

NIGC REGULATORY REVIEW; December 5, 2011

1

2

3

NATIONAL INDIAN GAMING COMMISSION

4

PORTLAND REGION

5

REGULATORY REVIEW CONSULTATION

6

7

SUQUAMISH CLEARWATER CASINO RESORT

8

15347 SUQUAMISH WAY NORTHEAST

9

CHIEF KITSAP HALL

10

SUQUAMISH, WASHINGTON

11

DECEMBER 5, 2011

12

9:10 A.M.

13

14

15

16

17

18

19

20

21

22

23

24

REPORTED BY: CHERYL L. O'HALECK, CCR No. 2226

25

Job No. NJ344001

1 SUQUAMISH, WASHINGTON; DECEMBER 5, 2011

2 9:10 A.M.

3 --oOo--

4
5 CHAIRWOMAN STEVENS: Good morning. Why don't
6 we go ahead and get started. Feel free to come join us
7 at the table, if you'd like. We certainly have the
8 room. And that way, if you have any questions, you can
9 just come right up, have a seat.

10 See, the chairman is -- your hosting chairman
11 is insisting that you come to the table.

12 MR. FORSMAN: I'm not insisting, I was just
13 encouraging.

14 CHAIRWOMAN STEVENS: I know it seems
15 unnecessary speaking into the microphone, but I
16 understand that we'll be recorded.

17 Are you hooked up to the sound system?

18 THE COURT REPORTER: No.

19 CHAIRWOMAN STEVENS: I want to make sure --
20 this is Cheryl. She's our transcriptionist back here.
21 So she will be transcribing today's meeting.

22 So before we get started, I'd like to turn
23 over the microphone to Chairman Leonard Forsman from the
24 Suquamish Tribe, whose territory and land that we are on
25 and who has been so gracious to host us.

1 Chairman?

2 MR. FORSMAN: Thanks, Tracie, for bringing the
3 Commission here to Suquamish, the Port Madison Indian
4 Reservation. A lot of you folks are familiar with us,
5 so I don't have to go into great detail of our history,
6 but we did sign a treaty at Point Elliott, and this
7 reservation was established by that treaty with Chief
8 Seattle and a number of other chiefs. The reservation
9 was allotted in 1886. And now we are in the business of
10 trying to reacquire a lot of the land we lost after it
11 was allotted and sold. So we continue to make that a
12 priority of our tribal government. And of course,
13 gaming and fishing are our primary sources of revenue,
14 and also some taxation, so that we've been able to use
15 those resources to reacquire a lot of land that was, in
16 our belief, stolen from us. So I know a lot of the
17 tribes in this room have similar histories and are
18 engaged in the same efforts.

19 So I want to keep my comments short, because
20 I'm in a council meeting right now. It's been handed
21 over to our vice-chairman, who probably already ended
22 the meeting. So I may have the morning off. He's not
23 as interested in public comment, usually, as I am.

24 But just to let you know that, those who maybe
25 come from out of town, there is lots to do here. We

1 have Chief Seattle's grave site in a cemetery over the
2 hill, and we have our old museum, which is still open,
3 down the street on Sandy Hook Road. We're building a
4 new museum downtown, as well, and our longhouse is down
5 there, which is a couple years old, and our dock. It's
6 been a goal of mine to kind of create some new cultural
7 presence in Suquamish. So if you haven't been down
8 there in a while, it's definitely changed.

9 And there is a number of other towns that we
10 work with in tourism partnerships around here, which are
11 Poulsbo, Port Gamble, and downtown Winslow on Bainbridge
12 Island are a number of nice places to go.

13 So those are some things that we've been
14 involved in a lot as we build our new museum and trying
15 to promote tribal tourism as a part of some of the
16 things that we're also engaged in with our resort and
17 casino. We have a number of other corporate event
18 spaces, including Kiana Lodge, which you've been to, as
19 well.

20 So on behalf of the Suquamish Tribe, a little
21 over 1,000 members, and our seven-member tribal council,
22 I'd like to welcome you to Suquamish and thank you for
23 coming to the Suquamish Clearwater Casino Resort.

24 Tracie?

25 CHAIRWOMAN STEVENS: Thank you, Chairman.

1 Let's take a round here to introduce everybody
2 that's at the table. If we can get the microphone
3 moving around, if you just state your name, your
4 position, and which tribe you represent.

5 MR. PURSER: Don Purser, Port Gamble S'klallam
6 Tribe, TGA.

7 MS. HENRY: Carol Henry, Port Gamble S'klallam
8 Tribe, compliance.

9 MS. HELM: Linda Helm, Port Gamble S'klallam
10 Tribe, executive director TGA.

11 MR. HANSON: Daniel Hanson, Port Gamble
12 S'klallam, TGA.

13 MS. OGAS: Kathryn Ogas, attorney with
14 Rancheria of California.

15 MR. JACKSON: Paul Jackson, Tulalip Tribal
16 Gaming Agency, deputy director of enforcement.

17 MR. NOKES: Bill Nokes, deputy director of
18 accounting for Tulalip TGA.

19 MR. HALSTEAD: Jason Halstead. I'm
20 the executive director of the Nez Perce Tribe's Gaming
21 Commission.

22 MS. ECHO-HAWK: Lael Echo-Hawk here on behalf
23 of Spokane.

24 MR. MATHERLY: Andrew Matherly, Spokane Tribal
25 member. And I represent the gaming commission chairman,

1 and I'm representing our tribal leaders.

2 MR. FRIAS: Richard Frias. I'm a legislative
3 coordinator for NICA.

4 MR. ALLEN: Jerry Allen, Seven Cedars Casino
5 and Jamestown Sklallam Tribe.

6 MR. ROY HATCH: Roy Hatch, gaming commission
7 for the Tulalip Tribes.

8 MS. BRUNER: Lawana Bruner, Stillaguamish
9 Tribe, TGA director.

10 MR. JEFF HATCH: Jeff Hatch, Tulalip Tribal
11 Gaming Agency, DD of licensing.

12 MR. HOENIG: Michael Hoenig. I'm an attorney
13 at the NIGC.

14 MR. ROBERTS: Larry Roberts. I'm the General
15 Counsel of NIGC.

16 CHAIRWOMAN STEVENS: And I'm Tracie Stevens.
17 I'm a member of the Tulalip Tribes, and I am the
18 Chairwoman of the National Indian Gaming Commission.

19 Welcome. I'm glad that you all could make it.
20 Many of the tribes at the table, for those of you,
21 looking at Kathy and people who are from out of the
22 area, these are local tribes here. So you've probably
23 come, aside from us, the farthest. So welcome to the
24 great Northwest from the people, the co-Salish people
25 here and all of the co-Salish here, of which I am one.

1 We have an agenda here today. Well, first I
2 want to say thanks to our staff. Rayanne Morris is with
3 our compliance division back there, and Mark Phillips,
4 who is our regional director. Many of you know both
5 Rayanne and Mark. We have, of course, Mike and Larry
6 from our General Counsel's office. We appreciate
7 everything everyone has done to help us prepare for
8 these meetings. As is traditional for most people,
9 Indian people here, we want to give thanks to the people
10 who helped us prepare for this meeting and set us up for
11 this meeting. So thank you all for your time.

12 Also back here is Cheryl. Like I said, she's
13 our transcriptionist. We will be having everyone speak
14 into the microphone. I know it seems awkward because
15 we're all so close together, but we want to make sure
16 that she can hear us.

17 So we have an agenda here today. And before I
18 go on, someone -- the chairman had asked me where the
19 other commissioners were. Just so you know how we do
20 this, there are three commissioners, and we take turns
21 rotating so that the travel burden isn't on any one of
22 us. And we are coming out to Indian country so that we
23 can ease the travel burden on the tribes and try to go
24 to the regions. And that way, it's a little more
25 accessible, by region, to attend these meetings.

1 So we bring the staff that we need and try to
2 keep that to a minimum. And then that way, you all get
3 to know all of our commissioners as we go around.

4 So we have this agenda here, if you take a
5 look at it. We've been in the past month or so going
6 through the topics rather quickly because we have been
7 on the road since April, May. I've forgotten. There
8 has been 23 consultations as part of our Notice of
9 Regulatory Review. And it has been progressive on all
10 the topics that are here today, where we've started with
11 discussions, then we went to a discussion draft. That
12 was informed by the meetings we had with tribes. The
13 discussion drafts morphed into what are now Notices of
14 Proposed Rules.

15 So we've heard comments before we drafted,
16 then we drafted, then we heard more comments on the
17 draft. And on some of these we're at the stage of
18 Notice of Proposed Rules. So you'll see a mix in your
19 packet of Federal Register publications and discussion
20 drafts, and then on the agenda there are some that do
21 not have a draft at all, we're still in the discussion
22 phase.

23 So they should be in the order that they
24 appear on the agenda. And I want to thank the staff
25 here regionally who has done a great job organizing this

1 so that it's easier on the reader to follow along as we
2 move along through the agenda.

3 At any time, and we understand that there are
4 many other things that you all may need to do today, we
5 leave time in the agenda should anybody come with a
6 prepared statement on any part of the agenda. We will
7 go, in terms of our presentation and discussion, we will
8 go in the order of the agenda, but we also understand
9 that, for the sake of time, there may be individuals
10 that cannot stay and may have something they need to say
11 about something further along in the agenda. So we do
12 have breaks in here where we open the floor for comments
13 on any parts of the agenda.

14 You'll see, and Larry will go over this, that
15 we will not be going over the Minimum Internal Control
16 Standards for Class II or Class III or the Technical
17 Standards for Class II machine play. That was a
18 decision that the Commission made in July and August, to
19 move those to a parallel track with the Tribal Advisory
20 Committee, which will be meeting over the next three
21 days after today.

22 But it does still leave us quite a bit to talk
23 about. So fear not, there will be plenty to talk about,
24 especially when we get to the part about proceedings
25 before the Commission. So that's really exciting for

1 the lawyers.

2 So that's the agenda. We will move along as
3 the group -- you know, it all depends on who is in the
4 group and what people have to say. But we may move
5 faster, we may move slower. We'll leave it to the
6 group. And we should be able to get through all the
7 topics today and let you know where we're at.

8 So if it's time, are there any individuals who
9 have come with a prepared statement that you want to
10 read to the record?

11 Okay. Since we don't have any takers, I'll
12 turn it over to Larry Roberts, our General Counsel. And
13 he'll be going through Group 1 on the agenda and the
14 subjects under Group 1.

15 MR. ROBERTS: Okay. Good morning, everyone.
16 My name is Larry Roberts, and I'm a member of the Oneida
17 Nation of Wisconsin. And as the Chairwoman said, we're
18 going to go through the PowerPoint. It should be in
19 your materials, as well, and then we'll open it up for
20 discussion for Group 1.

21 So just a couple of housekeeping points. We
22 want to make clear that tribal consultation is a
23 dialogue between tribal governments and the federal
24 governments, and only tribes that are designees can
25 attend and participate in these meetings. They are not

1 open to the public.

2 When the Commission went forward with the
3 regulatory review agenda, they took into account
4 Executive Order 13,175, which talks about policymaking
5 criteria and directs tribal agencies, when determining
6 to -- whether to establish federal standards, to consult
7 with tribes on the need for those federal standards and
8 any alternatives that would preserve the prerogatives
9 and authority of Indian tribes. So that's what we're
10 doing today.

11 When the Commission went through with the
12 regulatory review agenda, we asked tribes and the public
13 for comment on which regulations the Commission should
14 review and in what order. And from that comment that we
15 received from tribes and the public, the Commission
16 moved forward with these various groups, Groups 1, 2, 3,
17 4 and 5, and took into account many different factors;
18 the subject matter; like I said, the comments we
19 received in response to the notice of inquiry; and the
20 estimated time and resources it would take to get
21 through each group.

22 They don't indicate priorities. There is --
23 some of the groups, the regulations we have circulated
24 drafts in some of the groups and some of the groups we
25 have not. But they don't indicate a priority, they are

1 grouped in terms of what the Commission thought would
2 make sense in terms of regulatory review.

3 There has been three phases for those of you
4 who have been following the consultations. We have put
5 forward a number of preliminary drafts before even going
6 forward with a proposed rule. And so the Commission has
7 circulated a number of preliminary drafts for comment,
8 and now, for a few of these rules that we'll talk about
9 later today, the Commission has moved forward to a
10 proposed rule and it has been published in the Federal
11 Register seeking comment. And then once the Commission
12 receives comment on those rules, on those proposals,
13 they'll consider the comments and decide whether to move
14 forward with the final rule and how to make changes to
15 that rule, if any.

16 So as the Chairwoman mentioned, all
17 consultations are transcribed. One of the purposes of
18 that is that for those of you that are following the
19 regulatory review process, you may not be able to attend
20 some or all consultations, and so you can go right to
21 our Web site and click on the transcripts and sort of
22 see what the conversation was in the consultation for
23 that day and what issues were tribes sharing and
24 suggesting to the Commission. So not only are the
25 transcripts on the Web site, but the written comments

1 are also on the Web site.

2 The Commission has made a commitment to tribes
3 that every comment that it receives will be reviewed and
4 considered, that both the proposed rule and the final
5 rule will include a summary of comments, discussing the
6 comments that were received by the Commission, as well
7 as why or why not the Commission decided to accept the
8 comment. And the Commission is committed to a clear,
9 transparent process.

10 So as you'll see in the agenda today, there
11 are a number -- as I mentioned earlier, there are five
12 different groups. Group 1 is what we're going to talk
13 about this morning. It covers fees that the agency
14 assesses on tribal gaming operations, Part 523, which
15 governs the review and approval of existing ordinances,
16 the Facility License Notifications, and Buy Indian
17 regulation. And then later today we'll talk -- later
18 this morning we'll talk about Group 2, which is
19 enforcement issues as well as the rules for proceedings
20 before the Commission.

21 As the Chairwoman mentioned, Group 3, the
22 Class II Minimum Internal Controls, the Class III
23 Minimum Internal Controls and the Technical Standards,
24 the Commission is utilizing the TAC. The TAC is going
25 to be meeting here over the next few days. We're -- the

1 Commission wants the TAC to provide advice to the
2 Commission's review. And then what the Commission will
3 do is it will review that advice that they receive from
4 the TAC, and then decide whether and how to move forward
5 with amendments to those regulations and those parts.
6 And then the Commission will engage in a consultation
7 process on any changes there.

8 Group 4 covers background investigations for
9 primary management officials and key employees and
10 gaming licenses for those officials. It's basically
11 trying to incorporate a pilot program that's been in
12 place for some time. Part 571, monitoring and
13 investigations, and then Part 537, dealing with
14 background investigations.

15 And Group 5 is self regulation of Class II
16 gaming and whether the Commission should move forward
17 with some sort of regulation on sole propriety interest.

18 So Group 1, Part 514, this is one of the
19 groups where we've had a proposed rule that's been
20 issued. Proposed rules for Part 514 and 523 were both
21 issued on October 12th. The closing period for that
22 comment deadline is a week from today. And then we also
23 have in this group 559 and the Buy Indian regulation.

24 So in your packet of materials that you
25 received this morning, you should have a copy of

1 Part 514, the proposed rule. If you don't have a copy
2 of that, please raise your hand and we'll get you a
3 copy.

4 So a couple of changes in the proposed rule,
5 to highlight --

6 CHAIRWOMAN STEVENS: It's after the blue, if
7 everybody got it, it's after the blue. Okay, sorry. Go
8 ahead.

9 MR. ROBERTS: A couple of proposed changes in
10 the rule. One is after -- based on comments that we
11 received on the preliminary draft and these
12 consultations, the proposed rule proposes to have the
13 fee calculation based on a gaming operation's fiscal
14 year rather than the calendar year.

15 I think the idea behind that is for -- you
16 know, a number of gaming operations have -- their fiscal
17 year differs from their calendar year. So to make it
18 easier for gaming operations to calculate their fees, it
19 would provide for tribes, if they wanted to, to change
20 the gaming operation's fiscal year.

21 It provides for a fee rate to be published on
22 March 1st. We're hoping that by publishing the fee rate
23 on March 1st, we'll have a more accurate fee rate.

24 And the other suggested change is to remove
25 amortization from Section 514.1(b)(ii) to reflect

1 existing practices. In our consultations with tribes
2 and our comments from the public, we've received
3 suggestions that removing amortization from that section
4 is actually consistent with existing practices and isn't
5 necessarily a substantive change.

6 So if there is -- if there is anyone that has
7 concerns about that change, please let us know in the
8 context of this conversation or during -- you can submit
9 written comments to the Commission itself.

10 The proposed rule provides for quarterly
11 payments, which is more consistent with the actual text
12 of IGRA, and a notification period if the gaming
13 operation changes its fiscal year, providing notice to
14 NIGC just so that we know that you've made that change.

15 One of the substantive changes to the
16 proposed -- or to the rule itself, to Part 514, is a new
17 section providing for late payments prior to the
18 issuance of a Notice of Violation. And so Section 514.9
19 establishes that late payment system, that payments are
20 made within 90 days of when they were -- when they're
21 due, and then the late payments are assessed a fee,
22 depending on how late in time they are. And it's a
23 percentage of what is due.

24 514.9 provides for appeals of the late payment
25 assessment. And after 90 days, if -- if there is still

1 nonpayment, then that constitutes a failure to pay an
2 annual fee, which, at that point in time, the
3 Commission -- or the Chair could move forward with a
4 Notice of Violation and a civil fine assessment.

5 So what we've heard from tribes and the public
6 is that sometimes fee payments may be sent in late for
7 issues beyond the control of the tribe, and that an NOV
8 is obviously a serious step. And so this proposed
9 change is to account for those situations where a tribe,
10 for whatever reason, may be a little late in paying
11 their fee but it doesn't result in an actual NOV.

12 Also, as I'm sure many of you are aware, NIGC
13 processes fingerprints for tribes. And so this section,
14 514.15 through 514.17, clarifies our collection of fees
15 process. And we'll publish our fee amount biannually.
16 And that fee amount is just based on the cost of what
17 the FBI charges us to process those fingerprints.

18 As I mentioned, the comment period closes next
19 Monday. So please send any written comments in by next
20 Monday.

21 MR. MATHERLY: Andrew Matherly. Can you hear
22 me?

23 CHAIRWOMAN STEVENS: Yes.

24 MR. MATHERLY: Andrew Matherly. One thing we
25 want to comment on is the proposed rule, it talks about

1 the statements for 30 -- or for 1 to 30 calendar days,
2 it's goes up to ten percent of the amount of the fee.

