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NATIONAL INDIAN GAMING COMMISSION
CONSULTATION

ON JANUARY 29, 2018, BEGINNING AT 1:01 P.M.
AT THE ARAPAHO CASINO AND HOTEL
IN LAWTON, OKLAHOMA

NIGC STAFF

- Chairman - Jonodev Chaudhuri
- Staff Attorney - Heather Nakai
- Associate Commissioner - Sequoyah Simermeyer
- Vice Chairman - Kathryn Isom-Clause
- Chief of Staff - Christinia Thomas
- Director of Finance - Yvonne Lee

REPORTED BY: MARCY A. KING, CSR, RPR

1 ****PROCEEDINGS****

2 CHAIRMAN CHAUDHURI: Okay. We're
3 actually going to try to break new ground and get
4 started on time today, but before we do, in
5 keeping with our traditions, we start off with an
6 opening blessing. We are blessed to have Mr. Gary
7 Tomahsah from the Comanche Nation here today. He
8 will lead us off with a blessing.

9 Thank you very much sir.

10 (Blessing)

11 CHAIRMAN CHAUDHURI: Before we
12 move forward with introductions, we always give
13 thanks to the nations whose homelands we enter
14 into, so many, many thanks to Fort Sill Apache,
15 Cheyenne Arapaho, Comanche, Kiowa, all of the
16 western tribes of Oklahoma for allowing us into
17 your homelands. We are honored and blessed to be
18 here. And if I'm missing any specific tribes,
19 feel free to conk me over the head.

20 My name is Jonodev Chaudhuri, I'm
21 Muscogee Creek. I'm very proud to be back in
22 Oklahoma. I'm going to turn it over to my fellow
23 commissioners to introduce themselves in a bit
24 before we get to housekeeping matters. But if
25 there's any leadership from any of the host

1 nations here that want to make some opening
2 remarks you're absolutely welcome to do so.

3 So I'll say a little bit more about the
4 consultation in a moment but I'm going to turn it
5 over to my fellow commissioners at the time.
6 There's three of us who are joined by our senior
7 leadership of the NGIC and we're very much looking
8 forward to a good consultation today.

9 MS. ISOM-CLAUSE: Thank you. Good
10 afternoon, I'm Kathryn Isom-Clause. I am vice
11 chair of the commission and Taos Pueblo. Thank
12 you all for joining us and thanks to Fort Sill and
13 all of the tribes the chairman has mentioned for
14 hosting us in your lands here.

15 Tribal consultation is primarily a
16 means for us to listen to tribes, not only to
17 honor a government-to-government relationship, but
18 also recognition of tribes as the primary
19 regulators of Indian gaming.

20 It is also a time for us to present
21 ideas for how we can strengthen our regulatory
22 partnerships, provide clarity to our regulations
23 and policies and make our day-to-day work more
24 efficient.

25 This round of consultation sessions

1 follows through our previous consultations that
2 we've had as this current commission.

3 Our topics today are targeted to
4 address protecting against gamesmanship on the
5 backs of tribes, developing outreach to small and
6 rural gaming establishments.

7 While we're specifically targeting
8 those two especially today, we're also continuing
9 to implement our other initiatives including
10 supporting a strong work force both through the
11 NIGC and among our regulatory partners.

12 And a final -- not a initiative, I
13 suppose, but a final management objective will be
14 reflected in our upcoming strategic plan, that's
15 instrumental operational excellence. Our
16 strategic plan will be up next month, very soon,
17 and it will cover fiscal years 2018 through 2022.
18 So look to that to provide a continued stability
19 in our policy initiatives and work with the
20 commission going forward.

21 So we're looking forward to sharing our
22 ideas with you today as well as hearing from you
23 on these topics as well as any other topics that
24 you might wish to address with us today.

25 Thank you again for making time and I

1 will turn it back to my fellow commissioners.

2 MR. SIMERMEYER: Thank you.

3 Good afternoon. I'm Sequoyah
4 Simermeyer. I'm a Coharie Tribe of North Carolina
5 and I'm the third member of the National Indian
6 Gaming Commission.

7 I want to join my colleague in saying
8 thank you to Indian country for having us here
9 today and for engaging in this discussion.

10 As part of this consultation series,
11 it's always a good reminder for me to think about
12 the objectives, and for me one of those objectives
13 is to follow the intent of Indian gaming
14 regulatory acts.

15 As we all know, the watershed laws
16 shape our regulatory framework and led to the over
17 \$30 million industry that we have here so that's
18 an important objective on how I look at the world
19 today.

20 Another objective for me is to look at
21 the -- just to rely on the expertise that exists
22 in Indian country along with our fellow regulators
23 as well as the institutional knowledge within our
24 agency for making informed and defensible
25 decisions.

1 And the third objective for me is to be
2 diplomatic in how the commission approaches the
3 work that it does. I think that that includes
4 engaging in discussions like this and being aware
5 of the intergovernmental relationships that tribes
6 have established in order to execute their vision
7 for their communities.

8 So in all of this work that we're doing
9 I think for this consultation series, I think that
10 I share with my colleagues and the commission an
11 appreciation for the work that we can achieve in
12 consultation. It not only makes for better
13 governance at the federal level in terms of our
14 decision-making, it not only helps to bring
15 together federal participants who need to be part
16 of these conversations, but importantly I think it
17 helps to define and puts some meaning to the
18 government-to-government relationship that we
19 have, and to make us stronger federal partners.

20 So I just want to start off the session
21 today by, from my perspective, saying thank you,
22 and share with my colleagues, in the work that
23 we're doing in this discussion here, and in the
24 coming weeks. So thank you.

25 CHAIRMAN CHAUDHURI: So before we

1 go around the room with introductions, we usually
2 try to recognize NIGC alums that are in the room.
3 I don't see any, but if I'm missing anybody,
4 please be sure to raise your hand.

5 We'll move forward with introductions
6 but let me just kind of piggyback on a couple of
7 comments raised by my fellow commissioners.

8 Let me talk a little bit about the time
9 frame that we're working under. I'm very proud of
10 the fact that our agency has made good on our
11 commitment, at least in my experience and my time
12 with the commission and from what I've observed
13 from my colleagues. And our promise is to never
14 put pen to paper without working with our tribal
15 partners, without engaging in meaningful dialogue.
16 So we've worked very hard at every stage to listen
17 and engage in meaningful dialogue before moving
18 forward with any proposed regulations and proposed
19 rules. And I think today is no exception.

20 We provided some draft documents to
21 help facilitate the process, but I want to assure
22 everybody that these draft documents flow from the
23 many conversations that we've had both one-on-one
24 through formal consultations and in group
25 meetings. But furthermore, they flow from

1 consultation topics that we engaged in or that we
2 heard from Indian country about last year.

