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**CHEROKEE NATION GAMING COMMISSION
23 JULY 2021**

MEETING DATE/ LOCATION: 23 July 2021
WebEx/Live Conference Hosted:
Chota Center, Cherokee Casino
Tahlequah, OK

COMMISSIONERS PRESENT: John Sparks, Chairman
Steven Barrick, Vice Chairman
Richard Hull, Commissioner
Kendra McGeady, Commissioner (Via WebEx)

COMMISSIONERS NOT PRESENT: Linda O'Leary, Commissioner

COMMISSION STAFF: Janice Walters Purcell, Executive Director
Tiffany Cochran, Compliance Manager
Kelsey Coachman, Clerk I
Audra Imhoff, Audit Manager
Mike Moore, Budget Analyst
Alexandria Hefner, IT
Madison Hayes, IT
Meagan Thompson, Licensing Agent III

CHEROKEE NATION ENTERTAINMENT: Tim Mannon, CNE Corporate Gaming
Martin Madewell, General Manager Hard Rock Hotel & Casino
Bear Christensen, Senior Director of Compliance (Via Webex)
Donald Childers, Surveillance and Loss Prevention
Reba Chambers, Compliance Manager (Via WebEx)
Kyle Culver, Marketing (Via WebEx)
Jennifer Provence, Marketing (Via WebEx)
Monica Richards, Accounting (Via WebEx)

VISITORS:

John Young, Office of the Attorney General (Via WebEx)

Josh Anderson, Director of Surveillance (Via WebEx)

Angelia Jobe, Sr. Manager of IT Governance and Compliance

Mitch Moren, CNB Audit (Via WebEx)

John Underwood, Surveillance (Via WebEx)

CORRECTED CHEROKEE NATION GAMING COMMISSION MEETING MINUTES

23 July 2021

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I. CALL TO ORDER

Chairman Sparks called the meeting to order at approximately 9:47 a.m.

II. ROLL CALL

Chairman Sparks asked, "Counsel Young, are you with us?"

Counsel John Young responded, "I'm here, can you hear me ok?"

Chairman Sparks and Executive Director Janice Walters Purcell replied, "Yes."

Chairman Sparks asked, "Anyone else, I guess while we're on Roll. Is there anyone else with us online? I see things on the top of those screens but I can read them. Executive Director do you know of anyone else we need to wait for? Are we ready as far as you know?"

Executive Director Janice Walters Purcell responded, "No Chairman, I think everyone's here."

Chairman Sparks stated, "Ok, then let's kick this thing off."

Executive Director Janice Walters Purcell stated, "Monica Richards, are you there?"

Monica Richards replied, "I'm here, can you hear me?"

Executive Director Janice Walters Purcell responded, "Yes."

Chairman Sparks stated, "So, if the Clerk will call the Roll."

Kelsey Coachman called Roll.

Present: Chairman Sparks

Vice-Chairman Barrick

Commissioner McGeady

Commissioner Hull

Not Present: Commissioner O'Leary

A quorum was established.

Chairman Sparks stated, "Alright, we have a quorum."

III. APPROVAL OF THE AGENDA

Chairman Sparks stated, "The next Item on the Agenda is the Approval of the Agenda. Everybody take a second to look at that again. And I'll entertain a Motion to Approve the Agenda."

Commissioner Barrick stated, "I'll make that Motion."

Chairman Sparks stated, "We have a Motion by Commissioner Barrick."

Commissioner McGeady stated, "I'll second."

Chairman Sparks stated, "And a second by Commissioner McGeady, thank you. We have a Motion and a second, do we have any questions on the Motion?"

Executive Director Janice Walters Purcell stated, "I would like to point something out."

Chairman Sparks stated, "Oh, we have a question by Executive Director, yes?"

Executive Director Janice Walters Purcell stated, "On the second page, on IX. Executive Director's Report."

Chairman Sparks asked, "Could you bring your microphone a little closer to you? There you go."