3 The Spokane Tribe, we are were supportive of
4 the proposed rule. The addition of the ticket system,
5 what we comment on is the -- we've stated this before,
6 is the penalty to start at one percent for statements or
7 fees 1 to 30 days, calendar days, and up to two percent
8 for statements or fees 31 to 60 calendar days, and five
9 percent for statements or fees up to 61, and then from
10 61 to 90, up to 25 percent for a situation where
11 statements or fees are over 91 days late. I just want
12 to make that on record.

13 MR. ROBERTS: Okay. All right. We're move
14 ahead to Part 523. This part, the Commission has
15 proposed rescinding this part. This part only applies
16 to tribal gaming ordinances that were enacted prior to
17 January 22nd, 1993 and have not yet been submitted to
18 NIGC for approval.

19 So we don't know of any tribal gaming
20 ordinances out there that this part would apply to. If
21 you think you have an ordinance that was passed in 1993
22 that hasn't yet been approved by the Commission, please
23 let us know. So we're taking comments on this until
24 next Monday, as well.

25 Part 559, Facility License Notifications, this

1 is a discussion draft. The Commission has circulated a
2 discussion draft for comment to -- from tribes and the
3 public. And in the discussion draft, it provides for a
4 tribe to request an expedited review when a Facility
5 License Notification is sent in.

6 And basically, what it attempts to do is there
7 are certain times where a tribe will send us a Facility
8 License Notification and will say, "We intend to open in
9 60 days. Can you please let us know if you have all the
10 information that you need for Part 559?"

11 And what we have done in the past is, where we
12 have that information and we can confirm that we have
13 everything we need under Part 559, we'll send the tribe
14 a letter. So this tries to incorporate that process
15 through regulation.

16 The discussion draft provides for licenses to
17 be sent to NIGC within 30 days of issuance. That is so
18 we are able to track which facilities are actually open
19 or not. Which facilities are licensed, I should say.

20 And then the other change in the draft is
21 559 -- the current regulations provide for tribes to
22 provide copies of -- or basically, a statement of all of
23 the laws and regulations that the tribe has in place to
24 adequately protect the environment, public health and
25 safety. And the discussion draft sets forth, rather

1 than having tribes pull together all of that
2 information, that the tribe attest that it has -- that
3 the construction and maintenance of the facility and
4 operation is conducted in a manner that adequately
5 protects the environment, public health and safety.

6 One of the questions -- one of the other
7 changes in the discussion draft is notice to NIGC when
8 the license is terminated or expires, or if a facility
9 closes permanently or for more than 180 days.

10 So what we've asked tribes about is what about
11 these temporary closures or seasonal closures. And the
12 discussion draft lays out 180 days, but we're seeking
13 comment from tribes as to how long that temporary
14 closure period should be where you won't have to provide
15 notice. Notice is not required for seasonal closures.
16 So that would be less than 180 days.

17 559.6 provides for additional information to
18 be provided if requested by the Chair. It sets forth
19 that electronic submissions are accepted. And we have
20 closed the comment period on the discussion draft on
21 June 17th, 2011. But if anyone is interested in the
22 comments that the agency received in writing, they're
23 all on our Web site, as well as the transcripts from
24 that consultation period.

25 The last reg as part of the Group 1 is a Buy

1 Indian regulation. We -- the Commission asks, as part
2 of the Notice of Inquiry to tribes and the public as to
3 what regulation they should look at, the Commission asks
4 that we look at a Buy Indian regulation which would
5 require NIGC to Buy Indian when purchasing goods,
6 services supported by various sections within IGRA
7 itself.

8 This would be a regulation that would, again,
9 apply to NIGC. It wouldn't require tribes to Buy
10 Indian, it would require NIGC to do so. And we're
11 seeking comment on -- during the consultation process,
12 some tribes have said, "Yeah, you should adopt a
13 regulation doing this." Some tribes have said, "You
14 should do guidance." Some tribes have said, you know,
15 it doesn't -- the Commission should look at it.

16 So we have been taking more comment on that
17 and would like any input tribes have on how the
18 Commission should proceed with this, with whether they
19 should proceed with a Buy Indian regulation.

20 And I'm going to turn it back over to the
21 Chairwoman and open it up for comment.

22 CHAIRWOMAN STEVENS: Okay. So we've gone over
23 Group 1, at least the PowerPoint presentation. We have
24 one comment from Spokane regarding the percentages on
25 late penalty assessments under 514. And I do want to

1 clarify, Andrew, if you don't mind.

2 MR. MATHERLY: Okay.

3 CHAIRWOMAN STEVENS: I got lost at the last
4 part. Your suggestion was, on 514, 514.9, one percent
5 for up to 30 days.

6 MR. MATHERLY: Yes.

7 CHAIRWOMAN STEVENS: One to 30 days. Two
8 percent, 31 to 60 days.

9 MR. MATHERLY: Correct.

10 CHAIRWOMAN STEVENS: Five percent, 61 to 90
11 days.

12 MR. MATHERLY: Yes.

13 CHAIRWOMAN STEVENS: And then 91-plus days,
14 25 percent.

15 MR. MATHERLY: Yes.

16 CHAIRWOMAN STEVENS: Do we have any other
17 comments or questions about 514 and the notice of
18 proposed rule? Yes, if you would pass the microphone
19 down.

20 MR. HANSON: Daniel Hanson, Port Gamble
21 S'klallam Tribal Gaming.

22 A quick question regarding Part 514. I was
23 wondering if there was -- any consideration has been
24 given to updating the definition of gross gaming
25 revenue? There is no specific examples of what is

1 includable and excludable.

2 CHAIRWOMAN STEVENS: Actually, that's a very
3 good question. I think we were going to talk about this
4 in a minute, but I'll let Larry address that question,
5 because we actually have been considering it for a
6 while. And we'll give you the history on this.

7 MR. ROBERTS: We have been consulting with
8 tribes on that issue, with the definition within IGRA
9 itself. We're wondering from tribes how would you
10 define it, would you define it consistent with GAAP, the
11 definition within the statute itself, you know, how can
12 the Commission move forward.

13 So the Commission is not proposing defining it
14 at this point in time, but if you have suggestions on
15 how the Commission should, we'd be happy to consider
16 that.

17 MR. HANSON: I guess one thing I notice when I
18 look at the definition is there hasn't been any, I
19 guess, clear guidance on what exactly is includable and
20 excludable. So not as far as defining it in the course
21 of generally accepted accounting principles, but looking
22 at what promotional activity can be deducted and what's
23 included in the actual calculation when assessing fees.

24 MR. ROBERTS: Yes. And I think our audits
25 division may have guidance on that itself. It's

1 something that, if we don't have clear guidance on it,
2 it's something that we should consider. I don't think
3 we have anyone from audits here today.

4 CHAIRWOMAN STEVENS: No, but generally what
5 happens, our audit staff and our comptroller,
6 interestingly, spent quite a bit of time on the phone
7 helping in aiding tribes with their worksheets and what
8 is or is not deductible.

9 I think -- and we were going to talk about
10 this in a bit. What we have talked about is the
11 definition of net revenue. And we decided not to talk
12 about that or address that in regulation, because it is
13 defined in the Act. But it doesn't necessarily talk
14 about gross gaming revenue and promotions. But there
15 certainly is a way for us to address that through
16 guidance or through working regularly with staff at the
17 NIGC, either in audits or our comptroller's office, who
18 goes over and collects the worksheets and the fees.

19 MR. HOENIG: Also -- this is Michael Hoenig.
20 I think in the past when questions like this came up,
21 Joe Smith, the former director of audits, had some
22 guidance that he had put together. And I don't think it
23 ever went out as a bulletin, but I'd have to double
24 check on that. But I know that he would send guidance
25 out to people who asked about all different things that

1 go into the calculation, things that are left out.

2 And that's something that I think we've talked
3 internally about putting up on the Web site at some
4 point, too, but it's something I think we need to go
5 through a little more, also, and especially if we're
6 going to be making any changes to the fee regulation,
7 make sure that everything is consistent.

8 CHAIRWOMAN STEVENS: And we would certainly be
9 open to hearing your tribe's comments on that that would
10 inform how we would put a bulletin or a guidance out.

11 MS. HENRY: Hi, Tracie. Carol Henry from the
12 Port Gamble S'klallam Tribe.

13 Actually, our CFO has been in contact with the
14 audit department and has not been able to get a clear
15 definition for what can be included and excluded. So
16 it's a little frustrating out there, especially for
17 regulators, to try to supply help, too. So if some
18 concrete guidelines could be provided.

19 CHAIRWOMAN STEVENS: Thank you for letting us
20 know that. We'll certainly address that with our staff
21 and inform tribes so we can put information out there
22 that's consistent.

23 So I don't know if you want to add anything to
24 that, Larry, but that's good to know. We need to know
25 if you're not getting clear messages from our divisions.

1 Do we have any other comments? We certainly
2 have a number of parts here that we can talk about. 514
3 on fees, any input that you can give on how this might
4 affect your tribe?

5 One of the reasons, just some background, we
6 wanted to address the late fees, the majority of the
7 NOVs that are on the books at the NIGC, like 66 percent
8 of them, are for late fees. NOVs are substantial
9 violations, and tribes take them seriously, and anybody
10 you try to do business with takes them very seriously.

11 And in discussing this with our comptroller,
12 in discussing this with him, what he has found is that
13 in most cases, it is not willful noncompliance to pay
14 fees. There is usually some reason why that is out of
15 the control of the tribe. A change in personnel is the
16 number one reason, not knowing how to go through the
17 worksheets with this new person or the absence of that
18 person for some reason. That's the main reason that
19 we've heard. And he is always working with tribes in
20 getting this -- any new personnel up to speed on the
21 worksheet and how to calculate.

22 The second reason has usually to do with
23 closures or natural disasters, things that were out of
24 their control.

25 So we wanted to look at this in another way.

1 There is plenty of other ways that we see how late
2 payments or anything that you owe money on manifests
3 itself. And in looking at other independent federal
4 regulatory agencies, they do have these systems in
5 place. So this is a new concept. And it becomes
6 incremental with the last step. If noncompliance and
7 fees were just never paid, then there can be the action
8 of an NOV. But we do want to try to address problems
9 before they escalate to a very substantial black mark on
10 the tribe's record.

11 Well, we've had one comment on the
12 percentages. Do we have any other comments on the
13 percentages?

14 And I apologize if you do not -- I apologize.
15 The draft that you have on facility -- I'll get to that
16 in a minute. I apologize. We'll talk about that in a
17 minute.

18 If there aren't any more comments on 514 --

19 MR. ROBERTS: I just want to follow up on the
20 comment about gross gaming revenue. You know, one of
21 the things that the Commission put out in its -- in the
22 proposed rule making about fees itself is the statutory
23 language in IGRA defines gross gaming revenue in such a
24 way that it doesn't clearly speak to promotions.

25 And so we would really welcome any comment

1 that tribes would have in terms of how the Commission
2 itself could interpret the statutory language to clarify
3 those sort of things, because the statutory language
4 itself, basically, provides for -- defines gross gaming
5 revenue as the total amount of money wagered less any
6 amounts paid out for prizes and paid for prizes awarded.

7 And so that's in 2717(c) -- I'm sorry,
8 2717(a)(6).

9 CHAIRWOMAN STEVENS: Any comments on 559 on
10 facility license? The one that's in the draft form, I
11 do want to apologize on that. The draft you have does
12 not have the 180 days inserted on 559.5. But that's
13 what we're thinking, is six months, based on our
14 discussions on the road. So it's on the flip side of
15 this colorful draft you have. It's a two-pager on one
16 page.

17 The main departure on this particular
18 regulation is the amount of records or duplication that
19 the tribe has to go through to submit facility
20 licensing. And so that has been taken out and replaced
21 with an attestation from the tribal government that
22 public health and safety is adequately protected.

23 MS. HELM: Linda Helm of Port Gamble S'klallam
24 TGA.

25 Would I be correct in assuming if you're

1 expanding your facility, you would not need to treat it
2 as if it were a new facility and notify the NIGC that
3 you're opening it?

4 MR. ROBERTS: If you're just expanding, if
5 it's under -- if it's all connected in one place as
6 opposed to like a separate parcel, a separate facility,
7 then it would just be one license.

8 MS. HELM: What if it's just connected by a
9 breezeway?

10 MR. ROBERTS: I think it's something we want
11 to talk about. And I think it's going to depend on the
12 specifics of the situation itself.

13 And so, you know, I think, generally, we'd
14 want to know the tribe's views on whether, you know,
15 it's one facility. It sounds like it's sort of -- the
16 breezeway, it sounds like tax-exempt issues there with
17 the IRS and that sort of thing. But for the facility
18 license stuff, I think we'd like to talk with you.
19 Melissa Schlichting is the regional attorney here. I
20 don't know if you've had any contact with her at all,
21 but she would be the first point of contact there.

22 MS. HELM: Could you spell her last name?

23 MR. ROBERTS: I'll just give you her contact
24 information at the break, if that's okay.

25 MS. HELM: Sure.

1 MR. MATHERLY: Spokane Tribe, Andrew Matherly.
2 Can you hear me?

3 The comment I have on the Facility License
4 Notification or even the renewal process, it doesn't
5 outline in here whether a tribe does it in one year or
6 two years, correct?

7 CHAIRWOMAN STEVENS: Right. We've left that
8 to the tribe, to determine how long their licenses are
9 and when they terminate and when they renew. So the way
10 this is laid out, you would need to tell us if they've
11 renewed or they've expired or you've terminated them or
12 you've suspended them, rather than us saying it's three
13 years.

14 MR. MATHERLY: So just as long as we're within
15 the 30 days of issuance of a renewed license?

16 CHAIRWOMAN STEVENS: Yes.

17 MR. MATHERLY: The other question is is there
18 a generalized checklist that the NIGC is going to
19 utilize when they discuss the health and environmental
20 stuff, protecting the health and safety?

21 CHAIRWOMAN STEVENS: We would certainly -- go
22 ahead. We would certainly consider that, if that would
23 be helpful. And certainly we would have to put out some
24 guidance when new regs come out, especially when there
25 is a departure from, you know, what has been submitted

1 previously.

2 MR. ROBERTS: The regs right now lay out a
3 list of different criteria. The discussion draft
4 proposes that the tribe just attests to that as opposed
5 to sending in all that information itself.

6 MR. MATHERLY: Okay. One thing that's
7 helpful -- because with the Spokane Tribe we have a
8 tribal-state compact with the State of Washington. They
9 also have their health and safety. It's kind of broad
10 stuff in our tribal-state compact. We just want to be
11 on the same page, I guess, with both entities so that
12 one isn't saying that you've got to follow the Uniform
13 Building Code and the other one is following a different
14 code. Our tribes adopted the code they're going to use,
15 and we just don't want to conflict and be out of
16 compliance with the checklist or anything.

17 So I think it would be helpful, if there is
18 new checklists, if they could be forwarded to the tribe.
19 You know, we've used them in the past to generalize,
20 assist us to keep us in compliance. And from experience
21 with NIGC, not this administration, many years ago, NIGC
22 would have the checklist but they wouldn't let the
23 tribes see it.

24 There was one moment when we actually -- they
25 said we can look at it, so I handed the checklist to the

1 director as we're walking through the facility. So it's
2 a tool for us if we could see the information to
3 incorporate what needs to be done. So I haven't seen
4 that with this administration.

5 And I also want to applaud this Commission for
6 listening to the tribes, having this opportunity and
7 these consultations and this rule making and making a
8 change. So thank you.

9 MR. ROBERTS: Thank you. We appreciate that
10 comment.

11 One of the things that would be helpful to
12 know is what we've received. We've received similar
13 comments to yours from other tribes, basically saying
14 that our compacts already deal with health and safety
15 issues and that this is really a duplicative issue or
16 duplicative requirement and we think it could be
17 streamlined and made better.

18 So the Commission, I think, is, in terms of
19 any comments that tribes have with regard to how -- how
20 the facility licensing process has worked specifically
21 with the public health and safety and how that can be
22 strengthened and improved and streamlined, if necessary,
23 you know, reducing paperwork for tribes, we would
24 greatly appreciate those comments. So thank you.

25 CHAIRWOMAN STEVENS: Okay. And one of the

1 other things I want to talk about is, and actually, you
2 know, Andrew had -- there were two things, but Andrew
3 opened up the one about when the renewals are and
4 clarifying that it's subject to the tribe's
5 consideration or gaming ordinances. But the other thing
6 is the temporary closures. I know Spokane closes during
7 the winter months, and other tribes do the same thing.
8 They're seasonal, whether it's winter or summer.

9 But also, the other thing that we've been
10 seeing, unfortunately, for some tribes in other parts of
11 the country is that they have been forced to close
12 because of natural disasters, flooding or tornadoes,
13 fires, and then, of course, expansions or remodels, and
14 when is "temporary" temporary.

15 And we do want to draw a line in the sand on,
16 you know, it gets to be too much time, where you don't
17 have to renew a license or notify us. That it's, you
18 know, just temporary and not to exceed a certain amount
19 of time is 180 days -- what we were hearing is 180 days,
20 six months. You know, that works. But if you have any
21 comments on that, we'd like to hear them.

22 This is well-trod ground. We've been working
23 on this for a while, so I understand there may not be a
24 lot of comments.

25 If there is not anything else on 559, I do

1 want to just quickly talk about Buy Indian and I want to
2 clarify again that this is not something that we're
3 suggesting that we impose on tribes, because we're not
4 able to. But this is a policy that we would like to
5 adopt for the agencies, the federal agency that does
6 business with Indians and only Indians. Our authority
7 is with tribes. And we thought it would be a good
8 practice.

9 It's something that happens over at the Bureau
10 of Indian Affairs, it's something that happens at Indian
11 Health Service. There is two authorities. One is under
12 the Buy Indian Act, the other one is within IGRA. And
13 it's mentioned in your PowerPoint.

14 So when we go out and, for example, when we
15 hold these consultations, we're at an Indian facility.
16 And to try to keep with the spirit of the purposes of
17 IGRA, which is to promote economic development in the
18 Indian country and support economic growth of tribes, we
19 believe that it's appropriate for this agency to solicit
20 services and products from Indian country, as we know
21 more and more native vendors exist out there that we
22 certainly could use.

23 We're looking at how we could structure this,
24 both in terms of which authority to use or both, either
25 under the Indian -- Buy Indian Act or under IGRA, and

1 whether it should be a policy, internal policy or a
2 regulation.

3 So again, I want to be clear, I'm not saying
4 the tribes need to do this. This is something that
5 we're looking at imposing on the agency itself.

