

1 NATIONAL INDIAN GAMING COMMISSION  
2 REGULATORY REVIEW  
3 TRIBAL CONSULTATION AGENDA  
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6  
7 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
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9  
10 SEPTEMBER 17, 2012

11 1:00 P.M.  
12

13 HELD AT:

14 Seminole Hard Rock Hotel & Casino

15 1 Seminole Way

16 Hollywood, Florida  
17  
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20 Reported by: Elizabeth Cordoba, RPR, CRR  
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25 Job No. NJ1334448

1 APPEARANCES:

2 NATIONAL INDIAN GAMING COMMISSION,  
3 STEFFANI COCHRAN, Vice-Chairwoman  
DANIEL LITTLE, Commissioner  
4 DAWN HOULE, Chief of Staff  
NICOLE ASPA, Internal Auditor  
5 CINDY ALTIMUS, Region Director  
KEITH HICKS, Compliance Officer

6

7 ALSO PRESENT:

8 JAMES BILLIE-Chief, Seminole Tribe  
RAY MAGEE-Chairman, Cahuilla Tribal Agency  
9 VIRGIL WHITESHIRTS-Commissioner, Cheyenne Arapaho Tribe  
WALTER HAMILTON-Chairman, Cheyenne Arapaho Tribe  
10 YVONNE WILSON-Director, Cheyenne Arapaho Tribe  
DIANA MANRIQUE-Senior Gaming Agent, Miccosukee Tribe  
11 RICHARD FRIAS-National Gaming Association  
DENISE HARVEY-Chairman, Grand Ronde Gaming Commission  
12 DANIEL HER MANY HORSES-Deputy Director, National Gaming  
Association  
13 JOE WEBSTER-Counsel, Seminole Tribe of Florida  
PATRICK BERGIN-Attorney  
14 MERLE JEFFERSON-Tribal Counsel, Lummi Nation  
DAVID ELMORE-Gaming Laboratories International  
15 MICHAEL PRICE-Gaming Laboratories International  
NELSON JOHNSON-Acting Commissioner, Muscogee Creek,  
16 Oklahoma

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1           (Thereupon, the following proceedings were  
2 had:)

3           JAMES BILLIE: (Prayer).

4           It is good to see you folks again. When was  
5 the last time we were here?

6           CINDY ALTIMUS: I think it was January.

7           JAMES BILLIE: It probably was because I  
8 remember being able to walk around without falling  
9 down. I had a wonderful thing called a stroke. I  
10 was riding a horse one particular day and I was  
11 trying to show the horse that I am supposed to be the  
12 boss and I pulled back on the reign and flipped him  
13 and he fell right on top of me and one month later I  
14 got a stroke. But, anyway, I am doing good and that  
15 is what counts, I guess. But I guess that was  
16 January because it just seems like a couple days  
17 back.

18           CINDY ALTIMUS: It was December or January.

19           JAMES BILLIE: Anyway, I know you folks have  
20 got a lot of things you want to work on. Just like  
21 we were talking, elections go well, we will still be  
22 in good shape, I guess. That doesn't mean that the  
23 new administration is not going to ruin us or  
24 anything.

25           But down here in Florida we appreciate what you

1 all are doing. It keeps us on track and keeps us  
2 from wavering around. If not, I don't know where in  
3 the heck we would be. But we are doing well. So  
4 thank you very much for coming today.

5 And I think Tony Sanchez has got a new thing he  
6 wants to introduce to y'all to look at, and it is  
7 cigarettes. And it is cigarettes, but not the kind  
8 of cigarette, I think what they call it, electronic.  
9 That was pretty good. I don't like cigarettes, per  
10 se. When I come in the bingo hall and casinos, it  
11 always irritates me. But this one I can smoke  
12 around, make a joke out of it, it does not irritate  
13 me at all. And hopefully Tony has got something here  
14 that maybe it can be approved by y'all, have a nod of  
15 the heads so they can introduce it to the rest of the  
16 world.

17 So thank you very much for coming. I will see  
18 y'all later. Thank you. Back to you.

19 CINDY ALTIMUS: Thank you, Mr. Chairman.

20 VICE-CHAIRWOMAN COCHRAN: Good afternoon.

21 Before we begin with some introductions, if there is  
22 any other tribal leadership or anyone that wants to  
23 join us at the table, please feel free to do so.  
24 Obviously, we have got plenty of space. I moved over  
25 this way because they had us with my back to you and

1 I don't like to be stationed that way.

2 So good afternoon. My name is Stephanie  
3 Cochran and I am Vice-Chairwoman of the National  
4 Gaming Commission. I am from Oklahoma and home for  
5 me is Santa Fe, New Mexico where I have spent the  
6 last couple years prior to coming off the commission  
7 serving the public watching the General Counsel. And  
8 I am coming up on just about the three-year mark for  
9 my term. And so there will be new things coming  
10 hopefully in the new year for me. So good afternoon  
11 and thank you for joining us.

12 I am going to turn it over now to Commissioner  
13 Little and have him do some opening remarks. I would  
14 also like to spend some time going around the table  
15 and making some introductions. So Commissioner.

16 COMMISSIONER LITTLE: Thank you, Vice  
17 Chairwoman. Like Stephanie said, I'm Dan Little, the  
18 Associate Commissioner here at the IBC. I'm  
19 originally from Connecticut. I was appointed on to  
20 the commission in April of 2010. So I am quickly  
21 coming up on the conclusion or I would like to say on  
22 the expiration of my term. So it has been a busy  
23 two-and-a-half years and it has been a very exciting  
24 two-and-a-half years to get a chance to come up here  
25 and meet a lot of tribes.

1           So I want to send my regards on behalf of  
2           Tracie Stevens. She is back in Washington finishing  
3           up some things. She will be down tomorrow to speak  
4           at the NIGA conference. So if you do get a chance,  
5           stop by to see her there.