Executive Director Janice Walters Purcell stated, "On the Agenda, section IX. Executive Director's Report, some of that information will be set forth under E., VI.E. (CNE Reports, Regulatory II)"

Chairman Sparks stated, "Ok, I think that's, I think that's appropriately organized."

Executive Director Janice Walters Purcell responded, "Thank you."

Chairman Sparks stated, "But thank you for that. Is there any other questions? Seeing none, any debate? Hearing none, all in favor say, aye."

Chairman Sparks asked, "Any opposed. Hearing none, the Motion passes. Commissioner McGeady I'll try to pause a little bit as our voices bounce off satellites."

Commissioner Barrick made a Motion to Approve the Agenda; Commissioner McGeady seconded the Motion.

Motion Passed.

IV. APPROVAL OF MINUTES

Chairman Sparks stated, "The next Item is the Approval of the Minutes. And this is from the June 25th Meeting. The Chair will entertain a Motion to Approve."

Commissioner Hull stated "I make a Motion that we Approve the Minutes."

Chairman Sparks stated, "Alright, we have a Motion to Approve by Commissioner Hull. Do we have a second?"

Commissioner Barrick stated, "I'll second that."

Chairman Sparks stated, "And a second by Commissioner Barrick. Do we have any questions on the Minutes? To say it's really sobering to know that the Minutes are now effectively a transcript, some of my humor I may need to reign in. Any questions on the Minutes? If not, is there any debate? Seeing none, all in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes. Minutes are Approved."

V. INTRODUCTION OF GUESTS

Chairman Sparks stated, "Next we have our Introduction of Guests. Since everyone is being concealed, Introductions of Guests is now more important than ever. Let's start over here, let me pick on you. Oh, you're so...man no good deed goes unpunished, thank you for that."

Angelia Jobe stated, "Angelia Jobe, CNE IT"

Meagan Thompson stated, "I'm Meagan Thompson, CNGC Licensing Agent."

Tiffany Cochran stated, "Tiffany Cochran CNGC Compliance Manager."

Donald Childers stated, "Donald Childers, CNE Surveillance and Loss Prevention"

Audra Imhoff stated, "Audra Imhoff, CNGC Audit Manager."

Tim Mannon stated, "Tim Mannon, CNE Corporate Gaming."

Martin Madewell stated, "I'm Martin Madewell, General Manager of Hard Rock Hotel and Casino Tulsa."

Mike Moore stated, "Michael Moore, CNGC Budget Analyst."

Alexandria Hefner stated, "Alexandria Hefner Cherokee Nation IT."

Madison Hayes stated, "Madison Hayes, Cherokee Nation IT."

Kelsey Coachman stated, "Kelsey Coachman CNGC Clerk."

Chairman Sparks stated, "And we have our Executive Director."

Executive Director Janice Walters Purcell responded, "Yes."

Chairman Sparks stated, "Thank you all. Thank you all for being here. I understand there's been a request to step up our awareness and practices, so we've spread out up here. So we're going to stay unmasked for now. Only for the sake of clarity in our exchanges, as you can see we've tried to distance well beyond the CDC guidelines. We appreciate everybody's cooperation and accommodation in this. If in the process, speaking folks, if for any reason

we can't hear you, because we are spread out here in a pretty good size room, I'm not picking on you, just be patient with us as we move forward. Thank you again."

VI. CNE REPORTS

Chairman Sparks stated, "With that, the next Item on the Agenda is the CNE Reports. This will be taken under Executive Session, so if we could have a Motion to enter into Executive Session, for the purposes of receiving Reports A. B. C. D. and E. under Roman Numeral VI. Do we have a Motion to move into Executive Session?"

Commissioner Barrick stated, "I'll make that Motion."

Chairman Sparks stated, "We have a Motion."

Commissioner Hull stated, "I'll second."

Chairman Sparks stated, "And a second. Do we have any questions on the Motion? Seeing none, in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes. We are now in Executive Session."

Commissioner Barrick made a Motion to enter into Executive Session; Commissioner Hull seconded the Motion.

Motion passed.

Entered into Executive Session at approximately 9:55 a.m.