3 And so even though we have discussion
4 drafts on these topics, they, in my view,
5 represent the product of collaboration and
6 dialogue with Indian country.

7 That said, we're working on a pretty
8 aggressive time frame. As many folks in here
9 know, this agency at various times has functioned
10 without a full commission. I'm very honored to be
11 a part of a full commission that brings with it
12 diverse views and perspectives, and together we
13 each bring our perspectives and expertise into the
14 regulation discussion. That's very helpful when
15 you're passing new regulations, issuing new
16 guidance, issuing rules.

17 Although I have every reason to believe
18 our agency will continue to move, move on a smooth
19 trajectory despite any changes in the commission
20 itself. And that's especially due to the
21 incredible staff we have. We want to do what we
22 can while all three of us are working together.

23 My fellow commissioners have
24 significantly more time on their terms left than I
25 do. Mine ends later this spring. And while we've

1 made no formal decisions about a departure date, I
2 certainly am committed to run through the tape to
3 get as much done as I can, giving the honor it is
4 to serve on this full commission. So that's a
5 little background about the time frame.

6 We're going to move forward with
7 introductions so that everybody in the room knows
8 who the NIGC representatives are. But after that,
9 we're going to turn it over to the room because,
10 as these consultations are transcribed, people who
11 weren't in the room today will still benefit from
12 reading about the conversation that we have and
13 it's always good to know who you're conversing
14 with.

15 So with that, if we could just briefly
16 introduce ourselves, members of the commission
17 team.

18 Start on this side and just go down.

19 MS. NAKAI: Good afternoon,
20 everyone. My name is Heather Nakai. I am an
21 attorney in the office of general counsel. I
22 currently serve as the Oklahoma City regional
23 attorney, so many of you may have met me in the
24 past. I'm honored to be here and look forward to
25 our conversations.

1 MS. THOMAS: Good afternoon, my
2 name is Christina Thomas. I'm the acting chief of
3 staff of the National Indian Gaming Commission.
4 I'm also a member of the Lacs Band of Ojibwe out
5 of Minnesota.

6 MS. LEE: Good afternoon, my name
7 is Yvonne Lee, director of finance for the
8 National Indian Gaming Commission.

9 MR. BENEFIELD: Hello, I'm Josh
10 Benefield, the lead auditor with the National
11 Indian Gaming Commission.

12 MR. CUNNINGHAM: Hi, I'm Tom
13 Cunningham, the assistant director of compliance
14 for the National Indian Gaming Commission
15 stationed in the Oklahoma City office.

16 CHAIRMAN CHAUDHURI: And as
17 always, we have an open door, open phone line
18 policy. We strive to work promptly so that small
19 problems don't become big problems.

20 Just because -- let's see, we have a
21 few members of the audience. Folks from our Tulsa
22 office, if they're here -- I see Mr. Harper back
23 there. Tim Harper, our regional director from
24 Tulsa is here.

25 Is there anybody else from the NIGC

1 team?

2 MR. WHEELER: Anthony Wheeler,
3 acting regional director for the Oklahoma City
4 office of NIGC.

5 CHAIRMAN CHAUDHURI: Thank you,
6 Tony. That's a good demonstration.

7 Go ahead.

8 MS. DINKINS: Dana Dinkins,
9 compliance officer out of the Oklahoma City
10 office.

11 CHAIRMAN CHAUDHURI: Thank you.
12 So that illustrates a good point. So we do have a
13 transcriptionist, as I mentioned before, that this
14 consultation will be transcribed and put on our
15 website. And so since we don't have wireless
16 microphones today -- that's correct, right? We're
17 going to try and track down a wireless microphone.

18 In the meantime, if you could speak as
19 loudly as you can for the benefit of the
20 transcriptionist, we would very much appreciate
21 it. So include your name, your tribal affiliation
22 and what capacity you're appearing today, at
23 today's consultation. We would very much
24 appreciate it.

25 So if we could go around the room

1 starting with this table. And just to let you
2 know, the structure of our layout, unlike other
3 consultations, we really -- if we had round
4 tables, we would set the table up in a giant round
5 table because we don't believe in a one-way
6 dialogue with these consultations. We want it
7 really to be a conversation, a meaningful
8 discourse.

9 So while we have chairs in the back, I
10 want to welcome anybody to sit up front and sit at
11 the circle. We would have one big circle if we
12 could. But I just throw that out there.

13 At this time I'll turn it over to our
14 good friend, Mr. Friend.

15 MR. FRIEND: Billy Friend, chief
16 of the Wyandotte Nation.

17 MR. GORHAM: Hershel Gorham,
18 tribal attorney for the Cheyenne and Arapaho
19 tribes.

20 MR. WASSANA: Reggie Wassana, the
21 new governor for the Cheyenne and Arapaho tribes.

22 MR. MILES: Gilbert Miles, the new
23 lieutenant governor for the Cheyenne and Arapaho
24 tribes.

25 MR. THOMAS: Ronnie Thomas, vice

1 chairman, Alabama Coushatta tribe.

2 MR. COLBERT: Scott Colbert,
3 Chickasaw Nation Gaming Commission.

4 MS. CAVINESS: I'm Gena Caviness,
5 Cherokee Nation Gaming Commission, compliance
6 manager.

7 CHAIRMAN CHAUDHURI: Without a
8 wireless microphone, I'll guess we'll just endure.

9 There we go. There we go. Thank you,
10 sir.

11 MS. ASHER: Tracy Asher, I'm audit
12 manager with the Cherokee Nation Gaming
13 Commission.

14 MS. WILMETH: Shannon Wilmeth,
15 acting director of compliance with the Comanche --
16 acting executive director, excuse me, Comanche
17 Nation Gaming Commission.

18 MR. McBRIDE: My name is Mike
19 McBride of Crowe and Dunlevy, attorney general of
20 Seminole Nation.

21 MS. GIBSON: Jackie Gibson,
22 executive director of Muscogee Creek Nation.

23 MR. YORK: Buddy York, gaming
24 commissioner, Muscogee Creek Nation.

25 MS. GREEN: Nancy Green, attorney

1 general, Seneca-Cayuga Nation.

2 MR. WALKER: Jody Walker,
3 regulatory compliance manager, Chickasaw Nation.

4 MR. KILGORE: Matt Kilgore,
5 compliance manager, Chickasaw Nation.

6 MS. VANCE: Vanessa Vance,
7 treasurer, Wichita and affiliated tribes.

8 MS. TANYAN: Leslie Tanyan,
9 Absentee Shawnee, executive director.

10 MS. MORAGO: Sheila Morago,
11 executive director of the Oklahoma Indian Gaming
12 Association.

13 MR. JOHNSON: Jim Johnson,
14 executive director, Fort Sill Apache Gaming
15 Commission.

16 MR. TOMAHSAH: Gary Tomahsah, Ft.
17 Sill Apache Gaming Commission, compliance officer
18 of the Comanche Choctaw Chickasaw tribes.