6           I also want to thank the Seminole Tribe of  
7           Florida for allowing us to once again come on their  
8           land and host this great event. So we are very  
9           appreciative of the Seminole Nation.

10          I want to introduce some of our staff because  
11          we have a lot of staff here. From our Washington  
12          regional office we have got Cindy Altimus, the  
13          Director, who you probably don't know, and Keith  
14          Hicks is the Compliance Officer. We also have Dawn  
15          Houole, the Chief of Staff. We are going to turn the  
16          mic over to her soon. She is going to put on a  
17          presentation. We have Nicole Aspa, and she is back  
18          in the back there. She is our Internal Auditor for  
19          the Commission.

20          A little bit about consultation. As you all  
21          know, this Commission came in and we realized  
22          consultation was one of our four key priorities. We  
23          knew that consultation was what it was all about. It  
24          is something that we heard from many tribes, that it  
25          wasn't done properly and it wasn't done, you know,

1 like it should be done. So we listened to you. I  
2 think probably because three of us previously worked  
3 for tribes, so we knew your challenges. So we made  
4 it a priority.

5 We do a lot of consultation. I know sometimes  
6 it feels redundant, but it is important for us to be  
7 able to hear from the tribes and to be able to hear  
8 what you have to say. I do assure you we take  
9 everything into account when we make our decision.  
10 So I want to express that we really appreciate your  
11 participating in all this consultation.

12 Next I am going to quickly talk about the  
13 strategic plan and why we are doing it. And I know  
14 Dawn and Nicole are going to go into more detail.  
15 Many of you know, and I know because I was working  
16 for a tribe that during the 2006, 2007 time frame  
17 when Congress passed the Technical Corrections Act,  
18 it required NIGC to participate with GPRA and require  
19 a strategic plan. It falls nicely into that this  
20 time for this to come up for taking a look at it  
21 again because, you know, one of the really big goals  
22 of this commission is to provide some transparency in  
23 what we are doing.

24 I do remember when we worked for a tribe, you  
25 didn't really know what was going on with the NIGC.

1 And no fault of the Commission, I would like to point  
2 out in relevant terms of government agencies, the  
3 NIGC is an infant. We have only been around 25  
4 years. But if you look around at other agencies, you  
5 have got much longer terms. So the NIGC is still  
6 evolving. And one of the things we want to look at  
7 was how we could show we could be more open, so that  
8 the tribes knew what was going on within the NIGC.  
9 This is a great opportunity to kind of show, you  
10 know, what we are looking at for not just during our  
11 current term, but looking down the road five years.

12 So I just want to thank you all for coming here  
13 and participating in this event. I look forward to  
14 hearing what you have to say and I really look  
15 forward to your thoughts and ideas. And how as we  
16 move forward with the strategic plan, how we can put  
17 together a process here for the long term that will  
18 help strengthen and grow this agency.

19 And so I am going to turn it back over to the  
20 Vice-Chairman who is going to go on with  
21 introductions. Thank you all.

22 VICE-CHAIRWOMAN COCHRAN: I was speaking at the  
23 National Tribal Gaming Regulators Conference last  
24 week or week-and-a-half ago, and listening to  
25 Commissioner Little just reminded me of something



1 that I calculated over my lunch hour, which was that  
2 we had consulted about or we have consulted in my  
3 time on the commission an average of 1.8 days a  
4 month. And so you are seeing us about twice a month.  
5 And so it does feel like a lot of consultation, it  
6 does feel like a lot of interaction with us, but it  
7 is very, very important. And it also gives us an  
8 opportunity to interact with tribe leadership, which  
9 I know we have tribal leaders here.

10 And before you introduce yourselves, I would  
11 like to express my gratitude that you are with us  
12 today and taking the time to participate with us, and  
13 also thank you for allowing me to speak to you. It's  
14 not often that I am on this side of the table. I am  
15 speaking to you as usually I am a listener. So  
16 hopefully I will continue to be a good listener.

17 So I am going to ask that you introduce  
18 yourselves before we begin. We will start on this  
19 end. If you would state which tribe you are  
20 representing.

21 RAY MAGEE: Ray MaGee, Cahuilla Tribal Agency.

22 VICE-CHAIRWOMAN COCHRAN: Good afternoon.

23 VIRGIL WHITESHIRTS: Virgil Whiteshirts,  
24 Cheyenne Arapaho Tribe.

25 WALTER HAMILTON: My name is Walter Hamilton,

1 with the Cheyenne Arapaho Gaming Commission.

2 YVONNE WILSON: My name is Yvonne Wilson,  
3 Director of the Gaming Commission, Cheyenne Arapaho  
4 Tribes.

5 DIANA MANRIQUE: My name is Diana Manrique from  
6 Miccosukee Tribe.

7 RICHARD FRIAS: Hello. Richard Frias, National  
8 Gaming Association.

9 DENISE HARVEY: Denise Harvey, Grand Ronde  
10 Gaming Commission.

11 DANIEL HER MANY HORSES: Danielle Her Many  
12 Horses, National Gaming Association.

13 JOE WEBSTER: Joe Webster, Hobbs, Sraus, Dean &  
14 Walker, on behalf of the Seminole Tribe of Florida.

15 PATRICK BERGIN: Patrick Bergin, Fredericks  
16 Peebles & Morgan, on behalf of the -- Tribe.

17 MERLE JEFFERSON: Merle Jefferson, Lummi Nation  
18 Tribal Counsel.

19 DAVID ELMORE: Dave Elmore with Gaming  
20 Laboratories International.

21 MICHAEL PRICE: Mike Price, Gaming Laboratories  
22 International.

23 NELSON JOHNSON: Nelson Johnson, Muscogee  
24 Creek, Oklahoma.

25 VICE-CHAIRWOMAN COCHRAN: Before we begin the

1 process, is there anybody here who has a time  
2 conflict or a present schedule, you need to make an  
3 opening statement and then leave? I certainly want  
4 to accommodate that, if you do.