- A. Financial (Executive Session Requested – 67 CNCA § 105A5c.)**
- B. Facilities (Executive Session Requested – 67 CNCA § 105A5c.)**
- C. Litigation (Executive Session Requested – 67 CNCA § 105A5c.)**
- D. Regulatory I (Executive Session Requested – 67 CNCA § 105A5c.)**
- E. Regulatory II (Executive Session Requested – 67 CNCA § 105A5c.)**

Returned to Regular Session as approximately 11:35 a.m.

VII. OLD BUSINESS

Chairman Sparks made a Point of Order that a quorum was still held after the loss of communication with Commissioner McGeady during Executive Session.

- A. Barred Patron Regulation – Republication**

Chairman Sparks stated, "Alright, unless there are any objections, next Item is under Old Business. It is the Barred Patron Regulation – Republication, Executive Director you are identified in the Agenda. You are recognized."

Executive Director Janice Walters Purcell stated, "I wanted to defer to John Young on that."

Chairman Sparks stated, "Counsel Young, would you like to be recognized."

Counsel John Young stated, "Hi, Chairman. Thank you Chairman. It's my understanding we have received no public comments, with respect to the republication of this. The Reg now remains in effect from the original posting. So at this point I don't recommend any changes. If there are any comments, I will bring them to the Commission, but to my understanding there's not."

Chairman Sparks asked, "Ok, so no additional action requested at this time by staff?"

Counsel John Young responded, "Yes sir, correct."

Executive Director Janice Walters Purcell stated, "I do want to point out that it's a compact requirement. Which means CNGC has met that threshold."

Counsel John Young stated, "Correct."

Chairman Sparks asked, "I'm sorry, can you explain, say that again please."

Executive Director Janice Walters Purcell stated, "In the State Tribal Gaming Compact it's required there be a Barred Patron Regulation. CNGC now has a Barred Patron Regulation."

Chairman Sparks asked, "Ok, thank you, and you said 'Compact Requirement', I didn't understand what you'd said. So thank you for that explanation. Anything else under VII.A. (Barred Patron Regulation)?"

B. 2021 Revised TICS – Republication

Chairman Sparks stated, "Moving on to VII.B. The Revised TICS, and Executive Director you are recognized."

Executive Director Janice Walters Purcell stated, "And I would like to defer to John Young on that."

Chairman Sparks stated, "Counsel Young you are recognized on VII.B. The Revised TICS."

Counsel John Young responded, "Thank you, Chairman. We republished these in accordance with the APA again pursuing any cleanup of additional public comment. It's my understanding none have been submitted to the Gaming Commission. If any is, like we stumble across any later, we'll be sure to publish accordingly and I will make a recommendation to the Commission at that time. But otherwise I'm not recommending any action and the TICS remain the effective regulation."

Executive Director Janice Walters Purcell stated, "So these are the effective regulation that Audit needs to complete their audits with, are these specific TICS. Correct John?"

Counsel John Young replied, "Yes, ma'am."

Chairman Sparks asked, "Counsel if you'll take a question from the Chair? What, so in this republication process, when will the publication period end? Or has it already ended?"

Counsel John Young responded, "It ended some time ago, there was kind of a gap in when we published it and the comment period ended. To allow us to collect comments and bring them to the Commission today."

Chairman Sparks stated, "My point, I guess on A. (Barred Patron Regulation – Republication) and B. (2021 Revised TICS – Republication), my question will be: do we need to follow these on Old Business? Or after today, can we let these fall off the Agenda?"

Counsel John Young replied, "It's my recommendation, after today, they fall off the Agenda. If something comes up, I'll then bring it to the Commission's attention."

Chairman Sparks replied, "Ok, alright. Executive Director is that..."

Executive Director Janice Walters Purcell stated, "So we're going to delete those from future Agendas unless something specific comes up."