6 Okay. Did we -- do you want to go on to the
7 next part, which is proceedings before the Commission?
8 Do you want to take a quick break first, a quick
9 telephone, coffee, restroom break and then we can come
10 back and go right at this really exciting section of
11 proceedings before the Commission?

12 How many attorneys are here? Two. Four. So
13 let's take a quick 15-minute break, we'll come back at
14 10:15, and we'll start on the next section.

15 (Recess taken.)

16 CHAIRWOMAN STEVENS: Okay. If everyone could
17 take their seats.

18 So let's go to the next part of the morning on
19 Group 2. We're going to talk about Part 573 and
20 enforcement, and a new chapter, which would be
21 subchapter H, under proceedings before the Commission.
22 So I'll turn it over to Larry to talk about that point.

23 MR. ROBERTS: Okay. So we'll start with
24 Part 573. Earlier this year, the Commission circulated
25 a discussion draft. One of the things that the

1 Commission had heard from tribes during the Notice of
2 Inquiry and just since the time that they've been here
3 is that sometimes tribes would receive a Notice of
4 Violation and they would be completely surprised by it.
5 And what the Chairwoman and this Commission has been
6 very clear about is that their approach to regulating
7 the industry is to basically assist tribes to try to
8 achieve compliance, and only if compliance efforts are
9 not successful, proceed with an enforcement action. And
10 so that an enforcement action should never come as a
11 surprise to a tribe, because the Commission should be
12 working with the tribe to achieve compliance at the
13 outset, and then if compliance isn't successful, then an
14 NOV.

15 So what this Part 573 discussion draft lays
16 out is sort of that pre-enforcement action, if there are
17 concerns by the Commission, that a letter of concern go
18 out to the tribe that provides sort of here are some
19 issues that we see, there are maybe some noncompliance
20 issues. It can indicate an incident or condition that
21 may be a violation, and it confirms sort of what the
22 notice would provide, that this is NIGC's view, here are
23 some necessary corrective action, and engaging in a
24 dialogue with the tribe and the regulatory body at the
25 outset to see how the issue can be addressed.

1 This pre-enforcement action process that's
2 laid out in the discussion draft makes it clear that
3 it's not a final agency action, that the compliant --
4 the letter or the notice would provide some sort of time
5 period to achieve voluntary compliance. And then what
6 the discussion draft lays out is if corrective action
7 isn't completed, that an enforcement action could be
8 taken.

9 The discussion draft also lays out that there
10 may be circumstances where the Chair may not -- may need
11 to act sooner and may have to issue an actual Notice of
12 Violation if it's some sort of, depending on the
13 situation, some sort of exigent situation.

14 So that's the discussion draft that's been
15 circulated. If there are any comments on Part 573 and
16 the discussion draft, the Commission has not yet moved
17 forward with the proposed rule, at this point, but
18 certainly would welcome any comments.

19 MS. HELM: Linda Helm, Port Gamble TGA.

20 I would request that not only the tribe be
21 notified but also the regulatory body. I know in the
22 past we haven't always been -- the information hasn't
23 been communicated to the regulatory agency. And so I'd
24 just like to ensure that we receive it, as well.

25 CHAIRWOMAN STEVENS: Thank you, Linda. That's

1 actually an issue that we've been talking about actually
2 since we first came into office, about who we should be
3 communicating with. And we've -- not just in terms of
4 these policy discussions here with regard to
5 consultation, where we're try to cast a very broad net,
6 but who at the tribe specifically.

7 We deal with tribal governments, and that's
8 who -- that's the body and the entity that we're
9 authorized under the Act to deal with. And so we do
10 need to send it to the tribe itself. But we also
11 understand that the tribe receives quite a bit of
12 information and, for whatever reason, that may not get
13 communicated.

14 What I did hear previously from tribal
15 leaders, because there is a flip side to that, that if,
16 you know, we were just sending it to the regulatory
17 body, then the tribal government had no idea what was
18 happening. And it's really their prerogative to know as
19 the governing body of the tribe.

20 So we are trying to send them to both. If I
21 look at Larry and Mike, we try to send them to both now.
22 But certainly we need to do the best that we can to make
23 sure that both bodies know. It's a good point. Thank
24 you.

25 Any other comments on 573? This, again,

1 reiterating what Larry had said, this is our effort to
2 assist tribes to come to compliance before an
3 enforcement action. And NOV's are serious and they
4 shouldn't be a surprise. And we want to do what we can
5 to work with tribes to bring them into compliance. And
6 that may come in the form of training and technical
7 assistance, which we offer quite a bit, individualized
8 guidance for the tribe. And this is just our way of
9 making more concrete our effort to remedy situations.
10 Rather than escalate to NOV, we want to de-escalate.

11 MS. HELM: That's appreciated.

12 CHAIRWOMAN STEVENS: And I know many tribes
13 already do this. They have it in their own gaming
14 ordinances or in their own controls that are above and
15 beyond what's required by the NIGC as an incremental
16 step process to bring the operations into compliance.
17 So I know for many of you it's not new.

18 We will talk later, this is the front end, on
19 NOV's. There is another section we're going to talk
20 about on -- later in our discussion today about what
21 happens at the back end of an investigation, again,
22 making an effort to notify in advance that there is a
23 problem, and also we'll talk about how we close those
24 out later on.

25 Okay. If there are no other comments on 573,

1 we're -- like Larry said, the comments on this
2 discussion draft closed a while ago, but we've been
3 working on putting out, possibly soon I hope, a notice
4 of proposed rule that encompasses the comments that we
5 received on the discussion draft soon.

6 You ready? We'll go into the great world of
7 proceedings before the Commission. I'm just building it
8 up. It's exciting.

9 MR. ROBERTS: Okay, proceedings before the
10 Commission. In your packet of materials, what is
11 probably the thickest draft here is a new subchapter H,
12 "Proceedings before the Commission." What we've tried
13 to do is consolidate a number of different parts into a
14 new subchapter so that, you know, each -- each part,
15 like approval of ordinances and approval of management
16 contracts, have their own appeals rules and you don't
17 have to go back and forth between different parts. This
18 would organize it all in one subchapter. So the
19 subchapter is organized where there is general rules of
20 application of proceedings before the Commission. And
21 it, you know, goes through things such as definitions.

22 Then Part 581 is motions and appellate
23 proceedings before the Commission, laying out the
24 process of how to file motions in appellate proceedings
25 before the Commission.

1 Part 582 lays out appeals of disapprovals of
2 gaming ordinances. Part 583 in the draft would cover
3 approvals or disapprovals of management contracts,
4 appeals of those. Part 584 would be appeals before a
5 presiding official of a Notice of Violation, proposed
6 civil fine assessments. And then Part 585 is
7 actually -- covers appeals before the Commission on
8 written submissions, where there is not a presiding
9 official, for example.

10 So basically, I guess let me step back and say
11 that when we started with the Commission, in going
12 through the Notice of Inquiry and talking with staff on
13 what regulations should be addressed by the Commission,
14 a lot of folks in the Office of General Counsel said,
15 you know, it would be nice to have these all organized
16 in one subchapter that you can go to. And there are a
17 lot of issues that may not be all that exciting in your
18 day-to-day activities, but once you're in an appeal, we
19 don't really have set forth in regs all of the questions
20 that have come up over the course of the existence of
21 the agency, in terms of how to handle appeals.

22 And so what we've tried to do is clean up our
23 appeals process quite a bit and try to have -- fill in
24 those basic steps and provide guidance to tribal gaming
25 commissions, tribes, attorneys in how appeals before the

1 Commission would be handled so you don't have to pick up
2 the phone all the time with someone in the Office of
3 General Counsel and say, "Well, how do I file a motion
4 before the Commission?" It's right here in this
5 proposed subchapter.

6 So Part 580 is, like I said, basic issues such
7 as definitions, how the Commission will go about
8 addressing either a suspension, revocation, amendment or
9 waiver of rules, who may appear before the Commission,
10 how service is effectuated, and how the Commission may
11 handle ex parte communications. And we have received
12 quite a few comments on the discussion draft with regard
13 to ex parte communications.

14 And so I think what the Commission is doing
15 now is we've compiled a lot of the information on the
16 discussion draft, and the Commission is evaluating how
17 to move forward with a proposed rule. And so all of
18 these issues, again, if you didn't have an opportunity
19 to comment on the discussion draft, the proposed rule
20 would go out and, more likely than not, you'll have 60
21 days to provide comments on the proposed rule. And we
22 would encourage everyone to do so.

23 Part 581 is the motions practice on
24 proceedings before the Commission. So motion for
25 limited participation in ordinance appeals, how to

1 effectuate motions to intervene and appeal before a
2 residing official, how to file motions for the written
3 submissions. Basically, Part 581 encapsulates all of
4 the general procedural rules for filing a motion,
5 including motions for reconsideration and motions to
6 supplement the record.

7 Part 582 relates to approvals -- or
8 disapprovals, I should say, of ordinances, resolutions
9 or amendments to gaming ordinances, who may appeal the
10 disapproval, how to appeal that disapproval, what
11 happens if there is a late filing or a failure to file
12 an appeal, again, motions for limited participation, the
13 standard of review that will be applied on an appeal of
14 a disapproval, the decision, and then making clear when
15 final agency action occurs.

16 The same thing with Part 583 for management
17 contracts. Again, just setting forth the process, who
18 may appeal, how to appeal, dealing with late filings,
19 failure to file, motions for limited participation,
20 again, the standard of review that would be applied,
21 decision, and when final agency action occurs. So this
22 basically lays out the entire process for approvals or
23 disapprovals of management contracts or amendments
24 thereto.

25 Part 584, so appeals before a presiding

1 official of a Notice of Violation. So our process
2 basically provides if the tribe receives a Notice of
3 Violation, the tribe can choose to go before a presiding
4 official. And so this lays out that process of when an
5 appeal is before a presiding official, how that
6 appeal -- basically, all of the process issues; how to
7 appeal, motions, motions for limited participation, who
8 has the burden of proof, and when the hearing will be
9 held for the presiding official, the hearing process and
10 also the decision, the timing, content, and the final
11 agency action itself.

12 Most of the appeals before the Commission are
13 handled on written submissions. And so Part 585
14 controls when it's just, you know, briefs and written
15 submissions. Again, the process for appeals.

16 So what we've -- what we've been doing through
17 consultations is I think a lot of the comments that we
18 received from tribes have been written comments on the
19 discussion draft, because, obviously, as you can tell,
20 these rules here lend themselves to a back-and-forth,
21 engaging conversation here. But if you have any -- so
22 what we've been asking folks to do is to -- you know, if
23 you want to take the preliminary draft back to in-house
24 counsel and have them comment on it, or obviously if you
25 have comments today, that would be great, as well. But

1 it's basically trying to put all of our different
2 procedural rules in one subchapter so that it's more
3 user friendly.

4 CHAIRWOMAN STEVENS: You wouldn't believe how
5 excited our attorneys were when we -- see, he's really
6 excited.

7 You know, the regulations have been in place
8 for some time now and they've been out, you know,
9 operating with them. And naturally, you find out what
10 works and what doesn't work, not just from the tribe's
11 side, which we've -- you know, it's been brought to our
12 attention, but what works within the agency and what can
13 make an appeal process easier or more difficult or
14 clearer or lacking clarity.

15 So we had -- you know, and that included Larry
16 and Mike over here, but a number of attorneys who said I
17 have this wish list of things that if I could change the
18 world, at least the NIGC world, you know, here is a list
19 of things that would be helpful for us when we're
20 handling appeals.

21 And of course, as you see here, there are a
22 number of ways that -- number of actions that can be
23 appealed. But we wanted to create some consistency,
24 where applicable, in the appeal process and make it
25 clearer to both those who are appealing, the parties

1 involved in appealing, any people that might be
2 interested parties, or to, more importantly, presiding
3 officials, because they're the ones who are going to use
4 these rules to conduct the appeals, should there be a
5 presiding officer, so everybody knows the rules of the
6 road and that they're clear.

7 Again, feel free to bring this draft to
8 whomever you feel you need to, if you need to, and feel
9 free to submit comments.

10 MR. ROBERTS: And just so you know, this draft
11 has been -- the comment period on the draft closed in
12 late August. And so this is one of those drafts that
13 we've received comment on. We're now briefing the full
14 Commission on a proposed regulation. And so I would
15 hope that the Commission is going to move forward on a
16 decision for a proposed regulation soon. So I would
17 just keep an eye out for that. That might be -- that
18 will be a very good time to comment on it, during that
19 60-day comment period.

20 CHAIRWOMAN STEVENS: Okay. If there are no
21 comments or further comments on that, what we can do is
22 move on to Group 4, that's the afternoon session, if you
23 all don't mind. And we can talk about -- that's the
24 1:30 to 3:00 p.m. on the agenda, 556, 558, 571 and 537.
25 If we throw some letters in there, we might be playing

1 bingo.

2 Okay. So, Larry, do you want to start on
3 Group 4, start on the pilot program?

4 MR. ROBERTS: Yes. So the pilot program, what
5 we've heard through consultations and staff and just
6 meeting with tribes is that most tribes are operating
7 under a pilot program that NIGC utilizes, where tribes
8 submit a notice of results of their investigations for
9 primary management officials and key employees. And
10 they maintain the applications and the investigative
11 reports. And the Commission has heard pretty uniformly
12 that formalizing this pilot program, which a number of
13 tribes use, that that should be formalized in either a
14 regulation or a policy.

15 And so what the discussion draft in your
16 materials does is it seeks to formalize this pilot
17 program through regulation. So Part 556 includes all
18 the procedures before a gaming license is issued, and
19 558 addresses the procedures after a gaming license is
20 issued.

21 And so one of the things that we have been
22 requesting through consultations and public comment is
23 what we've learned is that some regions may have
24 implemented the pilot program a little bit differently
25 from region to region. So what this discussion draft

1 attempts to do is provide some uniformity across all the
2 regions. So if there is anything in the discussion
3 draft that looks a little bit different or not something
4 that you're used to in part of the pilot program, I
5 think we'd like to know that.

6 I also think that this is one of the drafts
7 that the Commission has -- obviously, the comment period
8 on the preliminary draft is already closed. So it's
9 something that, again, the Commission is looking at, all
10 those comments that we had received on the discussion
11 draft, and hopes to move forward making a decision on a
12 proposed rule shortly.

13 So 558 includes all the procedures after a
14 gaming license is issued. So after the notice of
15 results, the tribe may license the key employee or
16 primary management official. The tribe notifies NIGC
17 within 30 days. NIGC has 30 days to request additional
18 information. If a license is issued prior to an
19 objection by NIGC, then the licensee has a right to a
20 notice and hearing. The license must be suspended
21 during that hearing time. And then following the
22 hearing, the tribe notifies NIGC of the tribe's decision
23 on whether it's going to license that key employee or
24 primary management official.

25 CHAIRWOMAN STEVENS: Again, I want to

1 reiterate that these were broken up so that we have --
2 it's clear what is required before and what happens and
3 what's required after. The pilot program has been in
4 place for some number of years, so it's not really
5 technically a pilot any more, and so we wanted to get
6 these into regulations and make clear what steps tribes
7 need to take and what our part will be.

8 The other thing that we're doing, just as an
9 aside, once we get to a point of finalizing these, we
10 will be creating some processes internally across the
11 regions. We ask for the same information, but it may be
12 in different forms that we ask tribes for information or
13 the submittal process is -- might take on a certain form
14 in other regions. And what we will do is, and have
15 started to do this, is to create a consistent,
16 across-the-board process throughout the country.

17 So it might look like there is a change in
18 what we're asking for, when really it's just the form
19 that we may be asking you for, in the form that it's in.
20 So we want to do this so that we're one, we create
21 consistency again, uniformity across the board. But
22 also internally it helps us; should one region be
23 overloaded, another region can help out with processing
24 some of these applications. So if, for example, there
25 is a very large facility opening in one area and there

1 is a lot of people coming through, we can recruit some
2 other regions to help another region out. And it's
3 easier to do when there is uniformity.

4 MR. ROBERTS: One of the questions or issues
5 that I'll raise in the discussion drafts for 556 and 558
6 is you'll notice on page 4 of 556 and under 556.4(b), it
7 talks about if the tribe has submitted a notification of
8 results of an individual seeking to be employed by
9 another tribe and that second tribe has access to the
10 investigative materials that that second tribe -- or if
11 they received the investigative materials from NIGC,
12 that second tribe can just update the investigation
13 materials.

14 And in conjunction with 558.2 on page two --
15 so this process, basically, provides if a tribe has
16 access to the investigative results of an earlier tribe,
17 they can just update that investigative report, if they
18 want to.

19 558, after a tribe is licensed, the Commission
20 has put in its discussion draft for tribes, should they
21 forward copies of the eligibility determination for
22 someone who has not been licensed, should they forward
23 that to NIGC for use by NIGC and other tribes. We've
24 heard some tribes say, "Our investigative reports are
25 ours, we don't want to share them with other entities,"

1 and we've heard some tribes say, "Yes, that would be
2 helpful to know if one tribe has decided not to license
3 this individual, and having access to that report."

4 So it's just a -- it's a question out there,
5 it's a discussion topic. We'd love to hear what tribes
6 have to say on that and how the Commission may want to
7 move forward in terms of making those types of reports
8 available to other tribes.

9 Finally, some tribes have said during the
10 consultation process that what we do is, when they fill
11 out their application, we'll just pick up the phone and
12 call that tribe where they've applied to earlier and
13 talk directly with that tribal gaming commission.

14 Okay. If there are no --

15 CHAIRWOMAN STEVENS: I was going to say if
16 there aren't any other comments, we can move on. Again,
17 we are taking in all the comments that we have received
18 since this particular -- these two particular parts were
19 in discussion draft form, and we are working on a Notice
20 of Proposed Rules. So please, again, keep your eye out
21 for that in the near future.

22 MR. ROBERTS: Okay. Part 571, monitoring and
23 investigations, this is something that the Chairwoman
24 referenced earlier.

25 We have issued a Notice of Proposed Rule which

1 provides for an investigation conclusion letter. What
2 we've heard, during the course of consultations, is that
3 some tribes would say, "Well, we know -- NIGC told us
4 three, four, five years ago that they opened up an
5 investigation, but we never heard back from them. We
6 don't know if it's still open, if it's still ongoing, if
7 it's been closed, you know, and we would like to have
8 some feedback from NIGC."