5 Okay. We are scheduled today to go from 1:00  
6 to 4:00 p.m. We may end early. I anticipate we may  
7 very well likely end early today, depending on where  
8 we are at in the conversation, if there are no  
9 comments. So at any point in time in the process  
10 you, like I said, need to make a comment or you have  
11 written comment you want to submit, you can certainly  
12 do that at your convenience.

13 We are transcribing this consultation. We  
14 transcribe all our consultations. In furtherance of  
15 our efforts to be transparent to the regulated  
16 community, we do transcribe everything. We put it up  
17 on the web site, so it is accessible for any tribe or  
18 any gaming operation who is not able to be with us.

19 And so the transcriptionist is here. You will  
20 need to identify yourselves if you do speak for her.  
21 And identify, you know, who you are representing  
22 before you make your comments, so that she accurately  
23 reflects who the comments are attributable to.

24 We have three more consultations coming up on  
25 strategic plan. One will be held at G2E in Las

1 Vegas, the other one will be in Pendleton, Oregon and  
2 the third one is Quapaw. I was thinking about dates,  
3 these are all going to be held in mid October. The  
4 comment period on the strategic plan ends on  
5 October 31st. So if you have comments that you do  
6 want to submit in writing, you need to make sure that  
7 you do that and submit it into us before the 31st.

8 The Commission, this Commission is fully  
9 committed to reading the comments that come in. We,  
10 as many of you know, we have been involved in the  
11 regulation review process. We have received numerous  
12 comments from many tribes' associations and other  
13 interested parties involving those regulations, and  
14 the Commission has read every single one and we will  
15 continue to do that. If you will take your time out  
16 of your busy schedule to write to us, we will take  
17 time and we will make sure that the comments are  
18 read.

19 I think I have covered basically everything.  
20 I'm going to turn it over to Dawn. Once she is  
21 prepared to go or has completed, then we will open it  
22 up for discussion. So, Dawn.

23 CHIEF OF STAFF HOULE: Good afternoon. My name  
24 is Dawn Houle. I'm Chippewa Cree from Rocky Point,  
25 Minnesota. I am one week old as the new Chief of

1 Staff. So I am not Paxton Myers. He took a job with  
2 his tribe in Cherokee, North Carolina. So we wish  
3 him well over there. We certainly miss him, but I  
4 think you are in good hands. We will see. It has  
5 only been five days.

6 Like the commissioners have said, it is going  
7 to be a pretty quick meeting. And this is just a  
8 reminder of who our commissioners are: Tracie  
9 Stevens from Tulalip, Stephanie Cochran from  
10 Chickasaw and Daniel Little, our Associate  
11 Commissioner.

12 And as a reminder, tribal consultation meetings  
13 are between tribal governments and the federal  
14 government. Only tribes or their designees can  
15 attend and participate in these meters. These  
16 meetings are not open to the public, but the public  
17 is welcome to submit comments via our web site. And  
18 I will give you that e-mail at the end because I  
19 don't recall what it is right now.

20 So, as a reminder, the meeting is held in  
21 accordance with Executive Order 13175, Consultation  
22 and Coordination With Indian Tribal Governments. And  
23 what the basic premise of that is, which we are all  
24 very familiar with, as a reminder it is any time  
25 there is an undertaking to formulate or implement

1 policies that have tribal implications, the agency  
2 shall encourage Indian tribes to develop their own  
3 policies to achieve program objectives and, where  
4 possible, defer to Indian tribes to establish  
5 standards.

6 As the Vice-Chairwoman highlighted, the  
7 Commission is very committed to a clear transparent  
8 process. And as she said, there is a transcription.  
9 This will be on our web site hopefully within a  
10 couple weeks, a week, I am not sure of the time  
11 frame. And written comments will be posted, as well,  
12 for the web site, and every comment will be reviewed  
13 and considered.

14 So let's get to the meat of the presentation.  
15 What is strategic planning? From the book by John M.  
16 Bryson, Strategic Planning in Public and Non-Profit  
17 Organizations, the main gist of it is, it is a  
18 disciplined effort to produce fundamental decisions  
19 and actions that shape and guide what an organization  
20 is, what it does and why it does it with a focus on  
21 the future.

22 What is the purpose of strategic planning? I  
23 was going to let one of our former strategic plan  
24 team members from the previous plan introduce this.  
25 And Nicole Aspa will take over here, and then I will

1           come back to that.

2           MS. ASPA: Good afternoon. My name is Nicole  
3           Aspa. I'm Navajo and a member of the Colorado River  
4           Indian Tribe.

5           What I am going to do is go over the various  
6           laws in regards to strategic planning for  
7           governmental agencies. The first one that was issued  
8           in 1993 is the Government Performance and Results  
9           Act. This act was first based off as a pilot program  
10          for federal agencies to go through and establish  
11          their goals and objectives for their agency, as well  
12          as the performance majors of how should they major  
13          their agencies' goals and objectives and achieving  
14          them. It did not come into effect until 1997. But  
15          it was not applicable to the NIGC until the Native  
16          American Technical Corrections Act of 2006, which in  
17          changing our budget requirements it also made the  
18          requirement that NIGC comply with the GPRA.

19          OMB Circular A-11 also goes into strategic  
20          planning that it requires agencies to link their  
21          strategic planning to the budget, as well as sets  
22          forth the annual performance plans and annual  
23          performance reporting requirements for agencies on  
24          what is required of them, how do they record it, when  
25          do they record it, how often do they record it.

1           So in regards to the next one, GPRA  
2           Modernization Act of 2010, which was enacted in  
3           January 2011, it changed the process of GPRA of 1993  
4           by requiring agencies to focus more on their goals  
5           and their strategies and how are they going to  
6           achieve those goals and made it more specific. It  
7           went from generalized goals and objectives to a more  
8           specific and limited number of goals and strategies  
9           to achieve those goals.