Chairman Sparks stated, "Yeah, there's no continued business on those, in so far as the republication so if anything else comes up through our invalidity of the regulations, of course depending on what that issue might be, I suspect that would be a New Business Item. But the only reason I'm discussing this is, we've held these on the Agenda for a few meetings, if they don't appear on the Agenda next meeting, I just don't want anybody to be surprised. Particularly if they know a reason they should be, I would like to hear it now. Seeing none, ok thank you all for that indulgence on the explanation."

VIII. NEW BUSINESS

A. Permits & Licenses

1. Employees

Chairman Sparks stated, "Speaking of New Business VIII. Next Item VII.A. Permits and License."

Executive Director Janice Walters Purcell stated, "I'm going to ask her a quick question."

Meagan Thompson stated, "Hello, the CNGC Licensing Department..."

Chairman Sparks stated, "I'll tell you what, since you're out about thirty (30) feet from everybody out there in the middle of the room. Would you mind taking your mask off just for the purposes of this. Thank you again for your efforts to keep us all safe. I don't want

you to think I'm being critical. Thank you. If you would introduce yourself and for those people who are only listening, and you may proceed."

Meagan Thompson replied, "OK, my name is Meagan Thompson, and I am a Licensing Agent for CNGC, and we are just requesting license Approval on employee licenses on issuing those out."

Chairman Sparks stated, "Zoom that into the left hand side on the screen. We've got a lot of blue bar on the right. Great. So, is it your official request for a Motion to Approve the staff recommendations on the twenty-nine (29) temporary permits, the thirteen (13) suitability determinations, and the twenty-four (24) orders?"

Meagan Thompson affirmed, "Yes."

Chairman Sparks stated, "I also see the ninety-eight (98) renewals. Is there any reason we can't take these all at once? And with that Commissioners, do we have a Motion to Adopt the Staff recommendation of the twenty-nine (29) temporary permits, thirteen (13) suitability determinations, twenty-four (24) orders, and ninety-eight (98) renewals?"

Commissioner Barrick stated, "I make a Motion to Adopt the recommendation."

Commissioner Hull stated, "I'll second that Motion"

Chairman Sparks stated, "We have a Motion by Commissioner Barrick and a second by Commissioner Hull. Thank you, we're now on the Motion. If you would take a question from the Chair? Just explain the staff's request, if you have anything else to add?"

Meagan Thompson replied, "No, if you want me to read off. We do have seven (7) CNGC staff members that are going up for renewals. If you would like me to read the names, I would be more than happy to do that."

Chairman Sparks stated, "That all looks fine to me. Commissioners do you have any questions? OK, any debate. Executive Director?"

Executive Director Janice Walters Purcell stated, "I do want to point out that we have presented the orders for your signature. The orders for your signature are in the little... yes."

Chairman Sparks stated, "Thank you, any other debate on the Motion? Seeing none, all in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes. Anything else under VIII.A.1. (New Business, Permits and Licenses, Employees)? No, Ok."

Commissioner Barrick made a Motion to Adopt the recommendation made by staff; Commissioner Hull seconded the Motion.

Motion passed.

2. Vendor and Vendor Representatives

Chairman Sparks stated, "VIII.A.2. (New Business, Permits and Licenses, Vendor and Vendor Representatives). So it's my understanding, the Commission Approval of staff recommendation to Authorize, or Commission Authorization for staff's request to Approve the six (6) individual orders, the ten (10) company renewals, and the forty-five (45) individual renewals as listed, is that correct?"

Meagan Thompson replied, "Yes."

Chairman Sparks asked, "Do we have a Motion?"

Commissioner Hull stated, "I'll make a Motion"

Commissioner Barrick stated, "I'll second."

Chairman Sparks stated, "We have a Motion by Commissioner Hull and a second by Commissioner Barrick. Now questions. Question for staff, do you have anything of interest or in addition to material provided?"

Meagan Thompson replied, "No, everything is fine."

Chairman Sparks asked, "Ok, Commissioners do you have any questions? Any debate? Executive Director do you have anything to add?"

Executive Director stated, "No Chairman, thank you."

Chairman Sparks stated, "Alright, seeing none. All in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes. Thank you so much."

Meagan Thompson stated, "Thank you."

