if you look at some of the areas, we did try to create

1 processes or establish areas where we set the minimum
2 requirements and then allowed the TGRA to set up their
3 individual controls. And we did that in a number of
4 areas to try and kind of do a blend between what the
5 Tribal Gaming Working Group document requested.

6 So there has been some areas where we
7 overlooked, and you could maybe make some
8 recommendations that, you know, could be improved. But,
9 you know, say once again, this is a discussion draft
10 that, you know, we made an effort to try to identify
11 areas where we could find -- make -- these are the
12 specific requirements that we believe are needed. How
13 the TGRA or the operation goes about to being the
14 controls and procedures, we're leaving up to them. So
15 if there's other areas that need improvement, we really
16 would like to hear your suggestions.

17 MS. HOMER: Well, one of the areas in the
18 auditing and accounting section is that, you know, you
19 did take the recommendation that we used -- you know,
20 that we'd be able to use, standards at TAC, those kinds
21 of things. But at the same time, you know, there's
22 certain procedures that are being specified. You know,
23 maybe if we're adopting -- you know, we already have to
24 operate under GAP. We're already doing a lot of these
25 kinds of things. Some of those procedural, you know,

1 approaches are not needed because, you know, we are
2 doing it in accordance with the AITCA standards, and
3 they are much more comprehensive than what's in the
4 internal control standards.

5 And so in that section, I think some of the
6 structure that had been recommended by the TGWG has
7 been, you know, taken out. Like, for example, revenue
8 audit. Revenue audit is not really an auditing
9 function. It's really a reconciliation function. It's
10 usually performed in an accounting department and those
11 kinds of things. So there's going to be some need.
12 Even if we went with this language as it is right now,
13 we're going to need to smooth some of those things out.
14 I think that -- I think that some sections got dropped
15 around in a way that doesn't quite work, doesn't quite
16 flow. So there's a lot of those kinds of things. And,
17 you know, I don't want to sit here and take up
18 everybody's time and go over all of these, you know,
19 little -- you know, little and big issues because
20 there's just a lot of it, and we'll be here all day and
21 everyone is tired.

22 But I just want to bring that to your attention
23 that there is a lot. There are a lot of things still to
24 be ironed out on that. I would really hate to -- you
25 know, I really would hate to leave here without making

1 that point that we do have quite a lot of work ahead of
2 us on this, and we do need that title to get back to you
3 a cohesive line-by-line, section-by-section feedback on
4 these things to bring to your attention.

5 MR. LITTLE: All valid points and, actually,
6 welcomed points. And we know there's some areas that we
7 need some additional, you know, looking at. And, you
8 know, we encourage, you know, comments in any areas that
9 you think we could improve or areas that we didn't look
10 at. We are addressing, you know, in the 547 particular
11 words that needed better clarity.

12 So, you know, please, this is a working draft.
13 You know, we want your help. We want your comments. We
14 want suggestions. And that way, you know, you have an
15 idea of what we're thinking there. You know, what our
16 ideas are before we go forward with a -- you know, the
17 formal process.

18 So all very good and valuable points, and we
19 appreciate it.

20 MS. HOMER: Also, remember that those IRS
21 payout levels are subject to change. So when we put in
22 hard numbers, you know, we may be outdating ourselves.
23 You know, so just stuff like that to watch out for.

24 MS. HOUSE: Sharon House, with Shoshone-Bannock
25 Tribe.

1 This is just a simple word processing question:
2 Is extending 543 for the time to respond for comments,
3 is that going to hold up 547?

4 MR. LITTLE: You know, we haven't really
5 discussed that yet. So after we receive all the
6 comments, we'll sit down and look at it and see, you
7 know, what work we need to do. So I can't say yes or
8 no.

9 MS. HOUSE: Because it seems like internal
10 controls are completely separate. I look at it separate
11 from the technical standards. It seems like the
12 technical standards are almost complete. There's only a
13 few comments. So I'm just curious if that's been
14 discussed at all.

15 MR. LITTLE: You know, they're in the TAC.
16 Painfully, went through -- they really wanted to make
17 sure that there was -- right to the parts that were in
18 547 were correctly in there. We actually ended up
19 moving a couple things, so I would hate for us to get
20 down the road with 547 and realize, you know, as we go
21 through 543, there would be any kind of definition
22 change or something like that. So we haven't really
23 decided anything yet, so I understand your concern.

24 MS. HOUSE: Thank you.

25 MS. LASH: Robin Lash, Miami Tribe.

1 The TAC, we completed our review of 547 in
2 January, and we sent a formal recommendation from our
3 perspective. At least the document was ready to move
4 forward. And in fact, we did request that it did move
5 forward. I don't remember ever referencing that 547
6 should be slowed down for 543.

7 John, is that your recollection as well? It
8 was submitted, and it was a consensus format again with
9 the signatures of all the TAC.

10 And so we were hopeful that 547 would move
11 forward. So if you could consider that, we would
12 greatly appreciate that.