10           So in regards to the GPRA Modernization Act, it  
11           also provided for data progress reviews. So in  
12           regards to the GPRA Act of 1993, it also required  
13           performance plans and performance reporting, but it  
14           covered several fiscal years. The Modernization Act  
15           now requires agencies to include those progress  
16           reviews on their web site, this is what our goals are  
17           and are we achieving them, what do we need to achieve  
18           them?

19           So it addressed that agencies now issue those  
20           reviews, those annual performance plans, those annual  
21           performance reports on the NIGC web site to increase  
22           transparency and accountability over federal  
23           agencies. So in regard to this, it also required  
24           them to reduce paperwork, which is why things are  
25           being published to the web site, as well as going



1 through blast e-mails on the strategic plan, as well  
2 as meeting requirements.

3 So what the NIGC is doing is within their  
4 budget justification, they include annual performance  
5 plans for the next year, as well as annual  
6 performance reports of what we had done in the past.  
7 So that is what one of the purposes of the  
8 Modernization Act was, to condense everything. So  
9 this is what we are doing, did we achieve it or not  
10 achieve it, and if we did not achieve it, this is  
11 what we are going to do to achieve it by next year or  
12 by the year after.

13 So in regards to the background of the existing  
14 strategic plan, as you know, it covers from fiscal  
15 year 2009 to 2014. What is the plan that the NIGC is  
16 now proposing covers 2014 to 2018. So we are  
17 bi-lapping the 2014 fiscal year, which is one of the  
18 requirements of the Modernization Act, which is that  
19 agencies go back and review what their current  
20 strategic plans are and update it because of the  
21 Modernization Act. So that is one of the items that  
22 NIGC is doing.

23 What we did is, we reviewed what the broad  
24 general strategic goals were in the 2009-2014 plan  
25 and we looked at them and compared them to what NIGC

1 is currently doing, as well as what are the  
2 priorities of the commission. So those ones there,  
3 if you would look in the existing strategic plan,  
4 those are very broad-based. If you look at the  
5 objectives underneath that current strategic plan,  
6 those objectives were written as other goals like  
7 performance goals. So in the plan that we are  
8 currently working on, it goes into those objectives.  
9 Now those objectives become goals. So that is one of  
10 the items that with this new plan that we are doing  
11 is that makes it where it is more specific. This is  
12 what we are doing and this is how we are going to do  
13 it.

14 And like I said, with the new plan, one of the  
15 items that we address is the Commission's four  
16 priorities. Which the Commission has been going over  
17 at the meetings, as well as in the presentations and  
18 as well as published in the budget justification, the  
19 consulting and relation building with tribal  
20 governments, provide technical assistance and  
21 training, continue the regulatory review and review  
22 agency internal operations.

23 So we use those in order to develop the current  
24 strategic goals that are in the proposed plan. We  
25 also develop strategies to achieve those goals and

1 the strategies are the actions, how are we going to  
2 achieve those goals. Those can be very specific, as  
3 well. So what happened is it did away with the  
4 objectives, objectives became the goals. And we  
5 identified the key performance majors. How are we  
6 going to do those progress reviews, what are we going  
7 to use to establish as are we achieving them or not  
8 achieving them or what do they need to do to achieve  
9 those goals and strategies.

10 The planning efforts that we did was outreach  
11 to stakeholders, which is in regard to this meeting,  
12 as well. We established a strategic planning working  
13 group internally and we have been meeting since  
14 April 30th to draft the strategic plan. We have had  
15 ad hoc meetings and internal communication, as well  
16 as planning with senior management and going the  
17 Commission, presenting it to the Commission and just  
18 looking at the draft document that was presented to  
19 you today.

20 I will hand it back over to Dawn.

21 CHIEF OF STAFF HOULE: One of the glitches that  
22 we have is that our technology is behind. Most  
23 tribes have much more advanced technology than us.  
24 So we have two slides that are not on here. And I  
25 think we made some copies.

1 CINDY ALTIMUS: We are working on it.

2 CHIEF OF STAFF HOULE: So we are going to  
3 toggle back and forth to what we could not shove into  
4 this. So that is one of our strategic goals is to  
5 get, as you will see.

6 So under this new Commission, we actually have  
7 a mission and it is to work within the framework  
8 created by IGRA for the regulation of gaming  
9 activities conducted by tribes on Indian lands to  
10 fully realize IGRA's goals. As we know, there are  
11 three components of IGRA and they caption that in  
12 their mission. That is what we are here to do.

13 The vision is also new under this Commission.  
14 And it is to adhere -- This is the slide I don't have  
15 either. So this is a visual comparison of what the  
16 prior Commission statement was to what our current  
17 one is. And I think the specifics here is what  
18 Nicole outlined is instead of making broad  
19 statements, let's be more specific, and that is  
20 exactly what this Commission did.

21 So again, I apologize. So you can see this and  
22 take it with you and it will be posted to our web  
23 site.

24 So with the vision, like I was saying, this is  
25 new with this Commission, as well. And to adhere to

1 the principals of good government, including  
2 transparency and agency accountability, as well as to  
3 promote fiscal responsibility, operate with  
4 consistency and clarity to ensure fairness in the  
5 administration of IGRA and to respect the  
6 capabilities and responsibilities of each sovereign  
7 tribal nation in order to fully promote tribal  
8 economic developments, self-sufficiency and strong  
9 tribal governments.

10 So the comparison again expands the vision  
11 statements expanded with a little more clarity of  
12 what do we want to do, what does that mean as far as  
13 tribal governments. And it removes some of the stuff  
14 that is already part of IGRA, but gets again into the  
15 specifics of how we want to achieve that. As we get  
16 further along, you will see how we hope to encompass  
17 that vision.