19 MR. EASTERLING: Jared Easterling,
20 outside counsel for the Chickasaw Nation.

21 MR. MORGAN: Matthew Morgan,
22 director of gaming affairs, Chickasaw Nation and
23 vice chairman of the Oklahoma Indian Gaming
24 Association.

25 MR. QUALLS: David Qualls,

1 chairman of the Oklahoma Indian Gaming
2 Association.

3 MR. HITCHCOCK: Jeff Hitchcock,
4 chairman of the Wyandotte Nation Gaming
5 Commission.

6 MS. KASSANAVOID: Alice
7 Kassanavoid, Comanche Nation Gaming commissioner.

8 MR. SMITH: Doug Smith, compliance
9 and surveillance manager for the Sac and Fox
10 Gaming Commission.

11 MR. CASTEEL: Rodney Casteel, the
12 executive director of Sac and Fox Nation Gaming
13 Commission.

14 MS. PEARSE: Kim Pearse, internal
15 auditor, Sac and Fox Nation Gaming Commission.

16 MS. GATES: Sherry Gates,
17 licensing manager for Seminole Nation Gaming
18 Agency.

19 MS. ISHAM: Leda Isham, Seminole
20 Nation Gaming Commission.

21 MR. LAURENZANA: Rudy Laurenzana,
22 chief gaming regulator with the Seminole Nation.

23 MR. HALE: Terry Hale, deputy
24 chief gaming regulator, compliance manager,
25 Seminole Nation.

1 CHAIRMAN CHAUDHURI: Okay. I want
2 to thank everybody for taking the time and making
3 the long drive and possibly flying in to be here
4 today. We really look forward to a productive
5 consultation.

6 Before we go to the housekeeping
7 portion of our agenda, I do want to restate, we're
8 proud to be here as part of our commitment to
9 government-to-government consultation. I do
10 recognize that there are various organization
11 representatives in the room as well as a couple of
12 attorneys. Being a former attorney myself, I very
13 much appreciate the role of attorneys and economic
14 development in Indian country.

15 We will do our best to hear from
16 everybody, but not at the expense from tribal
17 leadership and tribal regulators.

18 So I want to ask for everybody to defer
19 as much as possible to tribal leadership and then
20 tribal regulators if we have time. Given the time
21 frame that we're working under, we'll hear from
22 everybody. But I certainly want to make sure all
23 leadership and regulators have every opportunity
24 to have their concerns raised, their comments made
25 on the record.

1 So with that, I'm going to turn it over
2 to our chief of staff, Ms. Christina Thomas, for
3 some housekeeping notes.

4 MS. THOMAS: Thank you, Chairman.

5 So just to discuss what our actual
6 format is today, so we're scheduled to go from 1
7 to 3 p.m. We have three topics that we're going
8 to cover today. The draft changes to the
9 management and contract regulations, audit
10 submissions and the management and sole
11 proprietary interest definitions.

12 After each topic, we will be pausing,
13 turning it back over to the commission to start
14 the discussion and questions and comments for the
15 record will be heard in between each topic, but at
16 the end we'll also have a catch-all time period
17 for people to actually add additional comments.

18 In addition to that, so as the chairman
19 has said, we do have a transcriptionist here
20 today, so if you do have a comment for the record,
21 please be very clear with your name and the
22 affiliation that you're with prior to entering
23 your comment.

24 We do have a deadline comment period
25 for all of the drafts that we provided copies of

1 today. They're also on our website. That comment
2 period closes on February 28th, 2018.

3 As updates are done throughout this
4 consultation period, we'll be making changes to
5 the consultation page on the website. Any changes
6 that are done will be completed by 5 p.m. Eastern
7 time every single Wednesday.

8 With that, I will hand it back over to
9 the chairman.

10 CHAIRMAN CHAUDHURI: Thank you.

11 As I mentioned before, we are honored
12 to be in Western Oklahoma. I again want to
13 restate that any leadership from any of the
14 nations represented here today are absolutely
15 welcome to make some opening statements.

16 In addition to that, I understand
17 travel accommodations being what they are, some
18 people may need to leave early. If anybody needs
19 to get on the record now and wants to read a
20 statement into the record, please feel free to do
21 so before we get into the formal subjects that
22 we're about to get into in a moment.

23 Does anybody need to give a statement
24 on the record before catching a flight?

25 Okay. With that, we're going to hear

1 each of our consultation topics. As Ms. Thomas
2 mentioned, we're going to hear background
3 information about each topic. But at the end of
4 that information, my fellow commissioners and I
5 will weigh in and provide some additional
6 background.

7 So with that, we're going to now turn
8 to our discussion about management contracts and
9 for that, we have our director of finance, Ms.
10 Yvonne Lee here to give that.

11 MS. LEE: Thank you, Chairman.

12 Under IGRA and current NIGC
13 regulations, Tribes wanting to engage a third
14 party to manage their operations are required to
15 enter into a management agreement with the third
16 party that must be approved by the Chairman of the
17 National Indian Gaming Commission. Following the
18 NIGC's 2017 consultation sessions, the Commission
19 carefully reviewed its regulations, and the
20 Agency's internal procedures for reviewing and
21 approving management contracts. As a result of
22 that review, and based on comments received during
23 the consultations, the Commission believes that
24 changes to our management contract regulations
25 will improve the efficiency of the contract review

1 process and ensure consistency with IGRA's
2 requirement regarding term limits.

3 I will provide some background on this
4 topic, including current regulations, Agency
5 concerns, and the Commission's proposed amendments
6 to the regulations. After this, we will open the
7 floor for questions and discussion.

8 The Chair of the NIGC may only approve
9 a management contract if it does not exceed a term
10 of five years, or in rare circumstances, seven
11 years. NIGC regulations reflect that stipulation
12 and management contracts are not approved unless
13 they comply with all requirements of IGRA,
14 including term limits.

15 After management contracts have been
16 approved, tribes and their management contractors
17 may amend their contracts by following the
18 streamlined procedures for review and approval of
19 contract amendments found in NIGC regulations (25
20 C.F.R. Part 535). Part 535 provides an expedited
21 process within which background investigations are
22 only required if the third party individuals
23 and/or entities responsible for the management
24 contract have changed, and no new business plan or
25 updated financial information is required. The

1 expedited process is designed to allow the parties
2 to sustain their relationship in a dynamic
3 business environment while maintaining the
4 integrity of the Chair's initial management
5 contract review and approval.

6 The safeguards found in NIGC's
7 management contract review process serve to assure
8 IGRA's primary policy goals are met, including
9 protecting Indian gaming and ensuring a tribe is
10 the primary beneficiary of its gaming operation.