9 So what this provides for in the proposed rule
10 is that an authorized NIGC staff may advise a tribe or
11 entity by letter that an investigation has been
12 completed, and so providing some sort of feedback to
13 that party. The proposed rule makes clear that the
14 notification is not a finding that no violation had
15 occurred, and it doesn't preclude the Chair from taking
16 further action down the road.

17 But for example, an investigation may have
18 been opened years ago, say, and the tribe is now looking
19 to refinance some of its debt. And so a lender may say,
20 "Well, is this an ongoing investigation or not?" And
21 NIGC staff may send out a letter saying, you know, that
22 investigation has been completed. It clears the way for
23 a tribe to accomplish its refinancing, in certain
24 circumstances.

25 So the Notice of Proposed Rule making was

1 published on October 12th, and that comment period
2 closes next week.

3 CHAIRWOMAN STEVENS: Again, this was in
4 response to what we were hearing from tribes in our
5 initial discussions last year in our Notice of Inquiry,
6 and consultations even prior to that, before we did our
7 Notice of Inquiry over the summer of 2010.

8 And I actually, and the Commissioners did
9 this, but we all do, even just last week I had a couple
10 of tribes come to me and say, "Hey, there was this
11 investigation going on. What are you doing? It's been
12 going on for a long time, and I need to know are you
13 going to do something or not?"

14 So it might have been years. And the one
15 instance I'm thinking of right now, it's been years.
16 And they're sort of in limbo. And especially if you're
17 the regulatory body or you're the operations and you're
18 holding these records and you don't know how long should
19 I hang on to these or can I store them now, you know,
20 what's happening. And it's just sort of this unknown
21 hanging over you until you get some conclusions.

22 So we looked at other independent federal
23 regulatory bodies and what do they do. And they do do
24 closeout letters saying, "Hey, we looked into this.
25 We're closing out this investigation," but also with the

1 understanding, too, preserving the authority of the
2 NIGC, and the Chair specifically, that, should this come
3 up again, we may have to reopen it.

4 But that's the back end. Earlier we were
5 talking about 573, about notice to tribes, that we're
6 not going to surprise you with a Notice of Violation
7 unless there are really exceptional circumstances.
8 Usually the tribes, we're in communication, our regional
9 offices are in communication, so there is notice up
10 front and there is notice on the end. So that's what
11 we're looking to do in these two regulations.

12 Are there any comments from anyone on this
13 particular part? Yes, Andrew.

14 MR. MATHERLY: Andrew Matherly, Spokane Tribe.

15 Spokane Tribe supports the 571 proposed rule.
16 We just want to clarify the discussion draft, that the
17 NIGC's authority to access records located off-site is
18 unnecessary and support leaving it out of this part. I
19 don't know that that will be with the paperwork
20 reduction act or where it's actually listed in here, but
21 just some comments that was put in our formal letter
22 today.

23 CHAIRWOMAN STEVENS: Larry, Mike, do you
24 remember comments on -- because we have talked about
25 that over the past six months, about access to off-site

1 records and what tribes have said about that and what
2 we've determined.

3 MR. ROBERTS: Some tribes have basically said,
4 similar to what Spokane had mentioned, which is, you
5 know, we don't need -- we have that access already, we
6 don't need to put it as part of a regulation.

7 I don't know off the top of my head the other
8 comments we received, but it was pretty uniformly that
9 NIGC already has access to those, so we don't need to
10 spell those out even further in a regulation.

11 CHAIRWOMAN STEVENS: Okay. Any other comments
12 on this part?

13 Okay. If not, we can move on to 537.

14 MR. ROBERTS: 537 is the part that applies to
15 background investigations for persons or entities with
16 financial interest in a management contract or having
17 management responsibility in a management contract.

18 And what the discussion draft provides is for
19 the Chair, in her discretion, to reduce the scope of
20 information to be furnished for any tribe that's going
21 to have a financial interest in a management contract or
22 management responsibility in it, or an institutional
23 investor that is already federally regulated or is
24 required to undergo a background investigation and
25 licensure by a state or tribe pursuant to a tribal-state

1 compact.

2 So I think the discussion draft's intent is
3 to, where there are already reviews in place, that it be
4 streamlined for those entities or the Chair may
5 streamline it, if she so desires, for those background
6 investigations and information for those entities. And
7 that is the primary change in the discussion draft.

8 CHAIRWOMAN STEVENS: Any comments on 537,
9 which is those two sections on page -- oh, there is not
10 a page, numbers on the page here. Page one and four.

11 If not, we can go on to the next section,
12 which is our notice of no action. And I'll let Larry
13 talk about that.

14 MR. ROBERTS: So as part of the regulatory
15 review process, the Commission asked a number of
16 different questions in the Notice of Inquiry, trying to
17 frame how they were going to move forward with the
18 review of regulations, asking again, as I said earlier,
19 which regulations should be reviewed, in what order, and
20 what issues should the Commission be looking at as part
21 of the regulatory review process.

22 So one of the questions that we heard in
23 response to the Notice of Inquiry was some tribes saying
24 that NIGC should review and approve agreements
25 collateral to a management contract. And some comments

1 we received is that NIGC should define net revenues.

2 What the Commission published on October 12th
3 is a summary of those comments that they received and an
4 explanation as to why they're not moving forward with
5 collateral agreements and a net revenues definition as
6 part of its regulatory review process.

7 Basically, tribes often do and can provide
8 collateral agreements to a management agreement for NIGC
9 to review, but the statute provides only for NIGC to
10 approve or disapprove actual management contracts.

11 And then with regard to the net revenues
12 definition, the Commission, after receiving the
13 comments, agreed with those that thought that a GAAP
14 definition of net revenues could be inconsistent with
15 the statutory definition of net revenues, so it decided
16 not to move forward with changing or modifying a net
17 revenues definition because we're limited by what the
18 statute provides.

19 So this is -- you know, this is, I guess,
20 along the lines of what the Commission was saying, was
21 that, you know, we're going to -- the Commission is
22 going to be transparent and let folks know why the
23 Commission has decided to move forward or not based on
24 the comments they receive from the public on various
25 issues. So this is one of the issues that they've set

1 forth, that they're not going to move forward on these
2 two issues.

3 CHAIRWOMAN STEVENS: Okay. Does anyone need
4 any more coffee? We've talked to everyone so much that
5 you all know what we're doing. So this is more evidence
6 of that. You know, when we started talking about these
7 two subjects, then we said, considering the comments
8 that we've received, okay, that's enough talking about
9 this, we're not going to do anything.

10 If it's okay with the group, we can move on to
11 the last part of the agenda, Group 5, on the self
12 regulation regulation of Class II gaming, and also on
13 sole proprietary interest.

14 MR. ROBERTS: Okay. So for Part 518, and you
15 should have in your materials --

16 CHAIRWOMAN STEVENS: Find this section.

17 MR. ROBERTS: -- a preliminary discussion
18 draft. Again, this is something that the Commission
19 circulated for comment. The comment period has closed
20 on this discussion draft, and the Commission is now in
21 the process of reviewing all the comments and deciding
22 how to move forward with the Class II self regulation
23 reg.

24 CHAIRWOMAN STEVENS: Can I stop you for a
25 second?

1 MR. ROBERTS: Yes.

2 CHAIRWOMAN STEVENS: Excuse me. I'm sorry,
3 Larry. There are two versions in this packet. The
4 first one shows the deletions in bubbles. That goes
5 through twelve pages. And then the second part of that
6 are the strike-throughs and the insertions and no
7 bubbles.

8 We do this because we have limited
9 technological ability right at the moment at the NIGC
10 and our version of Word.

11 So for those of you, like me, who hate
12 deletions and bubbles, I made them make two copies. But
13 you miss the comments if you get rid of the bubbles.
14 The second one is the insertions and the
15 strike-throughs, the deletions.

16 So whatever is your preference in reading,
17 just so you know, you're looking at the same thing, they
18 are the same thing, two different versions. That's all
19 I wanted to tell folks while they're looking through
20 this.

21 MR. ROBERTS: Okay. So for the Class II self
22 regulation, basically in the Notice of Inquiry, when we
23 were asking tribes should the Commission look at the
24 Class II self regulation reg, some of the comments we
25 received from tribes is that the administrative burden

1 of actually receiving the self regulation certificate
2 outweighs the benefits obtained, that the process itself
3 laid out in Part 518, the requirements are duplicative
4 and burdensome, that the petition to be a self
5 regulating tribe and then the annual reporting
6 requirements undermine the whole purpose of the
7 certification. Some tribes commented that obviously
8 that high standards of self reg, becoming a self
9 regulating tribe for Class II purposes should be
10 maintained, and a number of tribes commented on how a
11 Class II self regulation certification is a hallmark of
12 tribal sovereignty.

13 So after receiving the comments on the Notice
14 of Inquiry, the Commission decided to move forward with
15 a discussion draft, which everyone has in their
16 materials. This is a discussion draft. The due date
17 for written comments closed on September 17th. The
18 Commission is reviewing those comments and is in the
19 decision-making process now of how to move forward, if
20 at all, with a proposed regulation.

21 What the discussion draft attempted to do or
22 attempts to do is shift the focus of 518 from the actual
23 operation itself and more to the tribal regulatory
24 agency, so looking at how the regulatory -- tribal
25 regulatory agency itself functions. It attempts to

1 reduce the submission of duplicative information and
2 really attempts to streamline the process, maintaining
3 high standards, but also making it something that
4 certification -- all tribes I think now -- we only have
5 two tribes that have a self regulation certification, a
6 third by statute. But two tribes have a certification.
7 And so what the Commission wanted to do is try to make
8 a -- put in place a process where more tribes are
9 achieving Class II certification.

10 So the submission requirements, we can just
11 sort of go through this, this discussion draft, it has,
12 under Part 518.3, the summary of the history of gaming
13 operations, how the TGRA -- their organizational chart,
14 the employment criteria for regulators, all of the
15 information that would be provided as part of the self
16 regulation certification. A funding description, a list
17 of the current regulators, and a description of the
18 gaming operation's accounting system, a listing of
19 internal controls, description of the recordkeeping
20 system, a copy of the facility license, and any
21 additional tribal gaming regulations.

22 518.4 lays out the criteria that must be met,
23 that the tribe maintains effective and honest accounting
24 of revenues, reputation for a fair, safe and honest
25 operation, that it operates on a fiscally and

1 economically sound basis, and generally free of any
2 dishonest or criminal activity, and that Class II gaming
3 has been conducted in compliance with federal and tribal
4 laws and regulations.

5 518.4, the other criteria, that the tribe has
6 an adequate system for accounting of revenues, that the
7 tribe has an adequate system for investigation,
8 licensing and monitoring of employees, and an adequate
9 system in place for investigation, enforcement and
10 prosecution of violations.

11 518.4(b) lays out how a tribe may illustrate
12 that it met those criteria, and lays forth, basically,
13 different criteria that you can use to illustrate that
14 you're meeting those requirements; adequate dispute
15 resolution process, adequate system for accounting of
16 gaming revenues, can illustrate that the tribal gaming
17 regulatory body monitors compliance with laws and
18 regulations, including MICS, monitors the effectiveness,
19 that the TGRA audits Class II gaming activities, and
20 that it reviews the accounting information, that the
21 regulatory body has access to all records, adequate
22 investigation, licensing and monitoring system,
23 established standards for vendors, that it establishes
24 and posts the game rules, that it takes appropriate
25 enforcement actions, that it takes testimony and

1 conducts hearings, it can also illustrate that the tribe
2 adequately permanently funds the TGRA, that it's adopted
3 a system for adequate prosecution, that it can
4 demonstrate that the operation is conducted in a manner
5 that protects the environment, public health and safety.

6 And then Section 518.5 lays out the process
7 for reviewing petitions. And so within NIGC, the Office
8 of Self Regulation will make an initial determination
9 within 120 days, that it will issue a report of its
10 findings, and that it will issue a certificate of self
11 regulation or notify the tribe if it does not meet the
12 criteria. And if the tribe doesn't meet the criteria,
13 then it may respond to the report and include additional
14 information. It can request a hearing. The Office of
15 Self Regulation would issue a decision on the petition
16 itself, and then the decision to deny self regulation
17 would be appealable to the full Commission.

18 And then the discussion draft for annual
19 reporting requirements, 518.7, there are some changes
20 here, and they're based on the text of IGRA itself.
21 Annual reporting requirements, that there be an
22 independent audit. And this is where the IGRA itself
23 provides for a resume of all PMOs and all key employees
24 hired and licensed by the tribe after receiving a
25 certificate of self regulation.

1 And then Part 518.8 provides that the tribe
2 has a continuing duty to inform the Commission of any
3 change in circumstances material to the approval of self
4 regulation.

5 And then 518.9 basically summarizes what
6 powers are limited during self regulation by NIGC.
7 This, again, drafts the statutory language of IGRA.

8 518.9 makes clear that the Commission retains
9 all other powers, and powers to bring enforcement
10 actions for violation of IGRA, NIGC regulations and
11 tribal gaming ordinances.

12 Again, this is something where we have
13 received a lot of comments on it, as I've mentioned.
14 The Commission is right now reconciling those comments,
15 looking at those comments, considering them, and
16 deciding how to move forward with a proposed rule
17 making.

18 CHAIRWOMAN STEVENS: Are there any comments on
19 518, the discussion draft?

20 MR. ROBERTS: Okay. Well, the last part of
21 Group 5 is sole proprietary interests. As part of its
22 regulatory review, the Commission asked whether it
23 should consider promulgating a regulation defining sole
24 proprietary interests, whether it should provide a
25 regulatory process by which a tribe could request a

1 review. Some comments that we received in response to
2 the Notice of Inquiry is that the Commission should
3 promulgate a regulation, but that review by the
4 Commission should only be had at the request of the
5 tribe.

6 Some comments suggested that sole proprietary
7 interests should be defined using the percentages set
8 forth in IGRA, in terms of what is an appropriate
9 percentage for a management contract or for an
10 individually licensed gaming operation.

11 Some comments suggested that if we -- if the
12 Commission decides to move forward and defines sole
13 proprietary interest through regulation, it should also
14 define what primary beneficiary means, as used in the
15 statute.

16 Some comments suggested that, because sole
17 proprietary interest has been addressed through Notices
18 of Violation and legal opinions, that a definition
19 through regulation may provide stability and access to
20 financing by just providing a clear statement in the
21 regulation.

22 Some comments suggested just the opposite,
23 that a clear statement in a regulation could actually
24 limit access to capital and affect business decisions
25 that the tribe has already made.

1 Some comments suggested that NIGC should not
2 define it by regulation, it should proceed with its
3 approach through Notices of Violation and legal
4 opinions, and that really the definition of this should
5 be left to the courts to decide.

6 So what the Commission has done is they've
7 decided to continue to consult on sole proprietary
8 interest. We have not yet circulated a preliminary
9 discussion draft for comment. I think the Commission
10 decided that they wanted to get more views of tribes
11 through consultation before going forward with either a
12 preliminary discussion draft or a proposed rule.

13 CHAIRWOMAN STEVENS: Larry, how many opinions
14 do we have?

15 MR. HOENIG: Finished or in the works?

16 MR. ROBERTS: I think in terms of Office of
17 General Counsel opinions for sole proprietary interest,
18 it's probably in the range of I want to say around 50,
19 probably 50 opinions over the course of the last --
20 somewhere around that range.

21 There has been I want to say maybe three or
22 four Notices of Violation, where it's not just a legal
23 opinion, it's the chair of the agency taking action and
24 issuing an NOV defining sole proprietary interest under
25 those specific facts.

1 Some of the questions or comments we've
2 received as part of sole proprietary interest is because
3 it is so fact specific, is it something that lends
4 itself to a reg or should the Commission proceed on a
5 case-by-case approach.

6 CHAIRWOMAN STEVENS: What I find really
7 interesting is that -- well, not surprisingly, tribes
8 are on different sides of this issue. That's normal in
9 Indian country, where, you know, as Larry mentioned, in
10 our comments that we received, tribes are either for it
11 or they're against it.

12 And as time has gone on, and I'm certain that
13 Mike in particular, not that I'm going to ask you to,
14 but knows from his time at the agency that management
15 contracts and lending agreements and development
16 agreements have become much more complex and creative,
17 and lends to the idea that it is very case-by-case, fact
18 specific, depending on how these are constructed. And
19 you know, can we, with specificity, define sole
20 proprietary interest or are there general terms that we
21 might be able to put out there.

22 I think what we're hearing are the specifics
23 can be very difficult, but could there be an option for
24 generalities, just -- you know, we want to know what
25 could or couldn't work, either in a reg or in some other

1 fashion, because, like I said, tribes are on different
2 sides of this. They'll come to us and say, "Hey," after
3 the fact, "we believe there has been, you know,
4 violation, we need your help," or, "We're going into
5 some sort of an agreement, and what are NIGC's views
6 before we enter into these agreements? What's sole
7 proprietary interest? And what's a bad deal?" We don't
8 want to get into the bad deal part of it.

9 Do you guys have anything that you wanted
10 to --

11 MR. ROBERTS: No. If you haven't had a chance
12 to submit comments, I think that this is something
13 that -- and I hear this a lot from transactional
14 attorneys, where they are saying, you know, we've gone
15 through the Office of General Counsel legal opinions,
16 we've looked at the Notices of Violation, we see a
17 consistent thread here. Is it something that you
18 guys -- we think you should move forward with the
19 regulation to provide more clarity.

20 I think, because the Commission is interested
21 in hearing more comments, it is an opportunity to hear
22 more. Does this arise in your day-to-day workings? Is
23 it providing barriers to financing by not having a
24 regulation out there? Or is it something that is
25 working on the case-by-case situations? So any comments

1 would be appreciated.

2 CHAIRWOMAN STEVENS: Absent any comments on
3 that, I do want to go back over the agenda for those who
4 may have just arrived. We've gone through the entire
5 agenda in a matter of two hours. And I think that just
6 speaks to the frequency in which the NIGC has been
7 communicating with tribes for the past year, year and a
8 half, that none of this is a surprise, much of this
9 is -- all of these parts have given tribes the
10 opportunity to weigh in, provide input to these drafts.
11 And for those that are in the official rule-making
12 process now, you'll see all of these discussions over
13 the past year have been influenced by tribal input
14 through these consultations.

15 We covered a lot of ground today. Is there
16 anyone that wants to rewind and go back to other parts?
17 Maybe something has occurred to you over the other parts
18 that we covered this morning, earlier this morning. Any
19 questions you have about the process? Any comments on
20 the process?