18 So I am not going to read to you guys, so I  
19 hope that is okay. So what we are proposing today is  
20 for as far as a strategic plan for the next four  
21 years, starting in 2014 to 2018 are five strategic  
22 goals. And those include ACE, which is the  
23 Assistance Compliance and Enforcement Initiative, as  
24 well as improve technical assistance and training for  
25 stakeholders, improve and update NIGC regulations,

1           which I am sure many of you have been involved with  
2           in the last year, improve consultation,  
3           communication, relationship building with tribal,  
4           federal and state regulatory authorities and/or  
5           agents. And fifth, increase efficiency, transparency  
6           and accountability.

7           So with this proposed strategic plan, in order  
8           to establish the strategies, we focussed on pursuing  
9           strategic goals, expressing those priorities that  
10          were outlined by the Commission, implementing what  
11          the new vision was, identifying immediate issues that  
12          the tribe had either left the field commission and  
13          brought over to the new Commission or presented to  
14          the new Commission and identifying core agency  
15          processes of how are we going to improve.

16          So the 12 strategies that were developed  
17          represent a critical link between the planning and  
18          implementation in describing how we are going to  
19          achieve all of that.

20          The proposed strategic plan identifies other  
21          key performance measures like Nicole was outlining,  
22          what is meaningful, what is measurable, what can  
23          routinely be collected and what is useful information  
24          not only to the agency, but to the tribes.

25          The agency will focus on key measures to guide

1 success in achieving these strategic plan goals  
2 through short-term and long-term actions.

3 So, goal one, you do have the comparison? Did  
4 everybody get a handout? So again, forgive us. So  
5 goal one outlines what ACE will do, the assistance  
6 compliance and enforcement. And if you turn to page  
7 six, these are strategies, as I was talking about.  
8 So page three was the objectives. But strategies,  
9 how are we going to achieve the ACE initiative?

10 And if you look at the existing strategy 1.1.1,  
11 it says, tribes meet directly under IGRA. That is  
12 already being done, that is what you guys all go  
13 through when you do a management contract. And so  
14 you wouldn't carry that over. That has been  
15 achieved. And so we have scratched it from the  
16 process. Not the process, but the new plan. So it  
17 is ongoing efforts to provide that resource to the  
18 tribe.

19 And so that is conduct and inform, complete  
20 monitoring activity under the old plan. New plan, we  
21 are going to conduct sites visit with particular  
22 focus on improvements in tribal internal control  
23 systems to maintain the integrity of the gaming  
24 industry.

25 And so as you look side by side, the numbering

1 probably is a little convoluted and I apologize for  
2 that. As we get hopefully better, our IT guys might  
3 be able to make this a natural visual, so bear with  
4 me. So essentially the way you read the existing, if  
5 it is marked off, that is what we are currently  
6 achieving. We are already doing that.

7 But the new stuff, so promulgate regulations as  
8 necessary, 3.1 under the new policy. We are  
9 finalizing and implementing all of the new and  
10 revised regulations as consulting over the last year  
11 and a half. So ACE is going to basically increase  
12 availability of technical assistance.

13 We have heard from many tribes that, you know,  
14 there is varied levels of gaming, some from want to  
15 be into gaming, some that are just starting in  
16 gaming, some that have been in gaming for 20-plus  
17 years. And so how do we make resources available for  
18 them, as well as spread across all the regions.

19 Conduct or provide timely responses to audit  
20 findings. NIGC spends a tremendous amount of time at  
21 gaming facilities and, in turn, we should report back  
22 our findings in a timely manner so that you guys can  
23 take corrective action and correct anything that was  
24 found. And then conduct our site visits, audits and  
25 evaluations with particular focus on improvements to



1 tribal internal control systems. That is a carryover  
2 from the last plan, just with a little more  
3 specificity.

4 So goal two, improve technical assistance and  
5 training for stakeholders. Like I was talking about,  
6 we have had many a request of many new tribes wanting  
7 to even get into gaming, and so they have a different  
8 need than the Seminole Nation would that have been in  
9 gaming for a very long time. And so this plan, the  
10 strategic plan would provide that type of guidance  
11 and technical assistance and training to meet those  
12 particular needs, as well as provide these trainings  
13 and locations that are in Indian Country for you to  
14 attend that is easily available for you to attend, I  
15 guess.

16 Goal two, just so you follow along on the  
17 handout, is on page seven, and that shows the  
18 comparison of where we were under the old plan and  
19 where we are heading into the new plan. Am I going  
20 too fast for anybody?

21 So goal three is to improve and update the NIGC  
22 regulations. And I know that this Commission, as  
23 well as the staff, has put a tremendous amount of  
24 work involved with the tribes into getting these  
25 updated. So one of the plans in the next four years

1 is how do we finalize these and how do we get them.

2 So that was part of the last plan to promulgate

3 regulations, so that does stay the same.

4 Goal four, improve consultation, communication  
5 and relationship building with tribal, federal and  
6 state regulatory authorities and/or agencies. So our  
7 tribal consultation policy is still being drafted.

8 It was supposed to be on our agenda today, we just  
9 did not get to a point that we could present it. So  
10 at some point we will be going out and consulting on  
11 that, as well.

12 So some of the key points to capture here is  
13 that the consultations with NIGC will be as we  
14 outline Indian regulation, rule-making legislature  
15 and guidance, these actions that may directly impact  
16 tribes, we will consult on those.

17 And under the open government initiative, that  
18 is basically the transparency, how do we provide  
19 tribes in open government, we will implement our  
20 responsibilities under this initiative as defined by  
21 the Office of Management Budget, budget directives of  
22 2009.

23 We will also coordinate and collaborate with  
24 tribal, federal and state regulatory authorities  
25 using a variety of mechanisms. One of the mechanisms

1 I mentioned with IT is we are trying to partner with  
2 Department of Interior on utilizing some of their IT  
3 technology and partnering with them, so they can  
4 spend a couple million dollars improving their  
5 technology and maybe we can ride on their coattails  
6 and see some of the benefit of that. So we are still  
7 working on that, but clearly, since we have handouts  
8 and printouts.