11 A thorough review of past practice
12 revealed that parties, using Part 535's expedited
13 process, have submitted amendments to the
14 initially approved contracts that have extended
15 the term of the approved contract by an additional
16 one to five years resulting in a contract that
17 extends beyond the explicit term limits of IGRA.

18 Thus, the Commission believes it is
19 important to update regulations to maintain IGRA's
20 mandate.

21 The proposed amendments clarify the
22 regulations by explicitly noting that amendments
23 that extend the approved management agreement
24 beyond the term limits permitted by IGRA, which is
25 five or seven years, will be reviewed under the

1 full requirements of a new management contract
2 under Part 531.

3 So, for example, if an approved
4 contract with a five year term is nearing the end
5 of its term, and the parties are happy with the
6 relationship and simply wish to extend it for an
7 additional five years, they may do so, but it may
8 not be reviewed as an amendment. Because IGRA
9 limits contract terms to five or seven years, the
10 Chairman will review the agreement under Part 531,
11 and the entire requisite information that 531
12 requires must be submitted.

13 For another example, though, if a
14 management contract had a one year term, and the
15 parties wanted to amend the agreement to extend it
16 for an additional year, for a total term of two
17 years, the Chair would review the amendment under
18 part 535 because the term limit would still be
19 within the statutory limit of five or seven years.

20 The Commission understands this change
21 may affect the timing and expense of updating
22 background investigations for making suitability
23 determination of management contractors. And
24 independent of the changes discussed above, the
25 Commission received comments during the last round

1 of consultation that the background investigation
2 process was time-consuming and expensive. As a
3 result, the Commission has done a thorough review
4 of its background investigation process and is
5 proposing changes to our internal procedures to
6 make the process more efficient, thereby reducing
7 the cost of investigations.

8 Under the new process, NIGC staff will
9 review the background investigation applications
10 and divide them into different investigative
11 groups based on the level of risk. This process
12 will allow the agency staff to focus their
13 investigative resources on the most vital
14 individuals and entities. This replaces a
15 one-size-fits-all model that scrutinizes all
16 applicants the same. For example, under the
17 current process, the top direct financial interest
18 goes through the same background investigation as
19 the smallest indirect financial interest. But
20 under the new process entities and individuals
21 with a direct financial interest, holding the
22 highest level of risk to the tribe, will have a
23 more in depth background investigation completed
24 versus those entities or individuals who have an
25 indirect financial interest.

1 In addition, the Commission has
2 proposed changing the individuals and entities
3 that are required to submit background
4 applications under the regulations to those that
5 have 10 percent or greater financial interest.
6 This proposed change should significantly reduce
7 the costs to the management contractors in
8 submitting full applications on smaller investors.

9 Further, this proposed change will also
10 better align the agency's requirements with other
11 regulatory agencies.

12 This change should not increase the
13 risk to tribal gaming as the Commission will
14 retain discretionary authority to conduct
15 background investigations on the owners with even
16 the smallest interests, who may pose a threat to
17 the industry.

18 In addition, the Commission is
19 proposing a regulatory change to clarify the
20 "reduced scope of investigation" provision to
21 reduce the burden of background investigations for
22 those who qualify. To further reduce the time and
23 cost of background investigations, the agency will
24 no longer use the Office of Personnel Management,
25 or OPM, to conduct part of the background

1 investigations. Instead, we will process
2 fingerprint checks through FBI and perform credit
3 checks through other more efficient alternatives.

4 Lastly, to reduce the up-front
5 financial burden and timing concerns, the proposed
6 amendments to the regulation removes the
7 requirement of a deposit before the background
8 investigations begin. Instead, the agency will
9 bill the management contractors regularly as the
10 investigation proceeds.

11 I would now like to turn it back over
12 to the Commission to lead the discussion.

13 Thank you.

14 MR. SIMERMEYER: Thanks, Ms. Lee.

15 I'll briefly just point out and say
16 that my hope is that what's being looked at today
17 we're balancing the efficiencies and removing
18 burdens that might exist under our current
19 approach, and also being clear about our
20 understanding of what it requires.

21 And so by looking at whether we're
22 using OPM by creating the zones, by removing the
23 deposit requirement, the hope is that this will
24 avoid a review process that's unduly burdensome
25 beyond what's required. And also be clear about

1 what IGRA requires in terms of its terms.

2 So it will be helpful in our discussion
3 and during the coming weeks feedback to hear what
4 the tribes' needs are when they're entering into
5 and engaging with different partners that are
6 necessary to help with their operation's success,
7 whether it's a partnership in the financing field
8 or professional services or management. Having
9 awareness of what impact or, you know, how it
10 would be helpful, and making sure that we're in
11 line with what's required within the law.

12 And so I just want to thank the staff
13 for gathering this, not just for this consultation
14 series that we're in now, but also for engaging
15 with Indian country over the last year on this
16 discussion about management contracts and making
17 sure that it's sufficient in how we're approaching
18 this.

19 Those are my comments. Thanks.

20 MS. ISOM-CLAUSE: I would like to
21 echo those comments, that these proposed changes
22 are about making sure our practices are aligned
23 with IGRA's requirements while also balancing out
24 savings of time and money to these deficiencies
25 that Ms. Lee discussed. You know, we think this

1 could provide for a much more streamline process
2 while not creating any additional risks, getting
3 rid of the burdens to tribes and management
4 contractors too.

5 So we're excited about all of the
6 suggestions that the tribes might make and we're
7 looking forward to hearing what you all think of
8 these and any other ideas in this process.

9 CHAIRMAN CHAUDHURI: Thank you.

10 I don't have much to add to my
11 colleagues' statements other than to say that
12 these proposals get us closer to the letter of
13 IGRA. I think, as an agency, one of the things I
14 found remarkable is how we've worked very hard
15 within our statutory and regulatory limitations to
16 do our job as regulators, and help ensure tribes
17 are the primary beneficiaries of the operations,
18 while at the same time avoiding unnecessary
19 roadblocks to economic development.

20 Sometimes that's required us to take,
21 you know, a very -- you know, an interesting view
22 of our interpretation of IGRA. I think the
23 proposals set forth help us actually implement
24 IGRA as written but still provide flexibility.

25 That said, we're not -- we're not all

1 in on any proposal. That's the purpose of
2 consultation. We do have an aggressive time
3 frame. As we mentioned, the comment period ends
4 February 28th but I'm also very thankful for the
5 staff's hard work in putting these proposals
6 together to try to get us as close as possible to
7 IGRA's spirit and letter while at the same time
8 working with Indian country.

9 So we're very much looking forward to a
10 vibrant discussion today on this topic and we'll
11 turn the floor over to any comments that the
12 audience may have.

13 Again, please provide all due deference
14 to tribal leadership and tribal regulators. And
15 we do have a wireless microphone.