21 We originally started out with many more
22 consultations and ended up canceling a number of them
23 just because we were getting such good feedback and at
24 the request of the tribes to slow down. And so we are.
25 And many tribes, the transcriptionist part of this is

1 proving to be useful for those people who cannot come
2 and attend in person, they can track what's happening
3 and have the opportunity to know what's happening in
4 these meetings that they're not able to attend to inform
5 their comments to the NIGC. I think it's important that
6 tribes can hear what other tribes have to say to find
7 common ground, to hear how differently a proposed reg
8 might affect one tribe as opposed to another tribe and
9 sit in this arena and come up with solutions together.

10 So again, another opportunity, if anyone has
11 any comments on the substantive part of what we're
12 talking about, or the process.

13 If not, we will have, as we mentioned
14 throughout this morning, a number of additional notices
15 of proposed rule coming out in the next -- in the near
16 future. Lael is happy as a camper over there. That
17 will come out in the near future. I don't want to
18 commit to a time, because you never know what snafu we
19 will run into in the printing office and how we get
20 these out.

21 So it should be within the next few weeks, I
22 would imagine, on a number of these. Some others may
23 take a bit longer. If you've not commented, feel free
24 to submit comments.

25 Again, the deadline on the notices of proposed

1 rule that are published now is December 12th. That's
2 next week. If you haven't submitted comments, please
3 do. If you have comments, please watch the Federal
4 Register. And we will also put notice out, as we have
5 been when we do put something in the register, to tribes
6 letting them know that we've posted the proposed rule,
7 much of which you've already seen here in some form or
8 another.

9 So last call.

10 Okay. Well, thank you very much for attending
11 this morning. We look forward to your comments and your
12 continued participation. And safe travels from wherever
13 you might have come in from, and we appreciate your time
14 and attention. Thank you.

15 (Consultation ended at 11:30 a.m.)
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

I, CHERYL L. O'HALECK, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that the proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the proceedings given and occurring at the time and place stated in the transcript; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE THIS 8TH day of DECEMBER, 2011.

CHERYL L. O'HALECK
Washington State Certified Court Reporter No. 2226
cohaleck@yomreporting.com

1	5	582 41:1 43:7 583 41:2 43:16 584 41:4 43:25 585 41:6 44:13	act 24:13 34:12,25 37:11 38:9 54:20 action 27:7 36:9,10 36:16,23 37:1,3,6,7 39:3 43:15,21 44:11 52:16 56:12 66:23 actions 45:22 62:25 64:10 activities 41:18 62:19 activity 23:22 62:2 actual 16:11 17:11 23:23 37:11 57:10 60:22 add 25:23 addition 18:4 additional 20:17 48:17 61:21 63:13 70:14 address 23:4 24:12 24:15 25:20 26:6 27:8 addressed 36:25 41:13 65:17 addresses 47:19 addressing 42:8 adequate 62:6,7,8 62:14,15,21 63:3 adequately 19:24 20:4 28:22 63:2 administer 72:5 administration 31:21 32:4 administrative 59:25 adopt 21:12 34:5 adopted 31:14 63:2 advance 39:22 advice 14:1,3 advise 52:10 advisory 9:19 affairs 34:10 affect 26:4 65:24 70:8
1 10:13,14,20 11:16 13:12 14:18 18:1,7 20:25 21:23 1,000 4:21 10:15 35:14 11:30 71:15 120 63:9 12th 14:21 53:1 57:2 71:1 13,175 11:4 15 35:13 15347 1:8 17th 20:21 60:17 180 20:9,12,16 28:12 33:19,19 1886 3:9 1993 18:17,21 1:30 46:24 1st 15:22,23	5 1:1,11 2:1 11:17 14:15 58:11 64:21 5.28.010 72:4 50 66:18,19 514 14:18,20 15:1 16:16 21:25 22:4,17 22:22 26:2 27:18 514.1 15:25 514.15 17:14 514.17 17:14 514.9 16:18,24 22:4 518 58:14 60:3,22 64:19 518.3 61:12 518.4 61:22 62:5,11 518.5 63:6 518.7 63:19 518.8 64:1 518.9 64:5,8 523 13:14 14:20 18:14 537 14:13 46:24 55:13,14 56:8 556 46:24 47:17 50:5,6 556.4 50:6 558 46:24 47:19 48:13 50:5,19 558.2 50:14 559 14:23 18:25 19:10,13,21 28:9 33:25 559.5. 28:12 559.6 20:17 571 14:12 46:24 51:22 54:15 573 35:19,24 36:15 37:15 38:25 39:25 54:5 580 42:6 581 40:22 42:23 43:3	6	6 28:8 60 18:8 19:9 22:8 42:20 46:19 61 18:9,10 22:10 66 26:7
2	3	8	8th 72:18
2 11:16 13:18 35:19 2010 53:7 2011 1:1,11 2:1 20:21 72:19 2226 1:24 72:22 22nd 18:17 23 8:8 25 18:10 22:14 2717 28:7,8	3 11:16 13:21 30 18:1,1,7 19:17 22:5,7 30:15 48:17 48:17 31 18:8 22:8 3:00 46:24	9	90 16:20,25 18:10 22:10 91 18:11 22:13 9:10 1:12 2:2
3	4	a	a.m. 1:12 2:2 71:15 ability 59:9 72:11 able 3:14 10:6 12:19 19:18 25:14 34:4 67:21 70:4 absence 26:17 absent 69:2 accept 13:7 accepted 20:19 23:21 access 50:9,16 51:3 54:17,25 55:5,9 62:21 65:19,24 accessible 7:25 accomplish 52:23 account 11:3,17 17:9 accounting 5:18 23:21 61:18,23 62:6 62:15,20 accurate 15:23 72:12 achieve 36:8,12 37:5 achieving 61:9
3 11:16 13:21 30 18:1,1,7 19:17 22:5,7 30:15 48:17 48:17 31 18:8 22:8 3:00 46:24	4 11:17 14:8 46:22 47:3 50:6	a	

<p>affirmations 72:5 afternoon 46:22 agencies 11:5 27:4 34:5 agency 5:16 6:11 13:13 20:22 34:5,19 35:5 37:3,23 41:21 43:15,21 44:11 45:12 60:24,25 66:23 67:14 agenda 7:1,17 8:4 8:20,24 9:2,5,6,8,11 9:13 10:2,13 11:3 11:12 13:10 46:24 58:11 69:3,5 ago 31:21 40:2 52:4 52:18 agreed 57:13 agreement 57:8 68:5 agreements 56:24 57:5,8 67:15,16 68:6 ahead 2:6 15:8 18:14 30:22 aiding 24:7 allen 6:4,4 allotted 3:9,11 alternatives 11:8 amendment 42:8 amendments 14:5 43:9,23 amortization 15:25 16:3 amount 17:15,16 18:2 28:5,18 33:18 amounts 28:6 andrew 5:24 17:21 17:24 22:1 30:1 33:2,2 54:13,14 annual 17:2 60:5 63:18,21 anybody 9:5 26:9 apologize 27:14,14 27:16 28:11</p>	<p>appeal 41:18 43:1,9 43:10,12,13,18,18 44:5,6,7 45:13,24 appealable 63:17 appealed 45:23 appealing 45:25 46:1 appeals 16:24 40:16 41:1,4,4,7,21,23,25 42:25 43:25 44:12 44:15 45:20 46:4 appear 8:24 42:9 appellate 40:22,24 applaud 32:5 applicable 45:24 application 40:20 51:11 applications 47:10 49:24 applied 43:13,20 51:12 applies 18:15 55:14 apply 18:20 21:9 appreciate 7:6 32:9 32:24 71:13 appreciated 39:11 69:1 approach 36:6 66:3 67:5 appropriate 34:19 62:24 65:8 approval 13:15 18:18 40:15,15 64:3 approvals 41:3 43:7 43:22 approve 56:24 57:10 approved 18:22 april 8:7 area 6:22 49:25 arena 70:9 arrived 69:4 aside 6:23 49:9 asked 7:18 11:12 20:10 24:25 56:15</p>	<p>64:22 asking 44:22 49:18 49:19 56:18 59:23 asks 21:1,3 assessed 16:21 assesses 13:14 assessing 23:23 assessment 16:25 17:4 assessments 21:25 41:6 assist 31:20 36:7 39:2 assistance 39:7 assuming 28:25 attached 72:8 attempted 60:21 attempts 19:6 48:1 60:22,25 61:2 attend 7:25 10:25 12:19 70:2,4 attending 71:10 attention 45:12 71:14 attest 20:2 attestation 28:21 attests 31:4 attorney 5:13 6:12 29:19 attorneys 35:12 41:25 45:5,16 68:14 audit 24:5 25:14 63:22 audits 23:24 24:3,17 24:21 62:19 august 9:18 46:12 authorities 34:11 authority 11:9 34:6 34:24 54:1,17 authorized 38:9 52:10 72:4 available 51:8 awarded 28:6 aware 17:12</p>	<p>awkward 7:14</p> <p style="text-align: center;">b</p> <p>b 15:25 50:6 62:11 back 2:20 7:3,12 21:20 35:10,13 39:21 40:17 41:10 44:20,23 52:5 54:4 69:3,16 background 14:8,14 26:5 55:15,24 56:5 bad 68:7,8 bainbridge 4:11 barriers 68:23 based 15:10,13 17:16 28:13 57:23 63:20 basic 41:24 42:6 basically 14:10 19:6 19:22 28:4 32:13 36:7 41:10 43:3,22 44:2,6 45:1 50:15 55:3 57:7 59:22 62:12 64:5 basis 62:1 becoming 60:8 behalf 4:20 5:22 belief 3:16 believe 34:19 45:4 68:3 beneficiary 65:14 benefits 60:2 best 38:22 72:11 better 32:17 beyond 17:7 39:15 biannually 17:15 bill 5:17 bingo 47:1 bit 9:22 24:6,10 38:11 39:7 41:23 47:24 48:3 70:23 black 27:9 blue 15:6,7 board 49:16,21</p>
--	---	---	---

<p>bodies 38:23 53:23 body 36:24 37:21 38:8,17,19 53:17 62:17,21 books 26:7 break 29:24 35:8,9 35:13 breaks 9:12 breezeway 29:9,16 briefing 46:13 briefs 44:14 bring 8:1 39:5,16 46:7 64:9 bringing 3:2 broad 31:9 38:5 broken 49:1 brought 45:11 bruner 6:8,8 bubbles 59:4,7,12 59:13 build 4:14 building 4:3 31:13 40:7 bulletin 24:23 25:10 burden 7:21,23 44:8 59:25 burdensome 60:4 bureau 34:9 business 3:9 26:10 34:6 65:24 buy 13:16 14:23 20:25 21:4,5,9,19 34:1,12,25</p>	<p>camper 70:16 canceling 69:22 capital 65:24 carol 5:7 25:11 case 67:5,5,17,17 68:25,25 cases 26:13 casino 1:7 4:17,23 6:4 cast 38:5 cause 72:17 ccr 1:24 cedars 6:4 cemetery 4:1 certain 19:7 33:18 49:13 52:23 67:12 certainly 2:7 24:15 25:8,20 26:1 30:21 30:22,23 34:22 37:18 38:22 certificate 60:1 63:10,25 72:1 certification 60:7,11 61:4,5,6,9,16 certified 72:3,22 certify 72:6 cfo 25:13 chair 17:3 20:18 37:10 52:15 54:2 55:19 56:4 66:23 chairman 2:10,10 2:23 3:1,21 4:25 5:25 7:18 chairwoman 2:5,14 2:19 4:25 6:16,18 10:17 12:16 13:21 15:6 17:23 21:21,22 22:3,7,10,13,16 23:2 24:4 25:8,19 28:9 30:7,16,21 32:25 35:16 36:5 37:25 39:12 45:4 46:20 48:25 51:15 51:23 53:3 54:23 55:11 56:8 58:3,16</p>	<p>58:24 59:2 64:18 66:13 67:6 69:2 chance 68:11 change 15:19,24 16:5,7,14 17:9 19:20 26:15 32:8 45:17 49:17 56:7 64:3 changed 4:8 changes 12:14 14:7 15:4,9 16:13,15 20:7 25:6 63:19 changing 57:16 chapter 35:20 charges 17:17 chart 61:13 check 24:24 checklist 30:18 31:16,22,25 checklists 31:18 cheryl 1:24 2:20 7:12 72:3,22 chief 1:9 3:7 4:1 chiefs 3:8 choose 44:3 circulated 11:23 12:7 19:1 35:24 37:15 58:19 66:8 circumstances 37:10 52:24 54:7 64:3 civil 17:4 41:6 clarifies 17:14 clarify 22:1 28:2 34:2 54:16 clarifying 33:4 clarity 45:14 68:19 class 9:16,16,17 13:22,22 14:15 58:12,22 59:21,24 60:9,11 61:9 62:2 62:19 clean 41:22 clear 10:22 13:8 23:19 24:1 25:14,25</p>	<p>35:3 36:6 37:2 43:14 46:6 49:2,6 52:13 64:8 65:20,23 clearer 45:14,25 clearly 27:24 clears 52:22 clearwater 1:7 4:23 click 12:21 close 7:15 33:11 39:23 closed 20:20 40:2 46:11 48:8 52:7 58:19 60:17 closeout 53:24 closes 17:18 20:9 33:6 53:2 closing 14:21 53:25 closure 20:14 closures 20:11,11,15 26:23 33:6 code 31:13,14,14 coffee 35:9 58:4 cohaleck 72:23 collateral 56:25 57:5,8 collection 17:14 collects 24:18 colorful 28:15 come 2:6,9,11 3:25 6:23 9:5 10:9 30:24 35:9,13 36:10 39:2 39:6 41:20 53:10 54:2 68:2 70:1,9,17 71:13 coming 4:23 7:22 50:1 70:15 comment 3:23 11:13 11:14 12:7,11,12 13:3,8 14:22 17:18 17:25 18:5 19:2 20:13,20 21:11,16 21:21,24 27:11,20 27:25 30:3 32:10 42:19 44:24 46:11 46:13,18,19 47:22</p>
<p>c c 28:7 calculate 15:18 26:21 calculation 15:13 23:23 25:1 calendar 15:14,17 18:1,7,8 california 5:14 call 51:12 71:9</p>			

<p>48:7 53:1 58:19,19 66:9</p> <p>commented 60:7,10 70:23</p> <p>comments 3:19 8:15 8:16 9:12 11:18 12:13,25 13:5,6 15:10 16:2,9 17:19 18:23 20:22 22:17 25:9 26:1 27:12,18 28:9 32:13,19,24 33:21,24 37:15,18 38:25 39:25 40:1,4 42:12,21 44:17,18 44:25 46:9,21,21 48:10 51:16,17 54:12,21,24 55:8,11 56:8,25 57:3,13,24 58:7,21 59:13,24 60:13,17,18 64:13 64:14,15,18 65:1,6 65:11,16,22 66:1 67:1,10 68:12,21,25 69:2,19 70:5,11,24 71:2,3,11</p> <p>commission 1:3 3:3 5:21,25 6:6,18 9:18 9:25 11:2,11,13,15 12:1,6,9,11,24 13:2 13:6,7,8,20,24 14:1 14:2,6,16 16:9 17:3 18:14,22 19:1 21:1 21:3,15,18 23:12,13 23:15 27:21 28:1 32:5,18 35:7,11,21 35:24 36:1,5,11,17 37:16 40:7,10,12,20 40:23,25 41:7,11,13 42:1,4,7,9,10,14,16 42:24 44:12 46:14 46:15 47:11 48:7,9 50:19 51:6,13 56:15 56:20 57:2,12,20,21 57:23 58:18,20 59:23 60:14,18 61:7</p>	<p>63:17 64:2,8,14,22 65:2,4,12 66:6,9 67:4 68:20</p> <p>commission's 14:2</p> <p>commissioners 7:19 7:20 8:3 53:8</p> <p>commissions 41:25</p> <p>commit 70:18</p> <p>commitment 13:2</p> <p>committed 13:8</p> <p>committee 9:20</p> <p>common 70:7</p> <p>communicated 37:23 38:13</p> <p>communicating 38:3 69:7</p> <p>communication 54:8,9</p> <p>communications 42:11,13</p> <p>compact 31:8,10 56:1</p> <p>compacts 32:14</p> <p>compiled 42:15</p> <p>completed 37:7 52:12,22</p> <p>completely 36:4</p> <p>complex 67:16</p> <p>compliance 5:8 7:3 31:16,20 36:8,8,12 36:13 37:5 39:2,5 39:16 62:3,17</p> <p>compliant 37:3</p> <p>comptroller 24:5 26:11</p> <p>comptroller's 24:17</p> <p>concept 27:5</p> <p>concern 36:17</p> <p>concerns 16:7 36:17</p> <p>conclusion 52:1</p> <p>conclusions 53:21</p> <p>concrete 25:18 39:9</p> <p>condition 36:20</p> <p>conduct 46:4</p>	<p>conducted 20:4 62:3 63:4</p> <p>conducts 63:1</p> <p>confirm 19:12</p> <p>confirms 36:21</p> <p>conflict 31:15</p> <p>conjunction 50:14</p> <p>connected 29:5,8</p> <p>consider 12:13 23:15 24:2 30:22 64:23</p> <p>consideration 22:23 33:5</p> <p>considered 13:4</p> <p>considering 23:5 58:7 64:15</p> <p>consistency 45:23 49:21</p> <p>consistent 16:4,11 23:10 25:7,22 49:15 68:17</p> <p>consolidate 40:13</p> <p>constitutes 17:1</p> <p>constructed 67:18</p> <p>construction 20:3</p> <p>consult 11:6 66:7</p> <p>consultation 1:5 10:22 12:22 14:6 20:24 21:11 38:5 51:10 66:11 71:15</p> <p>consultations 8:8 12:4,17,20 15:12 16:1 32:7 34:15 44:17 47:5,22 52:2 53:6 69:14,22</p> <p>consulting 23:7</p> <p>contact 25:13 29:20 29:21,23</p> <p>contains 72:12</p> <p>content 44:10</p> <p>context 16:8</p> <p>continue 3:11 66:7</p> <p>continued 71:12</p> <p>continuing 64:2</p>	<p>contract 55:16,17 55:21 56:25 65:9</p> <p>contracts 40:16 41:3 43:17,23 57:10 67:15</p> <p>control 9:15 17:7 26:15,24</p> <p>controls 13:22,23 39:14 44:14 61:19</p> <p>conversation 12:22 16:8 44:21</p> <p>coordinator 6:3</p> <p>copies 19:22 50:21 59:12</p> <p>copy 14:25 15:1,3 61:20</p> <p>corporate 4:17</p> <p>correct 22:9 28:25 30:6</p> <p>corrective 36:23 37:6</p> <p>cost 17:16</p> <p>council 3:20 4:21</p> <p>counsel 6:15 10:12 41:14 42:3 44:24 66:17 68:15 72:16</p> <p>counsel's 7:6</p> <p>country 7:22 33:11 34:18,20 49:16 67:9</p> <p>couple 4:5 10:21 15:4,9 53:9</p> <p>course 3:12 7:5 23:20 33:13 41:20 45:21 52:2 66:19</p> <p>court 2:18 72:4,22</p> <p>courts 66:5</p> <p>cover 41:2</p> <p>covered 69:15,18</p> <p>covers 13:13 14:8 41:7</p> <p>create 4:6 45:23 49:15,20</p> <p>creating 49:10</p> <p>creative 67:16</p>
--	--	---	---