9 And then finally, goal five, increase  
10 efficiency, transparency and accountability. We are  
11 going to update and develop policies that enhance  
12 employees' ability to perform their jobs effectively.  
13 I know working for nothing but tribes, this is very  
14 critical and it should be with the federal  
15 government, as well.

16 Implement and monitor a performance measurement  
17 system to enhance employee performance, as well as  
18 develop and maintain more integrated information  
19 systems and processes that support NIGC staff and  
20 functions. And that is basically what makes  
21 technology a resource instead of stone age, not being  
22 able to use technology that is available.

23 So what are the next steps? Clearly, the next  
24 three consultations, September 27th in Pendleton,  
25 Oregon, October 4th in Las Vegas, October 23rd in

1 Quapaw. After the October 30th comment closing  
2 period, the information we receive from tribes will  
3 revise the plan based on comments received. And  
4 November, December we will finalize the plan and  
5 submit to OMB. In January 2013 we need to revise the  
6 plan based on OMB response and then February we need  
7 to finalize it and submit it to Congress.

8 And I think one of the highlights that I would  
9 like to emphasize on this page is that we have a very  
10 short turnaround time. There are no extensions. So  
11 when we submit it to them, they turn around as fast  
12 as they can in order for us to meet the February  
13 deadline to get it to Congress.

14 So once the plan is finalized, then the agency  
15 will take the plan, develop our action steps to  
16 implement, as well as develop those annual  
17 performance plans and review and provide progress  
18 reports on the NIGC budget justification. So those  
19 are the basic responsibilities of the strategic plan,  
20 but of course the guts of it will be how do we  
21 achieve it in developing those actions so we are  
22 successful and meet the needs of the agency and  
23 tribes.

24 So, with that, a reminder that our comment  
25 period closes October 31st. I kept seeing

1           October 30th. So October 31st, on Halloween,  
2           hopefully that is not a scary date. And there are  
3           many ways that you guys can submit your comments,  
4           either through e-mail, fax, postal service, express  
5           service, and our web site is draft.plans@nigc.gov.  
6           So, once again, draft.plans@nigc.gov. There is our  
7           address, our e-mail.

8                     And now turning it over to questions.

9                     VICE-CHAIRWOMAN COCHRAN: Thank you, Dawn.  
10           That was very informative. Thank you so much for  
11           going through that with us.

12                    Before I make a few comments, Chairman  
13           Rowe-Kurak I see coming in, and Nancy Green. Would  
14           you please introduce yourselves for the record and  
15           give me an opportunity to say welcome and good  
16           afternoon.

17                    JANICE ROWE-KURAK: Good afternoon, everyone.  
18           I am Janice Kurak, Chairman of the Iowa Tribe of  
19           Oklahoma.

20                    NANCY GREEN: Hi, everyone. Nancy Green,  
21           attorney for Chickasaw Nation and others.

22                    VICE-CHAIRWOMAN COCHRAN: Thank you, and  
23           welcome.

24                    So I am sure that many of you have been through  
25           strategic planning for your own tribal organizations,

1 something that we have been doing, given that our  
2 current plan is going to expire. Since it is this  
3 Commission's policy, objectives and priorities and it  
4 is also because we really feel it is important that  
5 we have a measuring stick to use in the budgets when  
6 we talk about these and we talk about budget  
7 expenditures and right now it needs to be something  
8 concrete. We really feel strongly about that. The  
9 staff worked hard to give us a plan that we could go  
10 back and evaluate ourselves and allow tribes to  
11 evaluate us.

12 And so that's where we are at in this process.  
13 If you have particular comments or ideas or  
14 suggestions or something you think works really well  
15 or something is not stated well enough, I would like  
16 to hear your thoughts. That gives your auditor  
17 something to do, keeps him busy.

18 YVONNE WILSON: How do you plan to use the  
19 BIAs?

20 VICE-CHAIRWOMAN COCHRAN: Can you speak into  
21 the microphone.

22 YVONNE WILSON: How do you plan to utilize the  
23 BIAs, as far as the technology?

24 VICE-CHAIRWOMAN COCHRAN: Well, let me let  
25 Dawn, because Dawn has been heavily involved with the

1 process. You want to?

2 CHIEF OF STAFF HOULE: Sure. So one of the  
3 things that we are negotiating is taking advantage of  
4 the purchasing power, given they have ten times the  
5 amount of employees that we do, they get a better  
6 price than we do when they go out in an agency and  
7 honor employees. That, alone, will save us money  
8 when we have to update our software. Right now, we  
9 haven't been able to afford that. So we are waiting  
10 to see what the price break will be when we partner  
11 with the DOI.

12 Another one is their e-mail service. They have  
13 an updated server or service that they just finished  
14 less than a year ago. And we might be able to  
15 integrate with them or will be able to get rid of our  
16 agreements and pay them to add us into their  
17 interoperative e-mail account. Those are the two  
18 biggest ones that we are looking at, is software and  
19 hardware upgrades and taking advantage in some of  
20 their purchase power and already established  
21 resources.

22 VICE-CHAIRWOMAN COCHRAN: They also have  
23 available, as you know, in some of the regional  
24 offices, the video technology, meetings and stuff  
25 that we can't afford as a small agency. But by

1           partnering with them, we hope to have more access to  
2           those types of things and also to reach out into  
3           tribes that it is too expensive for them to travel.

4           CHIEF OF STAFF HOULE: We are limited to 13 web  
5           portals. And when we met with the Navajo, they have  
6           40, I think, participants, so they all had to huddle  
7           around one computer screen for us to do a webinar  
8           with them. With what she is talking about, I think  
9           it goes through DOI, we can do more of the  
10          interactive classroom type services and then our one  
11          little tube of 13 webinars that we can hold. That is  
12          another advantage. Of course, it still comes with a  
13          cost. They are not going to give it to us for free.