16 And Mr. Wheeler in the background will
17 be going around helping get the microphone where
18 it needs to go.

19 MR. MILES: I have a question.
20 Ms. Lee said that when the contracts -- it says
21 here that you can have a five year contract. But,
22 if approved, you can go as far as seven; is that
23 correct?

24 CHAIRMAN CHAUDHURI: Yeah. And
25 before -- and I'm going to turn it over to Ms.

1 Nakai. IGRA does have a five or a seven year
2 requirement for the management agreements.
3 Perhaps our office of general counsel could give a
4 little more background about when five years is
5 appropriate, when seven years is appropriate.

6 But, again, just for the benefit of the
7 transcriptionist, if we could restate our name so
8 that she can have it completely.

9 MR. MILES: Gilbert Miles,
10 lieutenant governor, Cheyenne and Arapaho tribes.

11 The comment was made that if you wanted
12 to do an amendment to an agreement, that if you
13 start with a one year contract, that you could
14 extend it up to five years if everybody agreed
15 upon that. But in 531.1(a) it says you can go as
16 high as seven. So I didn't know if her example
17 meant that you couldn't go as high as seven or you
18 could go as high as seven if you had an agreement
19 that you wanted to amend, that the possibility is
20 you could have an amendment that went as high as
21 seven and you're not limited to just an amendment
22 going further than five years.

23 MS. NAKAI: Yes. Again, my name
24 is Heather Nakai, I'm an attorney in the office of
25 general counsel.

1 IGRA requires that for the chair to
2 approve a management contract, one of the things
3 is to check the term of that contract. And it
4 says explicitly the initial contracts can go for a
5 period of five years or up to a maximum of seven
6 with justification.

7 And so if you signed a contract that
8 was just for five years, it's a standard
9 submission. If you need the contract go up to
10 seven years, it would have to have a
11 justification, and that also requires an
12 evaluation of that justification. It can't just
13 be, well, we'd really like this to be for seven
14 years.

15 It's typically because there are needs
16 for recoument for the investment, because there's
17 going to be a long period of time to get it --
18 it's anticipated that there will be a long period
19 of time to get the contract up and running
20 smoothly. So you would need an additional
21 justification.

22 The amendment here in the way it's
23 described is what would happen if you had a
24 contract that was originally intended to be for
25 four years and let's say you added two years to

1 that contract in an amendment. What would happen
2 is the amendment would come in, if I looked -- as
3 a lawyer, looked at that contract that originally
4 was for four years and you added an additional two
5 years, now you have a contract that's for six
6 years. And IGRA is clear that any contract after
7 five years requires justification.

8 This makes clear that when you start to
9 get into these periods of time, you're following
10 those requirements. And understanding that we
11 look at the time -- the term as a cohesive group
12 as opposed to two individual periods of time.

13 And so in the example that Ms. Lee gave
14 where the contract was originally for five years
15 and you added both -- one year and you added four,
16 you would still get the five.

17 But if you had a contract for five
18 years and you had an amendment that gave you an
19 extended three year term, we would have eight
20 years. And you understand that IGRA doesn't like
21 you to have a eight year management contract.

22 MR. MILES: My question was is
23 let's say that you have a one year contract and it
24 was a great contract and you said let's make it a
25 seven year contract, let's add six more years to

1 it, and with the appropriate justification
2 consistency with IGRA was 531.1(a), you could be
3 able to do that; is that correct?

4 MS. NAKAI: You could with the
5 appropriate justification.

6 MR. MILES: Thank you.

7 CHAIRMAN CHAUDHURI: And thank you
8 for that question and thank you, Ms. Nakai for an
9 excellent answer.

10 So just for discussion, I think we've
11 all discussed a little among ourselves at the
12 agency about the many proposals that have kind of
13 -- that potentially were appropriate for
14 consultation. We decided to go out with the ones
15 that best reflected our conversations with Indian
16 country.

17 But one impact from all of this is that
18 there will be -- there will be fewer amendments
19 and more approvals of full term contracts. And,
20 you know, we would welcome any comments about the
21 impacts of that. Pro or con. We've got thick
22 skin up we're here. Okay.

23 With that, as I always say, there's no
24 crime whatsoever in finishing early. So we'll
25 leave -- we'll leave a little time at the end,

1 especially since it looks like we're finishing
2 early, for other questions. Sometimes you have an
3 idea on the way home and you think, well, boy, I
4 wish I would have brought that up in the meeting.
5 If there's any ideas that anybody has, we'll leave
6 a little time at the end.

7 Also, I don't want us to be -- none of
8 us wants to be constricted by process, so we'll be
9 a little bit flexible in terms of the scope of
10 questions at the end.

11 But to keep things moving, we'll go
12 ahead and move on to our next consultation topic
13 which is audit submissions. And our subject
14 matter expert for that is chief of staff Christina
15 Thomas.

16 MS. THOMAS: Thank you, Chairman.

17 Under IGRA and current NIGC
18 regulations, gaming operations, regardless of
19 income, are required to submit an annual audited
20 financial statement, completed by certified public
21 accountants, to the Commission within 125 days of
22 their fiscal year end. These audits may be
23 encompassed within existing independent tribal
24 audit systems.

25 Submission of the annual audit report

1 is critical to the NIGC's mission to protect the
2 integrity of Indian gaming and provides a certain
3 level of assurance as to the safekeeping of tribal
4 gaming revenues. The audit report prepared and
5 submitted on a timely basis is evidence of, among
6 other things, the integrity of the gaming
7 operation, and more specifically, of the adequacy
8 of the books and records, the functioning of the
9 internal financial controls, and the disclosure of
10 information having a bearing on the financial
11 statements.

12 The Commission, however, recognizes
13 that small or charitable gaming operations often
14 struggle with the cost of these requirements.
15 With this in mind, the Commission is seeking
16 feedback and recommendations on whether changes
17 are needed to the audit submission regulations.
18 Specifically, we want input on what level or
19 levels of audit should be required for smaller
20 gaming operations or charitable gaming operations.

21 A gaming operation earning less than \$2
22 million in gross gaming revenue annually can
23 request from the Commission to submit a CPA
24 reviewed financial statement, if it has submitted
25 an audited financial statement for three

1 consecutive years. A reviewed financial statement
2 must be completed by an independent CPA and
3 conform to statements on standards for accounting
4 and review services of the gaming operation.

5 In fiscal year 2016, only 80 operations
6 earned less than \$2 million in gross gaming
7 revenue. Of those 80, only six submitted the
8 lesser financial statement review. Small or
9 charitable gaming operations often produce less
10 than \$100,000 in gross gaming revenue annually,
11 some less than \$10,000. Contracting a CPA firm to
12 perform an annual audit can prove cost
13 prohibitive, and as a result, may deter tribes
14 from pursuing these gaming opportunities.