<p>criminal 62:2 criteria 11:5 31:3 61:14,22 62:5,12,13 63:12,12 cultural 4:6 current 19:21 61:17</p>	<p>deductible 24:8 define 23:10,10 57:1 65:14 66:2 67:19 defined 24:13 65:7 defines 27:23 28:4 65:12 defining 23:13,20 64:23 66:24 definitely 4:8 definition 22:24 23:8,11,18 24:11 25:15 57:5,12,14,15 57:17 65:18 66:4 definitions 40:21 42:7 deletions 59:4,12,15 demonstrate 63:4 deny 63:16 department 25:14 departure 28:17 30:25 depend 29:11 depending 16:22 37:12 67:18 depends 10:3 deputy 5:16,17 description 61:16 61:17,19 designees 10:24 desires 56:5 detail 3:5 determination 50:21 63:8 determine 30:8 determined 55:2 determining 11:5 development 34:17 67:15 dialogue 10:23 36:24 different 11:17 13:12 24:25 31:3,13 40:13,17 45:1 48:3 49:12 56:16 59:18 62:13 67:8 68:1</p>	<p>differently 47:24 70:7 differs 15:17 difficult 45:13 67:23 digital 72:18 directly 51:13 director 5:10,16,17 5:20 6:9 7:4 24:21 32:1 directs 11:5 disapproval 43:10 43:10,14 disapprovals 41:1,3 43:8,23 disapprove 57:10 disasters 26:23 33:12 discretion 55:19 discuss 30:19 discussing 13:5 26:11,12 discussion 8:11,13 8:19,21 9:7 10:20 19:1,2,3,16,25 20:7 20:12,20 31:3 35:25 36:15 37:2,6,9,14 37:16 39:20 40:2,5 42:12,16,19 44:19 47:15,25 48:2,10 50:5,20 51:5,19 54:16 55:18 56:2,7 58:17,20 60:15,16 60:21 61:11 63:18 64:19 66:9,12 discussions 8:11 28:14 38:4 53:5 69:12 dishonest 62:2 dispute 62:14 division 7:3 23:25 divisions 25:25 dock 4:5 doing 11:10 21:13 42:14 44:16 49:8 53:11 58:5</p>	<p>don 5:5 double 24:23 downtown 4:4,11 draft 8:11,17,21 15:11 19:1,2,3,16 19:20,25 20:7,12,20 27:15 28:10,11,15 31:3 35:25 36:15 37:2,6,9,14,16 40:2 40:5,11 41:2 42:12 42:16,19 44:19,23 46:7,10,11 47:15,25 48:3,8,11 50:20 51:19 54:16 55:18 56:7 58:18,20 60:15 60:16,21 61:11 63:18 64:19 66:9,12 draft's 56:2 drafted 8:15,16 drafts 8:13,20 11:24 12:5,7 46:12 48:6 50:5 64:7 69:10 draw 33:15 due 16:21,23 60:16 duplication 28:18 duplicative 32:15,16 60:3 61:1 duty 64:2</p>
d			
<p>daniel 5:11 22:20 date 60:16 day 12:23 41:18,18 46:19 68:22,22 72:18 days 9:21 13:25 16:20,25 18:1,7,7,8 18:11 19:9,17 20:9 20:12,16 22:5,7,8 22:11,13 28:12 30:15 33:19,19 42:21 48:17,17 63:9 dd 6:11 de 39:10 deadline 14:22 70:25 deal 32:14 38:7,9 68:7,8 dealing 14:13 43:18 debt 52:19 december 1:1,11 2:1 71:1 72:19 decide 12:13 14:4 66:5 decided 13:7 24:11 51:2 57:15,23 60:14 66:7,10 decides 65:12 deciding 58:21 64:16 decision 9:18 43:14 43:21 44:10 46:16 48:11,22 60:19 63:15,16 decisions 65:24 deducted 23:22</p>	<p>earlier 13:11 35:24 50:16 51:12,24 54:4 56:18 69:18 ease 7:23 easier 9:1 15:18 45:13 50:3 echo 5:22,22 economic 34:17,18 economically 62:1 effective 61:23 effectiveness 62:18 effectuate 43:1 effectuated 42:10 effort 39:1,9,22</p>		
e			

<p>efforts 3:18 36:8 either 24:17 34:24 42:8 47:13 66:11 67:10,25 electronic 20:19 eligibility 50:21 elliott 3:6 employed 50:8 employee 48:15,23 employees 14:9 47:9 62:8 63:23 employment 61:14 enacted 18:16 encapsulates 43:3 encompasses 40:4 encourage 42:22 encouraging 2:13 ended 3:21 69:22 71:15 enforcement 5:16 13:19 35:20 36:9,10 36:16 37:1,7 39:3 62:9,25 64:9 engage 14:6 engaged 3:18 4:16 engaging 36:23 44:21 ensure 37:24 enter 68:6 entire 43:22 69:4 entities 31:11 50:25 55:15 56:4,6 entity 38:8 52:11 environment 19:24 20:5 63:5 environmental 30:19 escalate 27:9 39:10 39:10 especially 9:24 25:5 25:16 30:24 53:16 establish 11:6 established 3:7 62:23</p>	<p>establishes 16:19 62:23 estimated 11:20 evaluating 42:16 event 4:17 72:17 everybody 5:1 15:7 46:5 evidence 58:5 ex 42:11,13 exactly 23:19 example 34:14 41:9 49:24 52:17 examples 22:25 exceed 33:18 exceptional 54:7 excited 45:5,6 exciting 9:25 35:10 40:8 41:17 excludable 23:1,20 excluded 25:15 excuse 59:2 executive 5:10,20 11:4 exempt 29:16 exigent 37:13 exist 34:21 existence 41:20 existing 13:15 16:1 16:4 expanding 29:1,4 expansions 33:13 expedited 19:4 experience 31:20 expired 30:11 expires 20:8 explanation 57:4 eye 46:17 51:20</p> <hr/> <p style="text-align: center;">f</p> <hr/> <p>facilities 19:18,19 facility 13:16 18:25 19:4,7 20:3,8 27:15 28:10,19 29:1,2,6 29:15,17 30:3 32:1 32:20 34:15 49:25</p>	<p>61:20 fact 67:3,17 68:3 factors 11:17 facts 66:25 failure 17:1 43:11 43:19 fair 61:24 familiar 3:4 far 23:20 farthest 6:23 fashion 68:1 faster 10:5 fbi 17:17 fear 9:23 federal 8:19 10:23 11:6,7 12:10 27:3 34:5 53:22 62:3 71:3 federally 55:23 fee 15:13,21,22,23 16:21 17:2,6,11,15 17:16 18:2 25:6 feedback 52:8,12 69:23 feel 2:6 46:7,8,8 70:23 fees 13:13 15:18 17:14 18:7,8,9,11 23:23 24:18 26:3,6 26:8,14 27:7,22 file 40:24 42:3 43:2 43:11,19 filing 43:4,11 filings 43:18 fill 41:23 51:10 final 12:14 13:4 37:3 43:15,21 44:10 finalizing 49:9 finally 51:9 financial 55:16,21 72:16 financing 65:20 68:23 find 45:9 58:16 67:6 70:6</p>	<p>finding 52:14 findings 63:10 fine 17:4 41:6 fingerprints 17:13 17:17 finished 66:15 fires 33:13 first 7:1 29:21 35:8 38:2 59:4 fiscal 15:13,16,20 16:13 fiscally 61:25 fishing 3:13 five 13:11 18:8 22:10 52:4 flip 28:14 38:15 flooding 33:12 floor 9:12 focus 60:22 folks 3:4 41:14 44:22 57:22 59:19 follow 9:1 27:19 31:12 following 12:4,18 31:13 48:21 forced 33:11 foregoing 72:12 forgotten 8:7 form 28:10 39:6 49:13,18,19 51:19 71:7 formal 54:21 formalize 47:16 formalized 47:13 formalizing 47:12 former 24:21 forms 49:12 forsman 2:12,23 3:2 forth 19:25 20:18 40:17 41:19 43:17 44:20 58:1 62:12 65:8 forward 11:2,16 12:5,6,9,14 14:4,16 17:3 23:12 37:17</p>
---	--	--	--

<p>42:17 46:15 48:11 50:21,22 51:7 56:17 57:4,16,23 58:1,22 60:14,19 64:16 65:12 66:11 68:18 71:11 forwarded 31:18 found 26:12 four 35:12 52:4 56:10 66:22 frame 56:17 free 2:6 46:7,9 62:1 70:23 frequency 69:6 frias 6:2,2 friendly 45:3 front 39:18 54:10 frustrating 25:16 full 46:13 63:17 72:12 functions 60:25 funding 61:16 funds 63:2 furnished 55:20 further 9:11 46:21 52:16 55:10 future 51:21 70:16 70:17</p>	<p>61:18,21 62:2,16,16 62:19 64:11 65:10 general 6:14 7:6 10:12 40:19 41:14 42:3 43:4 66:17 67:20 68:15 generalities 67:24 generalize 31:19 generalized 30:18 generally 23:21 24:4 29:13 62:1 getting 25:25 26:20 69:23 give 7:9 23:6 26:3 29:23 given 22:24 69:9 72:8,13 glad 6:19 go 2:6 3:5 4:12 7:18 7:23 8:3 9:7,8,14 10:18 12:20 15:7 25:1,4 26:16 28:19 30:21 34:14 35:6,10 35:18 36:17 40:6,17 41:16 42:7,20 44:3 56:11 61:11 69:3,16 goal 4:6 goes 18:2 24:18 40:21 59:4</p>	<p>government 3:12 28:21 38:17 governments 10:23 10:24 38:7 governs 13:15 gracious 2:25 grave 4:1 great 3:5 6:24 8:25 40:6 44:25 greatly 32:24 gross 22:24 24:14 27:20,23 28:4 ground 33:22 69:15 70:7 group 10:3,4,6,13 10:14,20 11:21 13:12,18,21 14:8,15 14:18,23 20:25 21:23 35:19 46:22 47:3 58:10,11 64:21 grouped 12:1 groups 11:16,16,23 11:24,24 13:12 14:19 growth 34:18 guess 23:17,19 31:11 41:10 57:19 guidance 21:14 23:19,25 24:1,16,22 24:24 25:10 30:24 39:8 41:24 guidelines 25:18 guys 68:9,18</p>	<p>handling 45:20 hang 53:19 hanging 53:21 hanson 5:11,11 22:20,20 23:17 happening 38:18 53:20 70:2,3 happens 24:5 34:9 34:10 39:21 43:11 49:2 happy 23:15 70:16 hatch 6:6,6,10,10 hate 59:11 hawk 5:22,22 he'll 10:13 head 55:7 health 19:24 20:5 28:22 30:19,20 31:9 32:14,21 34:11 63:5 hear 7:16 17:21 30:2 33:21 38:14 51:5 68:13,21 70:6,7 heard 8:15,16 17:5 26:19 36:1 47:5,11 50:24 51:1 52:2,5 56:22 hearing 25:9 33:19 44:8,9 48:20,21,22 53:4 63:14 67:22 68:21 hearings 63:1 held 44:9 helm 5:9,9 28:23,23 29:8,22,25 37:19,19 39:11 help 7:7 25:17 49:23 50:2 68:4 helped 7:10 helpful 30:23 31:7 31:17 32:11 45:19 51:2 helping 24:7 helps 49:22 henry 5:7,7 25:11 25:11</p>
<p>g</p>	<p>going 8:5 9:15 10:13 10:18 12:5 13:12,24 21:20 23:3 24:9 25:6 29:11 30:18 31:14 35:19 39:19 41:11 46:3,15 48:23 51:15 53:11,12,13 54:6 55:20 56:17 57:21,22 58:1,9 66:11 67:13 68:4 good 2:5 10:15 23:3 25:24 34:7 38:23 46:18 69:23 goods 21:5 governing 38:19</p>	<p>h</p> <p>h 35:21 40:11 half 69:8 hall 1:9 hallmark 60:11 halstead 5:19,19 hand 15:2 72:18 handed 3:20 31:25 handle 41:21 42:11 handled 42:1 44:13</p>	

<p>hey 53:10,24 68:2 hi 25:11 high 60:8 61:3 highlight 15:5 hill 4:2 hired 63:24 histories 3:17 history 3:5 23:6 61:12 hoenig 6:12,12 24:19,19 66:15 hold 34:15 holding 53:18 honest 61:23,24 hook 4:3 hooked 2:17 hope 40:3 46:15 hopes 48:11 hoping 15:22 host 2:25 hosting 2:10 hours 69:5 house 44:23 housekeeping 10:21</p>	<p>imposing 35:5 improved 32:22 incident 36:20 includable 23:1,19 include 13:5 63:13 included 23:23 25:15 45:15 includes 47:17 48:13 including 4:18 43:5 62:18 inconsistent 57:14 incorporate 14:11 19:14 32:3 incremental 27:6 39:15 independent 27:3 53:22 63:22 indian 1:3 3:3 6:18 7:9,22 11:9 13:16 14:23 21:1,4,5,10 21:19 34:1,10,10,12 34:15,18,20,25,25 67:9</p>	<p>input 21:17 26:3 69:10,13 inquiry 11:19 21:2 36:2 41:12 53:5,7 56:16,23 59:22 60:14 65:2 inserted 28:12 insertions 59:6,14 insisting 2:11,12 instance 53:15 institutional 55:22 intend 19:8 intent 56:2 interest 14:17 55:16 55:21 58:13 65:13 65:17 66:8,17,24 67:2,20 68:7 72:16 interested 3:23 20:21 46:2 68:20 interesting 67:7 interestingly 24:6 interests 64:21,24 65:7 internal 9:15 13:22 13:23 35:1 61:19 internally 25:3 49:10,22 interpret 28:2 intervene 43:1 introduce 5:1 investigation 39:21 50:12 52:1,5,11,17 52:20,22 53:11,25 55:24 62:7,9,22 investigations 14:8 14:13,14 47:8 51:23 55:15 56:6 investigative 47:10 50:10,11,16,17,24 investor 55:23 involved 4:14 46:1 irs 29:17 island 4:12 issuance 16:18 19:17 30:15</p>	<p>issue 23:8 32:15 36:25 37:11 38:1 63:9,10,15 67:8 issued 14:20,21 47:18,20 48:14,18 51:25 issues 12:23 13:19 17:7 29:16 32:15 36:19,20 41:17 42:6 42:18 44:6 50:4 56:20 57:25,25 58:2 issuing 66:24</p>
i			
<p>idea 15:15 38:17 67:17 igra 16:12 21:6 23:8 27:23 34:12,17,25 63:20,22 64:7,10 65:8 ii 9:16,17 13:22 14:15 15:25 58:12 58:22 59:21,24 60:9 60:11 61:9 62:2,19 iii 9:16 13:22 illustrate 62:11,13 62:16 63:1 imagine 70:22 implemented 47:24 important 70:5 importantly 46:2 impose 34:3</p>	<p>indians 34:6,6 indicate 11:22,25 36:20 individual 50:8 51:3 individualized 39:7 individually 65:10 individuals 9:9 10:8 industry 36:7 influenced 69:13 inform 25:10,21 64:2 70:4 information 19:10 19:12 20:2,17 25:21 29:24 31:5 32:2 37:22 38:12 42:15 48:18 49:11,12 55:20 56:6 61:1,15 62:20 63:14 informed 8:12 initial 53:5 63:8</p>	<p>internally 25:3 49:10,22 interpret 28:2 intervene 43:1 introduce 5:1 investigation 39:21 50:12 52:1,5,11,17 52:20,22 53:11,25 55:24 62:7,9,22 investigations 14:8 14:13,14 47:8 51:23 55:15 56:6 investigative 47:10 50:10,11,16,17,24 investor 55:23 involved 4:14 46:1 irs 29:17 island 4:12 issuance 16:18 19:17 30:15</p>	<p style="text-align: center;">j</p> <p>jackson 5:15,15 jamestown 6:5 january 18:17 jason 5:19 jeff 6:10,10 jerry 6:4 job 1:25 8:25 joe 24:21 join 2:6 july 9:18 june 20:21</p>
k			
			<p>kathryn 5:13 kathy 6:21 keep 3:19 8:2 31:20 34:16 46:17 51:20 key 14:9 47:9 48:15 48:23 63:23 kiana 4:18 kind 4:6 31:9 kitsap 1:9 know 2:14 3:16,24 7:4,14,19 8:3 10:3,7 15:16 16:7,14 18:19 18:23 19:9 21:14 23:11 24:24 25:20 25:23,24,24 27:20 29:13,14,14,20 30:25 31:19 32:12 32:23 33:2,6,16,18 33:20 34:20 37:21</p>