14          YVONNE WILSON: Hope we don't need anything of  
15          theirs anyway.

16          VICE-CHAIRWOMAN COCHRAN: Madame chairwoman.

17          JANICE ROWE-KURAK: I'm sure there are some  
18          reservations or concerns with saying that you are  
19          using their IT department. I do appreciate that  
20          respect, coming from a smaller tribe, you know,  
21          sometimes resources are tight, you know.

22          Dealing with the IT issue, I guess the concerns  
23          or reservations you might hear from some of the  
24          tribes, you don't have the best history with your IT  
25          department. You know what I am saying? I mean, that



1 got us into a mess before and I am sure it might --  
2 Like the information that we provide are things that  
3 if we need to - our individual tribes, they won't be  
4 out there, so everyone else can do that or anything,  
5 will they?

6 VICE-CHAIRWOMAN COCHRAN: No. And I don't want  
7 to get ahead of IT and the lawyers.

8 JANICE ROWE-KURAK: Right. I am not an IT  
9 person either.

10 VICE-CHAIRWOMAN COCHRAN: In talking with them,  
11 what my understanding is, Interior has the ability  
12 within their framework to separate and coordinate all  
13 departments or agencies in our case whole agency.  
14 Our information, so that it is not hard on the  
15 A-frame system, if you will, and they do it with the  
16 Offices of Special Counsel.

17 CHIEF OF STAFF HOULE: The IG has their own  
18 separate server.

19 VICE-CHAIRWOMAN COCHRAN: We put up a  
20 protective wall, so the information is not part of  
21 the larger system.

22 JANICE ROWE-KURAK: And I personally feel like  
23 the NIGC has done a good job of working with the  
24 tribes. You just have to understand our reservations  
25 in that department.

1           VICE-CHAIRWOMAN COCHRAN: Absolutely. I  
2 certainly understand.

3           JANICE ROWE-KURAK: Thank you.

4           VICE-CHAIRWOMAN COCHRAN: Thank you.

5           RAY MAGEE: The last meeting I attended in San  
6 Diego, a lot of the stuff came up concerning TAC.  
7 And I know one of the subjects that were addressed  
8 was technology. Some of the tribes are more  
9 available. Has there been anything addressed in the  
10 publications?

11           COMMISSIONER LITTLE: You mean as far as like  
12 they said about providing different avenues for  
13 accidents and thing like that?

14           RAY MAGEE: Yes.

15           COMMISSIONER LITTLE: Agencies, we are hindered  
16 because of some technological challenges. And on top  
17 of that, we have got financial challenges like  
18 everyone else has. We had an industry that was  
19 growing in double digits and now we are seeing modest  
20 growth, so we need to be cognizant of the funds that  
21 we are spending. It's pretty consistent with what we  
22 are doing as far as looking for chairperson support  
23 on the IT prompt. We have been contracting for HR  
24 services for years. So there is a good track record  
25 there. It does work well. It provides us and gives

1 us an opportunity not to have to provide all that  
2 staff to, you know, perform all those functions that  
3 they can do or provide for us.

4 So, you know, the point of this, we are looking  
5 at our training type of assistance program and one of  
6 the ways is how do we get out there once we identify  
7 some areas that, you know, would be helpful in how  
8 can we utilize our staff and our resources to provide  
9 that assistance that is required by law to the  
10 tribes? And technology is a huge front. It is  
11 there. We can have one of our experts in Washington  
12 provide a teleconference to, you know, 15 tribes.  
13 That is the best use of resources I know.

14 During when tribes had to do some budget  
15 cutting, a lot of times the person they cut is tribal  
16 and a lot of it is training and a lot of it is  
17 important training. We know training can avert  
18 problems. So we think it will be actively looking  
19 for ways to provide our congressionally-required  
20 mandate to provide assistance at the most  
21 cost-effective manner. We are very cognizant that  
22 every dollar we spend in the Commission comes from  
23 all of you and we are very grateful for those  
24 resources you all provide. But we want to make sure  
25 we are spending them effectively and we think this is

1 a big area where we can improve services and still  
2 maintain some financial discipline.

3 I think, kind of moving on a little bit,  
4 touching on what the Vice-Chairwoman was saying,  
5 strategic planning is difficult and I know it is  
6 difficult within a tribe, you are trying to get  
7 everybody on board. Even a lot more difficult when  
8 we have this requirement that if you need to work  
9 with tribes, and I guess I should look in the mirror  
10 because I was working for a tribe at the time when,  
11 you know, we got Congress to approve this, and so I  
12 guess it is back to myself. But it is good, it is  
13 the right thing to do and it is very consistent.

14 And what I am hoping we have been demonstrating  
15 for the last two years we are out there, we are  
16 consulting, we are listening to your thoughts and  
17 your ideas. And this is government, true government  
18 to government consultation here, and I am hoping you  
19 have seen throughout the regulatory review process,  
20 you know, we came up with drafts and we discussed  
21 those things before we moved forward. It is what we  
22 heard, what I had advocated when I was working for a  
23 tribe that, you know, a tribe deserve to be heard  
24 before, you know, a formal process is entered.

25 And that is why we have this draft here. We

1 are bringing it to you to show you what our thoughts  
2 are. We are kind of codifying what we have been  
3 doing, what our priorities over the past two years  
4 and basically establishing goals and some  
5 measurements so you have a way to say, You are not  
6 doing what you said you were going to be doing, and  
7 this is how we can prove that. It is a great  
8 process.