15 NIGC reviewed statutes and regulations
16 from a number of jurisdictions and agencies
17 concerned with financial entities, including the
18 State of Nevada, the Federal Deposit Insurance
19 Corporation and the Department of Interior. We
20 found no consistency in the audit requirements.
21 For example, Nevada gaming regulations require
22 audits of financial statements for operations
23 grossing more than \$5 million, but maintain the
24 right to require audits, compile statements or
25 reviews of financial statements of those

1 operations whose gross revenue is less than \$5
2 million. Interior exempts non-federal entities
3 from their audit requirement if the entity expends
4 less than \$750,000 per year. As NIGC considers
5 altering its own regulations, it recognizes that
6 there are currently 95 tribal operations that
7 produce less than \$3 million in gross gaming
8 revenue. Further, the Commission is aware that
9 tribal operations comply with the most regulations
10 from their own governments, as well as state and
11 federal entities.

12 Our hope through this consultation
13 session is to discuss opportunities or receive
14 feedback and recommendations on how to amend this
15 regulation while still ensuring we are supporting
16 financial stability and maintaining a high level
17 of protection of tribal gaming operations.

18 Thank you. And I will hand it back
19 over to the Commission.

20 MR. SIMERMEYER: Thanks, Ms.
21 Thomas.

22 Our management discussion was being
23 proposed as an attempt to comply with IGRA's
24 requirements and that our nation and our agency's
25 interpretation provides a financial stability that

1 IGRA envisioned. I think it's also important to
2 note that what IGRA requires promotes the growth
3 of some tribes' capacity in order to be able to
4 provide the oversight and auditing requirements.
5 And so -- which is, as was mentioned, some
6 particular types of jurisdictions, and the
7 important objective of IGRA and important for any
8 kind of operation. So any thoughts that tribes
9 have from an operation perspective or from the
10 tribes' own internal auditing approach, whether
11 the gaming site or other parts of their operations
12 and governments, would be helpful in helping us
13 understand what the impact might be with this
14 change.

15 MS. ISOM-CLAUSE: Thank you. I'll
16 just be brief. We have our experts here so feel
17 free to ask any questions as well. This is a
18 fairly technical topic for some folks, and
19 ourselves included. So feel free to ask any
20 questions or just give us any feedback on what
21 you're seeing if it's not been encompassed in the
22 discussion we've had so far. If you have some
23 questions to prompt conversation, and we'll just
24 start off with just open dialogue.

25 CHAIRMAN CHAUDHURI: And just to

1 echo my colleagues' comments, and also touch on a
2 point that the vice chair raised in her
3 introduction, Rural Outreach is one of the
4 initiatives of the agency's priorities. And so --
5 in our day-to-day regulation work, we're guided by
6 four initiatives. Rural Outreach is one of them.
7 We recognize that a threat to one facility is a
8 threat to the health, integrity, reputation of all
9 Indian gaming. So we see an important part of our
10 work at NIGC as supporting operations' facilities
11 regardless of how big or small they are.

12 And we certainly recognize that the
13 realities of small or rural or newer operations
14 are different than large urban or established
15 operations. And so we've worked very hard over
16 the last few years to develop agency operations
17 around that initiative.

18 Some examples include enhancing our
19 technological offerings. We want to be able to
20 offer webinars, Internet trainings, so that
21 smaller facilities, smaller operations can send
22 regulators to our trainings without incurring the
23 travel expenses associated with in-person
24 trainings. We've also developed IT vulnerability
25 assessments that are free services that help

1 identify IT issues in various operations. We're
2 also actively considering a region split in our
3 St. Paul office and elevating the role of our
4 Rapid City satellite office to a regional office
5 to better serve rural communities.

6 This proposed regulation change is part
7 of all of that. It's part of our commitment to do
8 whatever we can to look at the unique needs and
9 challenges of small and rural operations in light
10 of our ongoing responsibility to ensure the
11 integrity of Indian gaming.

12 Again, I would like to thank our team
13 for raising this as a possible outgrowth of Rural
14 Outreach and we very much look forward to hearing
15 comments, concerns, statements from the audience
16 today.

17 I know audits are super exciting. You
18 know, we're very proud of a lot of the
19 deliverables we've already issued. This is yet
20 another one that is part of us, quote, crossing
21 our T's and dotting our I's on our initiatives the
22 best we can. And, you know, our work to do what
23 we can given the time that we have.

24 MR. GORHAM: Hershel Gorham,
25 tribal attorney for the Cheyenne and Arapaho

1 tribes. Can you expand on the \$2 million
2 threshold? Is that operating revenues, net
3 revenues, gross revenues?

4 CHAIRMAN CHAUDHURI: I'll turn it
5 over to the staff.

6 MS. THOMAS: So under 571.12 is
7 the NIGC regulations that further define the audit
8 submission requirements on what tribes are
9 required to submit.

10 Underneath that provision there is --
11 after doing three consecutive years of a full
12 audit, you can do a review of the audit, so it's
13 not a full CPA audit. That \$2 million threshold
14 is gross gaming revenue in there, so \$2 million.
15 So whatever you report for your gross gaming
16 revenue is the number that we would use to measure
17 the \$2 million threshold.

18 CHAIRMAN CHAUDHURI: Thank you for
19 that question.

20 MR. SIMERMEYER: I appreciate some
21 of the comments made by the Chair and, you know,
22 the perspective that we're getting. And some of
23 the discussion that we've had so far talks about
24 -- even with the opportunity for the reduced
25 review that Ms. Thomas just kind of mentioned,

1 it's important to make sure that there's not --
2 that the auditing requirements, you know, maintain
3 that envisioned financial stability. I also don't
4 disincentivise an awareness about the small gaming
5 operations, what's going on in your community. So
6 that was in part consideration too, is striking
7 that balance and looking at, you know, when an
8 operation is so small, the impact of the cost on
9 the audit requirements.

10 So if there's other perspectives here
11 about how that might be a disincentive, or is that
12 a disincentive, we want to make sure those are
13 identified.

14 CHAIRMAN CHAUDHURI: Yeah. And
15 just for the purpose of prompting dialogue, I
16 couldn't agree more. You know, the question is
17 always how can we get the information that we need
18 as an agency to ensure compliance on the ground,
19 while at the same time not regulating in a manner
20 that squelches meaningful economic development.

21 You know, as we know, many of the small
22 operations don't have the biggest bottom lines, a
23 lot of them are effectively jobs programs for many
24 rural communities and we recognize the importance
25 of those operations as -- as we think about

1 self-sufficiency and strong tribal governments.
2 Those are two of the fundamental policy purposes
3 of IGRA. So the question is how can we get what
4 we need to get to ensure compliance while still
5 supporting tribal self-sufficiency, economic
6 development and strong tribal governments.