13 MR. LITTLE: Okay. Thank you. John?

14 MR. MAGEE: John Magee from Pechanga.

15 I think it would be helpful if we understood
16 your timeline. What is your timeline from here on out?

17 MR. LITTLE: Depending upon how many comments.
18 And from what we've heard today, we're going to get some
19 extensive comments on both of these sections here,
20 obviously more than just 543. We'll need a little bit
21 of time to review those to see, you know, where we are,
22 how much, you know -- what kind of changes we need to
23 make, and then we'll decide on that. I can't give you a
24 date specifically, you know, moving forward through the
25 formal process.

1 Yes, sir?

2 MR. MALATARA: (Inaudible)

3 MR. LITTLE: Sir, could you repeat what you
4 just said? The transcriptionist is having a hard time
5 understanding you. I understand what you said. I
6 understand what you said.

7 MR. MALATARA: I was just saying that we should
8 take our draft -- this draft that's here -- take it back
9 to our tribal council and people so that we can really
10 review these and look them over really well. I'm hoping
11 for that extension so we can submit written comment. To
12 us, it is very important.

13 MR. LITTLE: That will be very much
14 appreciated.

15 MR. MALATARA: We'll need time to do it.

16 MR. LITTLE: Okay. Thank you.

17 Is there any other additional comments? If
18 there's no other comments, I guess I'll turn it back
19 over to the chair.

20 MS. ROWE-KURAK: Actually, mine was just a
21 closing comment, so I'll do it at that time.

22 MS. STEVENS: Okay. Well, I want to say thank
23 you to everyone who did stay. I know it was a long
24 week. And most everyone who attends these, there's
25 numerous activities and business that takes place here.

1 And really appreciate everybody staying and all the
2 comments that we've seen encourage comments in writing
3 as we move forward.

4 Is there anything that you were going to add as
5 commissioners?

6 We'll keep everyone informed, as we have and
7 has been the practice of this commission, to put
8 everything on the web and be transparent and let you
9 know where we're at. We appreciate your comments.
10 We'll let you know what the next steps are as we move
11 forward.

12 And are there other closing statements that
13 anyone wants to make?

14 UNIDENTIFIED SPEAKER: You know, I would like
15 to thank commissioners. I would like to say thank you
16 for taking this opportunity to meet with us.

17 President Obama made a commitment to consult
18 with tribes, and I believe that the NIGC -- this is
19 exactly what's going on. It may not be a smooth
20 process, and we may have bumps along the road. But I
21 really appreciate your time and efforts and thank you
22 very much.

23 MS. STEVENS: Chairwoman, I want to thank you.
24 And in my tribe's tradition, you saw council members --
25 this is a praise. Thank you.

1 Because we really are trying, and we really
2 are -- we're taking it a little bit further than
3 actually what's required so that we try to get the best
4 product that we can that works for everybody. So our
5 intention and our motives are really good. And, you
6 know, it is kind of like herding cats because we've got
7 a lot of interest here. But we're confident that in the
8 end of this process -- in the end we'll come up with a
9 good product for everybody.

10 So thank you. I really appreciate that
11 recognition because we are trying.

12 So with that --

13 MS. HOMER: You know, I think it's really
14 important -- I know that when we go through this, you
15 know, we're pointing out things that we have concerns
16 about. And, you know, because time is limited, you
17 know, we usually talk about the things you're worried
18 about instead of the kinds of things you appreciate.
19 And there are a lot of good things that have been done
20 in these rules that are going to be beneficial.

21 So however we may sound in our criticism of
22 particular sections, you know, I want to put on the
23 record that there are a lot of good things that go on in
24 these regulations, and I don't want to overlook that.
25 And I do want to acknowledge that.

1 MS. STEVENS: Thank you, Liz. And while we're
2 all hugging each other right now, I'll take advantage of
3 that. If you want to talk to us tomorrow or any other
4 time, we got to this point because of the tribes and all
5 of the work. And it's been a busy process over the
6 past. Like we're almost close to 18 months when we
7 kicked off this regulatory review. We didn't do this in
8 a vacuum. You all contributed to this.

9 And, you know, what you see, there is a
10 collaboration of all of us trying to find a solution for
11 common issues for all of us. So thank yourselves too
12 because you all had a part in that, and you'll continue
13 to have a part in this as we move forward. So thank
14 you.

15 Anyone else who would like to make any comment?

16 Okay. With that, we'll go ahead and close this
17 meeting. We'll let you know what the next steps are
18 going to be. We'll be taking all your comments under
19 consideration here and previous consultation and
20 anything that was submitted, and we wish you all safe
21 travels back home. Thank you.

22 (Meeting was concluded at 2:41 p.m.)
23
24
25

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken
4 before me at the time and place herein set forth; that
5 any witnesses in the foregoing proceedings, prior to
6 testifying, were duly sworn; that a record of the
7 proceedings was made by me using machine shorthand which
8 was thereafter transcribed under my direction; that the
9 foregoing transcript is a true record of the testimony
10 given.

11 Further, that if the foregoing pertains to the
12 original transcript of a deposition in a Federal Case,
13 before completion of the proceedings, review of the
14 transcript [] was [] was not requested.

15 I further certify I am neither financially
16 interested in the action nor a relative or employee of
17 any attorney or party to this action.

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

20
21 Dated: _____

22
23
24 _____
25 Claire A. Wanner

RPR, CSR NO. 12965

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