9 And, you know, ideally, if I was looking back,  
10 I would say and I knew I would be in a position now,  
11 I would say, Boy, I better think about what I am  
12 asking for. But I am joking and I know it is the  
13 right thing. And I am very happy that we are here  
14 and I am very happy that you work with the tribes to  
15 develop it because this is your agency, you provide  
16 the resources and it is important that we are doing  
17 what is in the best interest and continuing to do so  
18 for the strength in this industry.

19 VICE-CHAIRWOMAN COCHRAN: The strategic plan  
20 itself, the draft plan is up on the website. You can  
21 always look at it and comment. If you have expertise  
22 in strategic planning, if you want to say, This is  
23 not a measurable goal, or, Have you given any thought  
24 to that, any comment is welcome. We have put a lot  
25 of thought into it and I think we are on the right

1 track.

2 CHIEF OF STAFF HOULE: I think also in the  
3 handout that we gave is, when you go through it,  
4 especially the existing strategies, keep in mind that  
5 in four years they were able to accomplish some of  
6 that, and I have highlighted number 11, page 11,  
7 2.1.2 that says, Establish and Implement Training  
8 Programs. You guys have that?

9 JANICE ROWE-KURAK: 8th is our last page.

10 CHIEF OF STAFF HOULE: There you go.

11 JANICE ROWE-KURAK: That is a secret mission;  
12 right?

13 CHIEF OF STAFF HOULE: I apologize. But  
14 essentially what the goal in 2009 was was to  
15 establish a training program. Well, that had been  
16 done. So we are now at, how do we improve that?  
17 These broad statements that were made in the original  
18 plan, now we have some very specifics. We are going  
19 to reach the tribes based on their needs. We are  
20 going to provide training at sites that, you know,  
21 are easily provided or easily accessible to  
22 reasoning. We are going to offer webinars or various  
23 levels of training mechanisms. I know we are even  
24 looking at doing where you can play the video and  
25 take training that way. We can put this into a

1           PowerPoint at this point. It may be a little while,  
2           but bear with us.

3                   Some of these, it says Perform Regulatory  
4           Enforcement Actions. Well, that was a former plan.  
5           Now we are moving forward with ACE. Let's give you  
6           assistance first before we do enforcement actions.  
7           Let's help you achieve compliance through our systems  
8           before NOV issues or some type of action made. So  
9           when you do the documents, keep that in mind these  
10          were broad strokes, broad statements, now we are  
11          moving into specifics. This is how we hoped to  
12          achieve that.

13                   VICE-CHAIRWOMAN COCHRAN: I was going to give a  
14          real test because with all the new regulations and  
15          the revised regulations that we put out in the last  
16          couple months is requiring extensive training and  
17          technical assistance to implement those new regs. So  
18          this particular goal is going to be a real run for  
19          its money to see if we come back with some results  
20          that make sense and if we are meeting the objectives  
21          that we set out, in addition to the consultation part  
22          of it.

23                   Are there any other comments? Well,  
24          Mr. Little, do you want to say anything?

25                   COMMISSIONER LITTLE: We understand this is

1 just the first consultation, so many of you, this may  
2 be the first time you have seen this and have not had  
3 a chance to review it. Please take the information,  
4 review it. You can send comments in, e-mail it. You  
5 can fax it. You can send it through regular mail,  
6 any way you would like. Send it in, we will  
7 definitely review it.

8 This is a great process, like I said, where you  
9 have an opportunity to provide valuable input into  
10 the future direction of the agency here.

11 JANICE ROWE-KURAK: I'd like thank the NIGC for  
12 this consultation. Because speaking as a tribal  
13 leader, I wish other agencies would try and work with  
14 the tribes and consult with them like you have done.  
15 So thank you for your time. I appreciate it.

16 VICE-CHAIRWOMAN COCHRAN: Well, thank you for  
17 the complement. We certainly work hard. Although  
18 you are seeing us quite a bit these days, and some  
19 people will say that is not always a good thing, it  
20 is for a very important reason. So thank you for  
21 your acknowledgment.

22 COMMISSIONER LITTLE: Plus the fact that I am  
23 surrounded by all these strong native women here.

24 VICE-CHAIRWOMAN COCHRAN: There is no choice.

25 COMMISSIONER LITTLE: But, Madame Chairman, you



1 raise a good point. Try to remember that commissions  
2 change, but the career staff of the agency basically  
3 stays the same. We benefit immensely from a great  
4 group of professionals, highly trained experts in  
5 this industry. And, you know, they have been meeting  
6 here for months. And we are really thrilled with the  
7 hard work, and not necessarily on the strategic plan,  
8 but during the regulatory review or just in the  
9 training that the field staff provides out to the  
10 regions. And I always tell them that we are the  
11 Commission, but the field staff are the folks out  
12 meeting with the fields day-to-day, they make us look  
13 good and I am appreciative of the hard work they do.

14 NANCY GREEN: I would like to echo the  
15 chairman's comments. We certainly appreciate the  
16 opportunity, you know, to participate in these  
17 consultations. Don't get too excited, though, Dan, I  
18 haven't fully had a chance to review and visit with  
19 some of my clients. So you have got a pass for the  
20 day.

21 VICE-CHAIRWOMAN COCHRAN: Any other comments?  
22 All right.

23 Well, we will go ahead and conclude the  
24 meeting, then. Thank you again for your time. Thank  
25 you again for coming to sit with us and for your

1 thoughts. Please take a cookie, a drink. I hope you  
2 enjoy the rest of the NIGA and the meeting and I wish  
3 you travels back to your home. Thank you.

4 (Thereupon, the proceedings were concluded at  
5 2:11 p.m.)

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I, ELIZABETH CORDOBA, Registered Professional Reporter, certify that I was authorized and did stenographically report the foregoing proceedings and that this transcript, pages 1 through 43, is a true record of the proceedings.

I further certify that I am not a relative, employee, attorney, or counsel for any of the parties nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 27th day of September, 2012.

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ELIZABETH CORDOBA  
Registered Professional Reporter

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