7 Yes, Mr. York?

8 MR. YORK: Maybe I can speak loud
9 enough. Buddy York with Muscogee Creek Nation
10 Gaming Commission.

11 Since we have several casinos and some
12 of them -- we may have a couple that fall under
13 this threshold, is there anything that says that
14 we cannot drop these smaller ones off of our
15 regular combined audit and submit them separately?

16 CHAIRMAN CHAUDHURI: We had a
17 similar question of that in a recent consultation.

18 Christina, do you want to take that
19 one?

20 MS. THOMAS: The microphone
21 doesn't like me.

22 No, there is nothing that would
23 prohibit a tribe who has multiple facilities
24 dropping the smaller ones to have -- underneath
25 the current way that it's written, to have it

1 reviewed versus having part of it a full CPA
2 audit.

3 CHAIRMAN CHAUDHURI: Thank you
4 Mr. York.

5 Okay. Any other questions, comments,
6 concerns? Okay.

7 With that, we'll move on to the third
8 topic of consultation and that involves management
9 and sole proprietary interest definitions.

10 And for that, we have our
11 representative from the office of general counsel,
12 Ms. Heather Nakai, who would probably benefit from
13 the microphone.

14 MS. NAKAI: Thank you, Chairman.

15 As previously discussed, IGRA provides
16 that a tribal gaming operation owned by the tribe
17 may either be managed by the tribe or by a
18 management contract, subject to a management
19 contract approved by the NIGC Chair. This applies
20 to any arrangement in which a contractor manages
21 all or part of an Indian gaming operation. To
22 provide better clarity, the Commission is
23 considering developing regulations that clearly
24 state out its standard for what constitutes
25 management as well as its criteria for evaluating

1 when a sole proprietary interest violation has
2 occurred.

3 With this in mind, I will provide some
4 brief background information of these terms and
5 then pass it back to the Commission for further
6 questioning and discussion.

7 To assist tribes in determining whether
8 an activity constitutes management, NIGC bulletin
9 number 94-5 explains that the term encompasses
10 activity such as planning, organizing, directing,
11 coordinating and controlling all or part of a
12 gaming operation.

13 In addition, the NIGC Office of General
14 Counsel issued an opinion letter expanding on
15 these terms by providing tables of management
16 activities. However, today, the commission has
17 not issued a regulation formally defining
18 management. The commission believes that, in
19 consultation with tribes, developing a regulatory
20 definition consistent with past interpretation
21 would help provide greater certainty to the tribal
22 gaming history regarding what constitutes
23 management -- what constitutes management.

24 The Commission recognizes that the 7th
25 Circuit has also recommended that it provide more

1 certain guidance.

2 As stated, the purpose of IGRA is to
3 ensure that the Indian tribe is the primary
4 beneficiary of the gaming operation. Seeking to
5 serve this purpose, IGRA requires that tribal game
6 ordinances provide that tribes have the sole
7 proprietary interest and responsibility for the
8 conduct of any gaming activity unless the gaming
9 activity is individually owned.

10 To determine whether a third party has
11 received a proprietary interest in a tribal gaming
12 operation in violation of a sole proprietary
13 interest mandate, the agency considers the term of
14 the relationship, the amount of revenue paid to
15 the third party and the right of control over the
16 gaming activity provided to the third party.

17 The commission has previously consulted
18 other developing guidances and regulations
19 concerning sole proprietary interest in 2008 and
20 2010. Courts have had the opportunity to consider
21 and discuss this issue in the intervening years
22 noting and upholding NIGC's formulation of the
23 criteria evaluated for said violations.

24 The commission believes that a
25 regulation consistent with past NIGC enforcement

1 actions and litigation would provide a greater
2 certainty to the tribal gaming industry regarding
3 what constitutes a violation of the sole
4 proprietary interest pending.

5 The draft regulations we provided you
6 today in the hand-out incorporate these
7 interpretations for consideration in addition to
8 the commissions' compliance regulations.

9 I would like to now turn it back over
10 to the commission to lead the discussion.

11 MR. SIMERMEYER: Thank you.

12 I'll make three brief points about this
13 topic. As was mentioned, there's guidance and
14 legal things that have come from the agency as
15 well as court decisions over the recent years that
16 have brought some definition to what constitutes
17 management and sole proprietary interest.

18 So, first, as a member of the
19 commission who had the responsibility for
20 reviewing a Chair's action on one of these topics,
21 I think it's helpful that we promulgate some
22 definitions that would help raise some
23 transparency toward what the standard is. It's
24 just a matter of good governance.

25 I think secondly there's also an

1 opportunity to bring some certainty with partners
2 in Indian country. As was mentioned, also general
3 counsel provides declaration letters that try to
4 attempt to provide some certainty for the
5 partnerships that have taken place, and so the
6 hope is and we'll hopefully get comments back, and
7 this will help to provide some better definition
8 or certainty in how to approach those
9 relationships.

10 And finally I want to say this is an
11 opportunity to look at this topic to kind of
12 identify and make the public at large aware of the
13 options that exist dealing with sole proprietary
14 interest violations or management contract
15 violations.

16 We welcome any feedback on this topic,
17 whether it's today or in the coming weeks, but as
18 long we don't go beyond what's required, it's
19 important that it's practical, and that will help
20 the industry.

21 MS. ISOM-CLAUSE: Thank you.

22 I also would like to highlight that
23 this isn't meant to include any new requirements
24 but really just gather our existing understandings
25 into one spot and do that through a regulation

1 which as Mr. Simermeyer mentioned should provide
2 certainty and clarity to the industry and tribes
3 that we hope will result in efficiencies down the
4 road for business as well.

5 MR. CHAUDHURI: Thank you and I
6 agree with everything and how it was said.

7 I just want to add, again, the vice
8 chair already touched on this in the introduction.
9 These definitions come out of our commitment to do
10 anything we can to prevent gamesmanship on the
11 backs of tribes.

12 I mean, when we first started talking
13 about our gamesmanship initiative a few years ago,
14 I think people want a little more information
15 about what we meant by that. And basically we
16 explained that it's simply a way of articulating
17 our responsibility under IGRA to ensure that
18 tribes are the primary beneficiaries of their
19 operations and tribes retain sole proprietary
20 interest in their operations.

21 So, in other words, you know, it's a
22 way for us to talk about how we as an agency do
23 whatever we can to protect against third party
24 threats to those IGRA requirements. Bringing
25 clarity, consistency, uniformity, codifying

1 definitions that have already been, you know, put
2 out there by courts as well as our agency. That's
3 all part of that.

4 And so being able to clearly set forth
5 what our understanding of management is, what our
6 understanding of sole proprietary interest is will
7 not only inform our actions as an agency but as
8 commissioners, some of them I already mentioned,
9 hopefully will bring clarity for tribes to work
10 with other partners.

11 You know, every finance agreement we
12 would think would benefit from having our
13 definitions lived out without having to rely on
14 specific reviews every time they want more
15 guidance on our view of management.