<p>38:16,18,23 39:12 39:17 40:14,21 41:15 44:14,22 45:7 45:8,11,15,18 46:10 48:5 51:2 52:3,6,7 52:21 53:12,18,19 54:19 55:5,7 57:19 57:21,22 58:5,6 59:17 67:9,19,24,24 68:3,14 70:3,18 71:6 knowing 26:16 knows 46:5 67:14</p>	<p>leave 9:5,22 10:5 leaving 54:18 left 25:1 30:7 66:5 legal 65:18 66:3,22 68:15 legislative 6:2 lend 44:20 lender 52:19 lending 67:15 lends 67:3,17 leonard 2:23 letter 19:14 36:17 37:4 52:1,11,21 54:21</p>	<p>little 4:20 7:24 17:10 25:5,16 47:24 48:3 local 6:22 located 54:17 lodge 4:18 long 20:13 30:8,14 53:12,18 longer 70:23 longhouse 4:4 look 8:5 21:3,4,15 23:18 26:25 31:25 38:21 49:17 59:23 71:11 looked 53:22,24 68:16 looking 6:21 23:21 27:3 34:23 35:5 48:9 52:18 54:11 56:20 59:17,19 60:24 64:15 looks 48:3 lost 3:10 22:3 lot 3:4,10,15,16 4:14 33:24 41:14,17 42:15 44:17 50:1 64:13 68:13 69:15 lots 3:25 love 51:5</p>	<p>management 14:9 40:15 41:3 43:16,23 47:9 48:16,24 55:16 55:17,17,21,22 56:25 57:8,10 65:9 67:14 manifests 27:2 manner 20:4 63:4 march 15:22,23 mark 7:3,5 27:9 material 64:3 materials 10:19 14:24 40:10 47:16 50:10,11,13 58:15 60:16 matherly 5:24,24 17:21,21,24,24 22:2 22:6,9,12,15 30:1,1 30:14,17 31:6 54:14 54:14 matter 11:18 69:5 72:15 means 65:14 meet 63:11,12 meeting 2:21 3:20 3:22 7:10,11 9:20 13:25 47:6 62:14 meetings 7:8,25 8:12 10:25 70:4 melissa 29:19 member 4:21 5:25 6:17 10:16 members 4:21 mentioned 12:16 13:11,21 17:18 34:13 55:4 64:13 67:9 70:13 messages 25:25 met 61:22 62:12 michael 6:12 24:19 microphone 2:15,23 5:2 7:14 22:18 mics 62:18 mike 7:5 38:21 45:16 54:23 67:13</p>
<p style="text-align: center;">I</p>	<p>letters 46:25 53:24 letting 25:19 71:6 license 13:16 18:25 19:5,8 20:8 28:10 29:7,18 30:3,15 33:17 47:18,19 48:14,15,18,20,23 51:2 61:20 licensed 19:19 50:19 50:22 63:24 65:10 licensee 48:19 licenses 14:10 19:16 30:8 licensing 6:11 28:20 32:20 62:8,22 licensure 55:25 limbo 53:16 limit 65:24 limited 42:25 43:12 43:19 44:7 57:17 59:8 64:6 linda 5:9 28:23 37:19,25 line 33:15 lines 57:20 list 31:3 45:17,18 61:16 listed 54:20 listening 32:6 listing 61:18</p>	<p style="text-align: center;">m</p>	<p>machine 9:17 madison 3:3 main 26:18 28:17 maintain 47:10 maintained 60:10 maintaining 61:2 maintains 61:23 maintenance 20:3 majority 26:6 making 25:6 27:22 32:7,7 39:9,22 43:14 48:11 51:7 52:25 60:19 61:3 64:17 69:11</p>
<p>I 1:24 72:3,22 lacking 45:14 lael 5:22 70:16 laid 30:10 37:2 60:3 land 2:24 3:10,15 language 27:23 28:2 28:3 64:7 large 49:25 larry 6:14 7:5 9:14 10:12,16 23:4 25:24 35:22 38:21 39:1 40:1 45:15 47:2 54:23 56:12 59:3 66:13 67:9 late 16:17,19,21,22 16:24 17:6,10 18:11 21:25 26:6,8 27:1 43:11,18 46:12 lawana 6:8 laws 19:23 62:4,17 lawyers 10:1 lay 31:2 laying 40:23 lays 20:12 36:15 37:6,9 41:1 43:22 44:4 61:22 62:11,12 63:6 leaders 6:1 38:15 learned 47:23</p>	<p>machine 9:17 madison 3:3 main 26:18 28:17 maintain 47:10 maintained 60:10 maintaining 61:2 maintains 61:23 maintenance 20:3 majority 26:6 making 25:6 27:22 32:7,7 39:9,22 43:14 48:11 51:7 52:25 60:19 61:3 64:17 69:11</p>		

<p>mind 22:1 46:23 mine 4:6 minimum 8:2 9:15 13:22,23 minute 23:4 27:16 27:17 35:13 mix 8:18 modifying 57:16 moment 31:24 59:9 monday 17:19,20 18:24 money 27:2 28:5 monitoring 14:12 51:22 62:8,22 monitors 62:17,18 month 8:5 months 28:13 33:7 33:20 54:25 morning 2:5 3:22 10:15 13:13,18 14:25 35:18 69:18 69:18 70:14 71:11 morphed 8:13 morris 7:2 motion 42:3,24 43:4 motions 40:22,24 42:23 43:1,2,5,5,12 43:19 44:7,7 move 9:2,19 10:2,4 10:5 12:13 14:4,16 17:3 18:13 23:12 42:17 46:15,22 48:11 51:7,16 55:13 56:17 57:16,23 58:1 58:10,22 60:14,19 64:16 65:12 68:18 moved 11:16 12:9 37:16 moving 5:3 57:4 museum 4:2,4,14</p>	<p>nation 10:17 national 1:3 6:18 native 34:21 natural 26:23 33:12 naturally 45:9 near 51:21 70:15,17 necessarily 16:5 24:13 necessary 32:22 36:23 need 8:1 9:4,10 11:7 19:10,13 25:4,24 29:1 30:10 35:4 37:10 38:10,22 46:8 46:8 49:7 53:12 55:5,6,9 58:3 68:4 needs 32:3 net 24:11 38:5 57:1 57:5,11,14,15,16 never 27:7 36:10 52:5 70:18 new 4:4,6,14 16:16 26:17,20 27:5 29:2 30:24 31:18 35:20 39:17 40:11,14 nez 5:20 nica 6:3 nice 4:12 41:15 nigc 1:1 6:13,15 16:14 17:12 18:18 19:17 20:7 21:5,9 21:10 24:17 26:7 29:2 30:18 31:21,21 39:15 45:18 47:7 48:16,17,19,22 50:11,23,23 52:3,8 52:10,21 54:2 55:9 56:24 57:1,8,9 59:9 63:7 64:6,10 66:1 69:6 70:5</p>	<p>noncompliance 26:13 27:6 36:19 nonpayment 17:1 normal 67:8 northeast 1:8 northwest 6:24 notice 8:8,18 11:19 16:13,18 17:4 20:7 20:15,15 21:2 22:17 23:17 36:1,3,22 37:4,11 40:3 41:5 41:12 44:1,2 47:8 48:14,20 50:6 51:19 51:25 52:25 53:5,7 54:5,6,9,10 56:12 56:16,23 59:22 60:13 65:2 71:4 notices 8:13 65:17 66:3,22 68:16 70:14 70:25 notification 16:12 19:5,8 30:4 50:7 52:14 notifications 13:16 18:25 notified 37:21 notifies 48:16,22 notify 29:2 33:17 39:22 63:11 nov 17:7,11 27:8 36:14 39:10 66:24 novs 26:7,8 39:3,19 number 3:8 4:9,12 4:17 12:5,7 13:11 15:16 26:2,16 40:13 45:16,22,22 47:12 49:4 56:15 60:10 69:22 70:14,22 numbers 56:10</p>	<p>objection 48:19 obtained 60:2 obviously 17:8 44:19,24 48:7 60:7 occurred 52:15 69:17 occurring 72:13 occurs 43:15,21 october 14:21 53:1 57:2 offer 39:7 office 7:6 24:17 38:2 41:14 42:2 63:7,14 66:16 68:15 70:19 officer 46:5 offices 54:9 official 41:5,9 43:2 44:1,4,5,9 48:16,24 69:11 officials 14:9,10 46:3 47:9 ogas 5:13,13 oh 56:9 okay 10:11,15 15:7 18:13 21:22 22:2 29:24 31:6 32:25 35:6,16,23 39:25 40:9 46:20 47:2 51:14,22 55:11,13 58:3,8,10,14 59:21 64:20 71:10 old 4:2,5 once 12:11 41:18 49:9 oneida 10:16 ones 46:3 ongoing 52:6,20 ooo 2:3 open 4:2 9:12 10:19 11:1 19:8,18 21:21 25:9 52:6 opened 33:3 52:4,18 opening 29:3 49:25 operates 61:25</p>
<p>n</p>	<p>nige's 36:22 54:17 68:5</p>	<p>o</p>	<p>o'haleck 1:24 72:3 72:22</p>
<p>name 5:3 10:16 29:22</p>	<p>nj344001 1:25 nokes 5:17,17</p>	<p>oaths 72:5</p>	

<p>operating 45:9 47:6 operation 16:13 20:4 60:23 61:25 63:4 65:10 operation's 15:13 15:20 61:18 operations 13:14 15:16,18 39:16 53:17 61:13 opinion 66:23 opinions 65:18 66:4 66:13,17,19 68:15 opportunity 32:6 42:18 68:21 69:10 70:3,10 opposed 29:6 31:4 70:8 opposite 65:22 option 67:23 order 8:23 9:8 11:4 11:14 56:19 ordinance 18:21 42:25 ordinances 13:15 18:16,20 33:5 39:14 40:15 41:2 43:8,9 64:11 organizational 61:13 organize 40:18 organized 40:19 41:15 organizing 8:25 originally 69:21 outline 30:5 outset 36:13,25 outweighs 60:2 overloaded 49:23 owe 27:2</p>	<p>page 28:16 31:11 50:6,14 56:9,10,10 56:10 pager 28:15 pages 59:5 paid 27:7 28:6,6 paperwork 32:23 54:19 parallel 9:19 parcel 29:6 part 4:15 8:8 9:6,24 13:14 14:12,13,18 14:20 15:1 16:16 18:14,14,15,15,20 18:25 19:10,13 20:25 21:1 22:4,22 35:7,18,19,24 36:15 37:15 40:14,22 41:1 41:2,4,6 42:6,23 43:3,7,16,25 44:13 47:17 48:4 49:7 51:22 54:13,18 55:6 55:12,14 56:14,20 57:6 58:11,14 59:5 60:3 61:12,15 64:1 64:20,21 67:2 68:8 69:25 70:11 parte 42:11,13 participate 10:25 participation 42:25 43:12,19 44:7 71:12 particular 28:17 51:18,18 54:13 67:13 parties 45:25 46:2 partnerships 4:10 parts 9:13 14:5 26:2 33:10 40:13,17 51:18 69:9,16,17 party 52:13 72:15 pass 22:18 passed 18:21 paul 5:15 pay 17:1 26:13</p>	<p>paying 17:10 payment 16:19,24 payments 16:11,17 16:19,21 17:6 27:2 penalty 18:6 21:25 people 6:21,24,24 7:8,9,9 10:4 24:25 46:1 50:1 70:1 perce 5:20 percent 18:2,6,7,9 18:10 22:4,8,10,14 26:7 percentage 16:23 65:9 percentages 21:24 27:12,13 65:7 period 14:21 16:12 17:18 20:14,20,24 37:5 46:11,19 48:7 53:1 58:19 permanently 20:9 63:2 person 26:17,18 70:2 personnel 26:15,20 persons 55:15 petition 60:4 63:15 petitions 63:7 phase 8:22 phases 12:3 phillips 7:3 phone 24:6 42:2 51:11 pick 42:1 51:11 pilot 14:11 47:3,4,7 47:12,16,24 48:4 49:3,5 place 14:12 19:23 27:5 29:5 45:7 49:4 56:3 61:8 62:9 72:8 72:14 places 4:12 play 9:17 playing 46:25</p>	<p>please 15:2 16:7 17:19 18:22 19:9 51:20 71:2,3 plenty 9:23 27:1 plus 22:13 pmos 63:23 point 3:6 17:2 23:14 25:4 29:21 35:22 37:17 38:23 49:9 points 10:21 policy 34:4 35:1,1 38:4 47:14 policymaking 11:4 port 3:3 4:11 5:5,7,9 5:11 22:20 25:12 28:23 37:19 portland 1:4 position 5:4 possibly 40:3 posted 71:6 posts 62:24 poulsbo 4:11 powerpoint 10:18 21:23 34:13 powers 64:6,9,9 practice 34:8 42:23 practices 16:1,4 pre 36:16 37:1 preclude 52:15 preference 59:16 preliminary 12:5,7 15:11 44:23 48:8 58:17 66:8,12 prepare 7:7,10 prepared 9:6 10:9 prerogative 38:18 prerogatives 11:8 presence 4:7 presentation 9:7 21:23 preserve 11:8 preserving 54:1 presiding 41:5,8 43:25 44:3,5,9 46:2 46:5</p>
p			
<p>p.m. 46:24 packet 8:19 14:24 40:10 59:3</p>			

<p>pretty 47:11 55:8 previously 31:1 38:14 primary 3:13 14:9 47:9 48:16,24 56:7 65:14 principles 23:21 printing 70:19 prior 16:17 18:16 48:18 53:6 priorities 11:22 priority 3:12 11:25 prizes 28:6,6 probably 3:21 6:22 40:11 66:18,19 problem 39:23 problems 27:8 procedural 43:4 45:2 procedures 47:18 47:19 48:13 proceed 21:18,19 36:9 66:2 67:4 proceedings 9:24 13:19 35:7,11,21 40:7,9,12,20,23,24 42:24 72:7,9,13 process 12:19 13:9 14:7 17:15,17 19:14 21:11 30:4 32:20 37:1 39:16 40:24 41:23 43:17,22 44:1 44:4,6,9,15 45:13 45:24 49:13,16 50:15 51:10 56:15 56:21 57:6 58:21 60:2,19 61:2,8 62:15 63:6 64:25 69:12,19,20 70:12 processes 17:13 49:10 processing 49:23 products 34:20 program 14:11 47:3 47:4,7,12,17,24</p>	<p>48:4 49:3 progressive 8:9 promote 4:15 34:17 promotional 23:22 promotions 24:14 27:24 promulgate 65:3 promulgating 64:23 proof 44:8 proposals 12:12 proposed 8:14,18 12:6,10 13:4 14:19 14:20 15:1,4,9,12 16:10,16 17:8,25 18:4,15 22:18 27:22 37:17 40:4 41:5 42:5,17,19,21 46:14 46:16 48:12 51:20 51:25 52:9,13,25 54:15 60:20 64:16 66:12 70:7,15,25 71:6 proposes 15:12 31:4 proposing 23:13 proprietary 58:13 64:21,24 65:6,13,17 66:7,17,24 67:2,20 68:7 propriety 14:17 prosecution 62:10 63:3 protect 19:24 protected 28:22 protecting 30:20 protects 20:5 63:5 provide 14:1 15:19 19:21,22 20:14 36:22 37:4 41:24 42:21 48:1 57:7 64:24 65:19 68:19 69:10 provided 20:18 25:18 61:15 provides 15:21 16:10,24 19:3,16</p>	<p>20:17 28:4 36:18 44:2 50:15 52:1,9 55:18 57:9,18 63:23 64:1 providing 16:13,17 52:12 65:20 68:23 proving 70:1 public 3:23 11:1,12 11:15 16:2 17:5 19:3,24 20:5 21:2 28:22 32:21 47:22 57:24 63:5 publications 8:19 publish 17:15 published 12:10 15:21 53:1 57:2 71:1 publishing 15:22 pull 20:1 purchasing 21:5 purpose 60:6 purposes 12:17 34:16 60:9 purser 5:5,5 pursuant 55:25 72:4 put 12:4 24:22 25:10,21 27:21 30:23 45:1 50:20 54:21 55:6 61:8 67:21 71:4,5 putting 25:3 40:3</p>	<p>42:12</p> <p style="text-align: center;">r</p> <p>raise 15:2 50:5 rancheria 5:14 range 66:18,20 rate 15:21,22,23 rayanne 7:2,5 rcw 72:4 reacquire 3:10,15 read 10:10 reader 9:1 reading 59:16 ready 40:6 really 9:25 27:25 32:15 35:10 38:18 41:19 45:5 49:4,18 54:7 61:2 66:4 67:6 reason 17:10 26:14 26:16,18,18,22 38:12 reasons 26:5 receive 14:3 36:3 37:24 57:24 received 11:15,19 13:6 14:25 15:11 16:2 20:22 32:12,12 40:5 42:11 44:18 46:13 48:10 50:11 51:17 55:8 57:1,3 58:8 59:25 64:13 65:1 67:2,10 receives 12:12 13:3 38:11 44:2 receiving 57:12 60:1 60:13 63:24 recess 35:15 reconciling 64:14 reconsideration 43:5 record 10:10 18:12 27:10 43:6 72:13 recorded 2:16 72:10 recordkeeping 61:19</p>
q			
<p>quarterly 16:10 question 22:22 23:3 23:4 30:17 51:4 questions 2:8 20:6 22:17 24:20 41:19 50:4 56:16,22 67:1 69:19 quick 22:22 35:8,8 35:13 quickly 8:6 34:1 quite 9:22 24:6 38:11 39:7 41:23</p>			