16 And so that's where we're coming from.
17 We welcome any comments, concerns, or statements
18 that the audience may have.

19 MR. YORK: Buddy York, Muscogee
20 Creek Nation gaming commissioner. One of the
21 things that I -- as a regulator, one of the things
22 that would help us as far as definitions go would
23 be if we had a better definition of what a gaming
24 operation is. We have so many entities that are
25 not exactly gaming related that are underneath the

1 umbrella of the casinos. And those are the ones
2 that are kind of in the gray area that, you know,
3 we're not sure whether or not we have the
4 authority to look at those. And so, you know, if
5 we had a better definition of just what is under
6 the umbrella of a gaming operation, that would
7 help us out when we're doing our regulating.

8 CHAIRMAN CHAUDHURI: Thank you so
9 much for that, Mr. York.

10 We have an ongoing responsibility to
11 regularly review our regulations, and so that very
12 well could be a topic for consultation in the
13 future. And so that's one of the benefits of
14 these conversations. Just as previous
15 conversations have formed the topics we're
16 discussing today, we're always looking for ways to
17 improve our service to the industry, to Indian
18 country and the general public. So thank you very
19 much for that comment, Mr. York.

20 Okay. Without any additional comments
21 on this topic, I'm not seeing any hands, we'll
22 just open it up for just a brief conversation
23 section for the consultation. And again, I don't
24 want us to be locked into a process but we just
25 want to just survey the room to see if there are

1 any general comments, questions or concerns that
2 folks may have.

3 MR. YORK: Buddy York, gaming
4 commissioner, Muscogee Creek Nation.

5 I just wanted to make a comment that
6 the NIGC is going in the right direction as far as
7 what they're trying to do to help the tribes out.
8 A lot of these issues are things that we have been
9 dealing with for a long time and I'm glad to see
10 that you're trying to help us out.

11 We've got a lot of small rural casinos
12 that can use, you know, any kind of help they can
13 get. We have some that may not net over \$100,000
14 or \$200,000 a year which isn't much as far as
15 casinos are concerned but they provide 20 to 30
16 jobs in an area where the unemployment rate may be
17 eight to 10 percent.

18 So these are things that really any
19 time we can cut expenses to some of these smaller
20 casinos, it really helps. Because we're looking
21 at -- casinos are being run as a business now.
22 And if you have these small rural casinos that
23 aren't making the money like the big ones, then,
24 you know, they may want to shut them down for
25 something that's a little more lucrative.

1 So I think that you're going in the
2 right direction and I think that the NIGC is
3 getting updated like the tribes are now.
4 These are conglomerates now. We're not just
5 tribal casinos or bingo halls. And the
6 regulations and everything has to be brought up to
7 date to meet those needs.

8 CHAIRMAN CHAUDHURI: Thank you
9 very much, Mr. York.

10 Any other comments, questions,
11 concerns?

12 With that, as they said, it's never a
13 crime to finish early.

14 Let me just forecast what our game plan
15 is. As I mentioned, the comment period for this
16 consultation session ends February 28th. After
17 that we're anticipating some sort of update
18 session, hopefully an online update in which we'll
19 provide an overview of the comments received and
20 our game plan moving forward.

21 We're anticipating some or all of these
22 topics will move forward to the next step after
23 we've had a chance to review all comments. And
24 that next step is potential issuance for public
25 notice for a proposed rule.

1 Again, we're not locked into any
2 specific proposal. That's what consultation is
3 for. But what we can do, we want to do in the
4 time that we have. And so please keep an eye out
5 for next steps on that.

6 But the transcripts of each of these
7 consultations will be available as soon as
8 possible after each of the consultations and they
9 will be available on our website.

10 We also have a training tomorrow and we
11 want to encourage everyone here to attend. And we
12 look forward to a positive training. But with
13 that I'm going to turn it over to my fellow
14 commissioners for any closing comments, final
15 comments.

16 MR. SIMERMEYER: I just want to
17 echo my colleagues' thanks for everyone's feedback
18 about the impact, especially of what we're
19 considering. And the last comment made by the
20 commissioner there as well, it's important that we
21 maintain the tools that exist under IGRA so that
22 we can kind of keep up with trends so that the
23 profile of what tribal gaming represents for
24 Indian country can be positive. So thank you for
25 those comments and thank you for your

1 participation in this consultation series these
2 coming weeks.

3 MS. ISOM-CLAUSE: So as was
4 mentioned a few times, we've allotted until
5 February 28th for written comments. So I hope,
6 you know, as you mentioned on the way homeward, if
7 you have any thoughts on the way home or just
8 comments that you prefer to send out through a
9 written means, we would definitely appreciate
10 hearing those. Oklahoma is a very important
11 region, of course, for Indian gaming, so I'm sure
12 that there's more dialogue to be had. And if
13 instead of written comments, you want to call in
14 to Washington, D.C. on February 15 we're having a
15 telethon as well as in-person consultations, so
16 for folks who aren't traveling or if you are in
17 town on that date, we look forward to seeing you
18 at that as well.

19 Thank you all for being here.

20 CHAIRMAN CHAUDHURI: Thank you.

21 And as vice chair mentioned, if there's
22 any comments -- if folks are in support of any
23 provisions, those comments are very much
24 appreciated as well. Those are all part of the
25 public record. They go into -- they're referenced

1 in any preambles to final rules.

2 And so, you know, I know for my part
3 sometimes I don't say anything unless I'm really
4 up in arms about something, but folks that are in
5 support of a specific proposal, please feel free
6 to send in comments and support for the proposals
7 as well.

8 So closing thoughts, again, many thanks
9 for our team, our excellent team who both in this
10 region as well as throughout Oklahoma and
11 throughout the agency, folks have been firing on
12 all cylinders trying to get these deliverables
13 teed up so that we can do what we can do in the
14 time that we have.

15 So many thanks to the team for today's
16 consultation, and many thanks to our tribal
17 partners. We always say that we can't do our job
18 without strong and positive collaborative
19 relationships with our fellow regulators, namely
20 the primary regulators of Indian gaming tribal
21 nations.

22 So many thanks to everyone here, be
23 they tribal leadership, travel regulators or folks
24 working in the spirit of strong tribal nations
25 through Indian gaming.

1 Thank you for taking the time to be
2 here today. Safe travels too on the way home.

3 (Meeting concluded at 2:10 p.m.)

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1 C E R T I F I C A T E

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3 I, Marcy A. King, a Certified Shorthand
4 Reporter, certify that the NIGC CONSULTATION was
5 taken by me in stenotype and thereafter transcribed
6 by computer and is a true and correct transcript to
7 the best of my ability and was taken by me on January
8 29, 2018, in Lawton, Oklahoma.
9 Witness my hand and seal of office on
10 this 6th day of February, 2018.

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Marcy A. King, CSR, RPR

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CSR # 0834

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