<p>records 28:18 53:18 54:17 55:1 62:21 recruit 50:1 reduce 55:19 61:1 reducing 32:23 reduction 54:20 referenced 51:24 refinance 52:19 refinancing 52:23 reflect 15:25 reg 20:25 58:23 59:24 60:8 67:4,25 70:7 regard 32:19 38:4 42:12 57:11 regarding 21:24 22:22 region 1:4 7:25 47:25,25 49:22,23 50:2 regional 7:4 29:19 54:8 regionally 8:25 regions 7:24 47:23 48:2 49:11,14 50:2 register 8:19 12:11 71:4,5 regs 30:24 31:2 41:19 regularly 24:16 regulated 55:23 regulating 36:6 60:5 60:9 regulation 13:17 14:15,17,23 19:15 21:1,3,4,8,13,19 24:12 25:6 28:18 35:2 46:14,16 47:14 47:17 55:6,10 58:12 58:12,22 59:22,24 60:1,11,20 61:5,16 63:8,11,15,16,25 64:4,6,23 65:3,13 65:19,21,23 66:2 68:19,24</p>	<p>regulations 11:13 11:23 14:5 19:21,23 41:13 45:7 49:6 54:11 56:18,19 61:21 62:4,18 64:10 regulators 25:17 61:14,17 regulatory 1:1,5 8:9 11:3,12 12:2,19 27:4 36:24 37:21,23 38:16 53:17,23 56:14,21 57:6 60:23 60:24,25 62:17,21 64:22,25 reiterate 49:1 reiterating 39:1 related 72:15 relates 43:7 remedy 39:9 remember 54:24 remodels 33:13 remove 15:24 removing 16:3 renew 30:9 33:17 renewal 30:4 renewals 33:3 renewed 30:11,15 reopen 54:3 replaced 28:20 report 50:17 51:3 63:9,13 reported 1:24 reporter 2:18 72:4 72:22 reporter's 72:1 reporting 60:5 63:19,21 reports 47:11 50:24 51:7 represent 5:4,25 representing 6:1 reputation 61:24 request 19:4 37:20 48:17 63:14 64:25 65:4 69:24</p>	<p>requested 20:18 requesting 47:22 require 21:5,9,10 required 20:15 39:15 49:2,3 55:24 requirement 32:16 requirements 60:3,6 61:10 62:14 63:19 63:21 rescinding 18:15 reservation 3:4,7,8 residing 43:2 resolution 62:15 resolutions 43:8 resort 1:7 4:16,23 resources 3:15 11:20 respond 63:13 response 11:19 53:4 56:23 65:1 responsibility 55:17 55:22 restroom 35:9 result 17:11 results 47:8 48:15 50:8,16 resume 63:23 retains 64:8 revenue 3:13 22:25 24:11,14 27:20,23 28:5 revenues 57:1,5,11 57:14,15,17 61:24 62:6,16 review 1:1,5 8:9 11:3,12,14 12:2,19 13:15 14:2,3 19:4 43:13,20 56:15,18 56:21,24 57:6,9 64:22 65:1,3 reviewed 13:3 56:19 reviewing 58:21 60:18 63:7 reviews 56:3 62:20</p>	<p>revocation 42:8 rewind 69:16 richard 6:2 rid 59:13 right 2:9 3:20 12:20 18:13 30:7 31:2 35:10 42:4 48:19 53:15 59:9 64:14 road 4:3 8:7 28:14 46:6 52:16 roberts 6:14,14 10:12,15,16 15:9 18:13 23:7,24 27:19 29:4,10,23 31:2 32:9 35:23 40:9 46:10 47:4 50:4 51:22 55:3,14 56:14 58:14,17 59:1,21 64:20 66:16 68:11 room 2:8 3:17 rotating 7:21 round 5:1 roy 6:6,6 rule 12:6,10,14,15 13:4,5 14:19 15:1,4 15:10,12 16:10,16 17:25 18:4 22:18 27:22 32:7 37:17 40:4 42:17,19,21 48:12 51:25 52:9,13 52:25 54:15 64:16 66:12 69:11 70:15 71:1,6 rules 8:14,18 12:8 12:12 13:19 14:20 40:16,19 42:9 43:4 44:20 45:2 46:4,5 51:20 62:24 run 70:19</p>
s			
<p>s'klallam 5:5,7,9,12 22:21 25:12 28:23 safe 61:24 71:12</p>			

<p>safety 19:25 20:5 28:22 30:20 31:9 32:14,21 63:5</p> <p>sake 9:9</p> <p>salish 6:24,25</p> <p>sand 33:15</p> <p>sandy 4:3</p> <p>saying 30:12 31:12 32:13 35:3 52:21 53:24 56:23 57:20 68:14</p> <p>schlichting 29:19</p> <p>scope 55:19</p> <p>seasonal 20:11,15 33:8</p> <p>seat 2:9</p> <p>seats 35:17</p> <p>seattle 3:8</p> <p>seattle's 4:1</p> <p>second 26:22 50:9 50:10,12 58:25 59:5 59:14</p> <p>section 15:25 16:3 16:17,18 17:13 35:10,14 39:19 56:11 58:16 63:6</p> <p>sections 21:6 56:9</p> <p>see 2:10 8:18 9:14 12:22 13:10 27:1 31:23 32:2 36:19,25 45:5,21 68:16 69:12</p> <p>seeing 33:10</p> <p>seeking 12:11 20:12 21:11 50:8</p> <p>seeks 47:16</p> <p>seen 32:3 71:7</p> <p>self 14:15 58:11,22 59:21,24 60:1,4,8,8 60:11 61:5,15 63:8 63:10,15,16,25 64:3 64:6</p> <p>send 17:19 19:7,13 24:24 38:10,20,21 52:21</p>	<p>sending 31:5 38:16</p> <p>sense 12:2</p> <p>sent 17:6 19:5,17</p> <p>separate 29:6,6</p> <p>september 60:17</p> <p>serious 17:8 39:3</p> <p>seriously 26:9,10</p> <p>service 34:11 42:10</p> <p>services 21:6 34:20</p> <p>session 46:22</p> <p>set 7:10 41:19 57:25 65:7</p> <p>sets 19:25 20:18</p> <p>setting 43:17</p> <p>seven 4:21 6:4</p> <p>share 50:25</p> <p>sharing 12:23</p> <p>shift 60:22</p> <p>short 3:19</p> <p>shortly 48:12</p> <p>shows 59:4</p> <p>side 28:14 38:15 45:11</p> <p>sides 67:8 68:2</p> <p>sign 3:6</p> <p>signature 72:18</p> <p>similar 3:17 32:12 55:4</p> <p>sit 70:9</p> <p>site 4:1 12:21,25 13:1 20:23 25:3 54:17,25</p> <p>situation 18:10 29:12 37:13,13</p> <p>situations 17:9 39:9 68:25</p> <p>six 28:13 33:20 54:25</p> <p>sklallam 6:5</p> <p>slow 69:24</p> <p>slower 10:5</p> <p>smith 24:21</p> <p>snafu 70:18</p> <p>sold 3:11</p>	<p>sole 14:17 58:13 64:21,23 65:6,12,16 66:7,17,24 67:2,19 68:6</p> <p>solicit 34:19</p> <p>solutions 70:9</p> <p>soon 40:3,5 46:16</p> <p>sooner 37:11</p> <p>sorry 15:7 28:7 59:2</p> <p>sort 12:21 14:17 28:3 29:15,17 36:16 36:18,21 37:4,12,13 52:12 53:16,20 61:11 68:5</p> <p>sound 2:17 62:1</p> <p>sounds 29:15,16</p> <p>sources 3:13</p> <p>sovereignty 60:12</p> <p>spaces 4:18</p> <p>speak 7:13 27:24</p> <p>speaking 2:15</p> <p>speaks 69:6</p> <p>specific 22:25 66:25 67:3,18</p> <p>specifically 32:20 38:6 54:2</p> <p>specificity 67:19</p> <p>specifics 29:12 67:22</p> <p>speed 26:20</p> <p>spell 29:22 55:10</p> <p>spent 24:6</p> <p>spirit 34:16</p> <p>spokane 5:23,24 18:3 21:24 30:1 31:7 33:6 54:14,15 55:4</p> <p>stability 65:19</p> <p>staff 7:2 8:1,24 24:5 24:16 25:20 41:12 47:5 52:10,21</p> <p>stage 8:17</p> <p>standard 43:13,20</p> <p>standards 9:16,17 11:6,7 13:23 60:8</p>	<p>61:3 62:23</p> <p>start 18:6 35:14,23 47:2,3</p> <p>started 2:6,22 8:10 41:11 49:15 58:6 69:21</p> <p>state 5:3 31:8,8,10 55:25,25 72:5,22</p> <p>stated 18:5 72:9,14</p> <p>statement 9:6 10:9 19:22 65:20,23</p> <p>statements 18:1,6,8 18:9,11</p> <p>statute 23:11 57:9 57:18 61:6 65:15</p> <p>statutory 27:22 28:2 28:3 57:15 64:7</p> <p>stay 9:10</p> <p>stenographically 72:10</p> <p>step 17:8 27:6 39:16 41:10</p> <p>steps 41:24 49:6</p> <p>stevens 2:5,14,19 4:25 6:16,16 15:6 17:23 21:22 22:3,7 22:10,13,16 23:2 24:4 25:8,19 28:9 30:7,16,21 32:25 35:16 37:25 39:12 45:4 46:20 48:25 51:15 53:3 54:23 55:11 56:8 58:3,16 58:24 59:2 64:18 66:13 67:6 69:2</p> <p>stillaguamish 6:8</p> <p>stolen 3:16</p> <p>stop 58:24</p> <p>store 53:19</p> <p>streamline 56:5 61:2</p> <p>streamlined 32:17 32:22 56:4</p> <p>street 4:3</p>
--	---	---	---

<p>strengthened 32:22 strike 59:6,15 structure 34:23 stuff 29:18 30:20 31:10 subchapter 35:21 40:11,14,18,19 41:16 42:5 45:2 subject 11:18 33:4 subjects 10:14 58:7 submission 61:1,10 submissions 20:19 41:8 43:3 44:13,15 submit 16:8 28:19 46:9 47:8 68:12 70:24 submittal 49:13 submitted 18:17 30:25 50:7 71:2 substantial 26:8 27:9 substantive 16:5,15 70:11 successful 36:9,13 suggested 15:24 65:6,11,16,22 66:1 suggesting 12:24 34:3 suggestion 22:4 suggestions 16:3 23:14 summarizes 64:5 summary 13:5 57:3 61:12 summer 33:8 53:7 supervision 72:11 supplement 43:6 supply 25:17 support 34:18 54:18 supported 21:6 supportive 18:3 supports 54:15 suquamish 1:7,8,10 2:1,24 3:3 4:7,20,22 4:23</p>	<p>sure 2:19 7:15 17:12 25:7 29:25 38:23 surprise 36:11 39:4 54:6 69:8 surprised 36:4 surprisingly 67:7 suspended 30:12 48:20 suspension 42:8 system 2:17 16:19 18:4 61:18,20 62:6 62:7,9,15,22 63:3 systems 27:4</p> <p style="text-align: center;">t</p> <p>table 2:7,11 5:2 6:20 tac 13:24,24 14:1,4 take 5:1 7:20 8:4 11:20 26:9 35:8,13 35:17 44:23 49:7,13 70:23 taken 28:20 35:15 37:8 takers 10:11 takes 26:10 62:24,25 talk 9:22,23 12:8 13:12,17,18 23:3 24:9,11,13 26:2 27:16 29:11,18 33:1 34:1 35:19,22 39:18 39:19,23 46:23 51:13 56:13 talked 24:10 25:2 54:24 58:4 talking 38:1 41:12 54:5 58:6,8 70:12 talks 11:4 17:25 50:7 tax 29:16 taxation 3:14 technical 9:16 13:23 39:6 technically 49:5 technological 59:9</p>	<p>telephone 35:9 tell 30:10 44:19 59:19 temporary 20:11,13 33:6,14,14,18 ten 18:2 terminate 30:9 terminated 20:8 30:11 terms 9:7 12:1,2 28:1 32:18 34:24 38:3 41:21 51:7 65:8 66:16 67:20 territory 2:24 testimony 62:25 text 16:11 63:20 tga 5:6,10,12,18 6:9 28:24 37:19 tgra 61:13 62:19 63:2 thank 4:22,25 7:11 8:24 25:19 32:8,9 32:24 37:25 38:23 71:10,14 thanks 3:2 7:2,9 thereto 43:24 thickest 40:11 thing 17:24 23:17 29:17 31:6 33:5,7,9 43:16 49:8 59:17,18 things 4:13,16 9:4 24:25 25:1 26:23 27:21 28:3 32:11 33:1,2 35:25 40:21 45:17,19 47:21 think 15:15 18:21 23:3,24 24:2,9,20 24:22 25:2,4 29:10 29:11,13,18 31:17 32:16,18 42:14 44:17 48:5,6 56:2 61:4 66:9,16 67:22 68:12,18,20 69:5 70:5</p>	<p>thinking 28:13 53:15 third 61:6 thought 12:1 34:7 57:13 thread 68:17 three 7:20 9:20 12:3 30:12 52:4 66:21 throughs 59:6,15 throw 46:25 ticket 18:4 time 7:11 9:3,5,9 10:8 11:20 14:12 16:22 17:2 23:14 24:6 33:16,19 36:2 37:4 42:2 45:8 46:18 48:21 53:12 67:12,14 70:18 71:13 72:8,14 times 19:7 timing 44:10 today 7:1,17 8:10 9:4,21 10:7 11:10 12:9 13:10,17 14:22 24:3 39:20 44:25 54:22 69:15 today's 2:21 told 52:3 tool 32:2 top 55:7 topic 51:5 topics 8:6,10 10:7 tornadoes 33:12 total 28:5 tourism 4:10,15 town 3:25 towns 4:9 tracie 3:2 4:24 6:16 25:11 track 9:19 19:18 70:2 traditional 7:8 training 39:6 transactional 68:13</p>
---	---	---	---

<p>transcribed 12:17 72:10</p> <p>transcribing 2:21</p> <p>transcript 72:7,12 72:14</p> <p>transcriptionist 2:20 7:13 69:25</p> <p>transcripts 12:21,25 20:23</p> <p>transparent 13:9 57:22</p> <p>travel 7:21,23</p> <p>travels 71:12</p> <p>treat 29:1</p> <p>treaty 3:6,7</p> <p>tribal 3:12 4:15,21 5:15,24 6:1,10 9:19 10:22,23 11:5 13:14 18:16,19 22:21 28:21 31:8,10 38:7 38:14,17 41:24 51:13 55:25 60:12 60:23,24 61:21 62:3 62:16 64:11 69:13</p> <p>tribe 2:24 4:20 5:4,6 5:8,10 6:5,9 17:7,9 18:3 19:4,7,13,23 20:2 25:12 26:4,15 28:19 30:1,5,8 31:4 31:7,18 36:11,12,18 36:24 37:20 38:6,10 38:11,19 39:8 44:2 44:3 48:15,16,22 50:7,9,9,10,12,15,16 50:19 51:2,12 52:10 52:18,23 54:14,15 55:20,25 60:5,9 61:23 62:5,7,11 63:1,11,12,24 64:1 64:25 65:5,25 70:8 70:8</p> <p>tribe's 5:20 25:9 27:10 29:14 33:4 45:10 48:22</p>	<p>tribes 3:17 6:7,17,20 6:22 7:23 8:12 10:24 11:7,9,12,15 12:23 13:2 15:19 16:1 17:5,13 19:2 19:21 20:1,10,13 21:2,9,12,13,14,17 23:8,9 24:7 25:21 26:9,19 28:1 31:14 31:23 32:6,13,19,23 33:7,10 34:3,7,18 35:4 36:1,3,7 39:2,5 39:12 41:25 44:18 47:6,6,7,13 49:6,12 50:20,23,24 51:1,5 51:8,9 52:3 53:4,10 54:5,8 55:1,3 56:23 57:7 59:23,25 60:7 60:10 61:4,5,6,8 66:10 67:7,10 68:1 69:7,9,24,25 70:6,6 71:5</p> <p>tried 40:12 41:22</p> <p>tries 19:14</p> <p>trod 33:22</p> <p>true 72:12</p> <p>try 7:23 8:1 25:17 26:10 27:8 34:16 36:7 38:5,21 41:23 61:7</p> <p>trying 3:10 4:14 14:11 38:20 45:1 56:16</p> <p>tulalip 5:15,18 6:7 6:10,17</p> <p>turn 2:22 10:12 21:20 35:22</p> <p>turns 7:20</p> <p>twelve 59:5</p> <p>two 18:7 22:7 28:15 30:6 33:2 34:11 35:12 50:14 51:18 54:11 56:9 58:2,7 59:3,12,18 61:5,6 69:5</p>	<p>types 51:7</p> <p style="text-align: center;">u</p> <p>undergo 55:24</p> <p>undermine 60:6</p> <p>undersigned 72:3</p> <p>understand 2:16 9:3 9:8 33:23 38:11</p> <p>understanding 54:1</p> <p>unfortunately 33:10</p> <p>uniform 31:12</p> <p>uniformity 48:1 49:21 50:3</p> <p>uniformly 47:11 55:8</p> <p>unknown 53:20</p> <p>unnecessary 2:15 54:18</p> <p>update 50:12,17</p> <p>updating 22:24</p> <p>use 3:14 31:14 34:22 34:24 46:3 47:13 50:23 62:13</p> <p>useful 70:1</p> <p>user 45:3</p> <p>usually 3:23 26:14 26:22 54:8</p> <p>utilize 30:19</p> <p>utilizes 47:7</p> <p>utilizing 13:24</p> <p style="text-align: center;">v</p> <p>various 11:16 21:6 57:24</p> <p>vendors 34:21 62:23</p> <p>version 59:10</p> <p>versions 59:3,18</p> <p>vice 3:21</p> <p>view 36:22</p> <p>views 29:14 66:10 68:5</p> <p>violation 16:18 17:4 36:4,21 37:12 41:5 44:1,3 52:14 54:6 64:10 65:18 66:3,22 68:4,16</p>	<p>violations 26:9 62:10</p> <p>voluntary 37:5</p> <p style="text-align: center;">w</p> <p>wagered 28:5</p> <p>waiver 42:9</p> <p>walking 32:1</p> <p>want 2:19 3:19 7:2,9 7:15 8:24 10:9,22 17:25 18:11 21:25 25:23 27:8,19 28:11 29:10,14 31:10,15 32:5 33:1,15 34:1,1 35:3,6,8 39:4,10 44:23 47:2 48:25 49:20 50:18,25 51:6 54:16 66:18,21 67:24 68:8 69:3 70:17</p> <p>wanted 15:19 26:6 26:25 45:23 49:5 59:19 61:7 66:10 68:9</p> <p>wants 14:1 69:16</p> <p>washington 1:10 2:1 31:8 72:6,22</p> <p>watch 71:3</p> <p>way 1:8 2:8 7:24 8:2 24:15 26:25 27:24 30:9 39:8 52:22 72:15</p> <p>ways 27:1 45:22</p> <p>we've 3:14 4:13 8:5 8:10,15 14:19 16:2 17:5 18:5 20:10 21:22 25:2 26:19 27:11 30:7 31:19 32:12,12 33:9,22 38:1,3 40:2,12 41:22 42:15 44:16 44:16,22 45:11 46:13 47:5,23 50:23 51:1 52:2 55:2 58:4 58:8 67:1 68:14,16</p>
---	---	---	--

<p>69:4 71:6 web 12:21,25 13:1 20:23 25:3 week 14:22 53:2,9 71:2 weeks 70:21 weigh 69:10 welcome 4:22 6:19 6:23 27:25 37:18 went 8:11 11:2,11 24:23 willful 26:13 winslow 4:11 winter 33:7,8 wisconsin 10:17 wish 45:17 witness 72:18 wondering 22:23 23:9 word 59:10 work 4:10 39:5 45:10 67:25 worked 32:20 working 24:16 26:19 33:22 36:12 40:3 51:19 68:25 workings 68:22 works 33:20 45:10 45:12 66:15 worksheet 26:21 worksheets 24:7,18 26:17 world 40:6 45:18,18 writing 20:22 written 12:25 16:9 17:19 41:8 43:2 44:13,14,18 60:17</p>	<p>years 4:5 30:6,13 31:21 49:4 52:4,18 53:14,15 yomreporting.com 72:23</p>
y	
<p>yeah 21:12 year 15:14,14,17,17 15:20 16:13 30:5 35:24 53:5 69:7,7 69:13</p>	