Chairman Sparks asked, "Anything else under VIII.A.2. (New Business, Permits and Licenses, Vendor and Vendor Representatives)? No?"

Commissioner Hull made a Motion to Authorize staff's request; Commissioner Barrick seconded the Motion.

Motion passed.

B. Game & System Approvals

1. EGM Approval Memo

Chairman Sparks stated, "Now we're on to VIII.B. Game and System Approvals, in particular the Electronic Gaming Machine Memo. These products were Approved by staff and you're requesting, is it your request the Commission Authorize the Approve the Electronic Gaming Machine products as listed?"

Tiffany Cochran replied, "Yes, sir."

Chairman Sparks asked, "Alright, do we have such a Motion?"

Commissioner Barrick stated, "I'll make a Motion."

Chairman Sparks asked, "We have a Motion, do we have a second?"

Commissioner Hull stated, "I'll second."

Chairman Sparks stated, "Alright, we have a Motion and a second. So, first question from the Chair, is there anything in particular to add to that request for Motion?"

Tiffany Cochran stated, "No, sir. We are just recommending Approval for the items that are listed and previously distributed."

Chairman Sparks stated, "Ok. Any debate? Executive Director, all good?"

Executive Director Janice Walters Purcell stated, "All good, thank you."

Chairman Sparks stated, "All in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes. Thank you very much Ms. Cochran."

Commissioner Barrick made a Motion to Authorize the Approve the Electronic Gaming Machine products as listed; Commissioner Hull seconded the Motion.

Motion passed.

2. Dice Order Request Memo

Chairman Sparks stated, "Next Item is the Dice Order Request, I know we've brought this up before, but what is the particular action you're requesting on behalf of the Commission?"

Tiffany Cochran replied, "We're requesting Approval for the Hard Rock Dice Order."

Chairman Sparks stated, "Ok, we have a request for a Motion to Approve the Dice Order for the Hard Rock, as more fully explained in the July 23rd Memo, included in your packet, is that correct?"

Tiffany Cochran affirmed, "Yes, sir."

Chairman Sparks asked, "Do we have such a Motion?"

Commissioner Barrick stated, "I'll make a Motion."

Chairman Sparks stated, "We have a Motion."

Commissioner Hull stated, "I'll second the Motion."

Chairman Sparks stated, "We have a Motion by Commissioner Barrick and a second by Commissioner Hull. Thank you, we're back on the Motion. Please explain the relevant details."

Tiffany Cochran responded, "So previously GPI (Gaming Partner's International), which is the manufacturer of the dice, made CNE aware of some foil issues that they have been experiencing with the foil peeling off of the dice. So at that time CNE wanted to go ahead and update their dice for all three (3) properties. We've already done the Approval for West Siloam and for Roland, and as mentioned at the last meeting, the Hard Rock has continued to have issues during the CNGC review. We had noted on the first and second sample that the dice has varied from different sizes. And then the imprint for the name and the logo in 'Hotel' the 'T' wasn't clearly imprinted, and in the word 'Casino' the 'a' wasn't clearly imprinted. I have worked with Elizabeth Rosebrough in Corporate Gaming. She worked with manufacturers and they sent a third sample over to CNGC on July 7th. And we reviewed those. We did the physical verification, the imprint on the Hard Rock logo has all been resolved, and so at this point we're requesting Approval to move forward with the order for the dice for the Hard Rock. And did bring you two (2) samples. I brought you one (1) from the previous order so you could see what we saw, the 'a' and the 'T' not being imprinted. And then I also brought the new version, the updated version that is now clearly imprinted correctly. And those have been measured. The physical characteristics have been measured, and so they are ready to request Approval."

Chairman Sparks asked, "A question, is there a, it surprises me that there's a variance in the size of dice. Is there an accepted variance? Or is there a standard size?"

Tiffany Cochran replied, "We allow the dice size to be as small as .75 and go to .775. And on the ... notification on the proofs were submitted, it was stated that all dice size will be .775. When we went to measure them, we measured them both with the ruler and the caliper and whenever we measured them, the dice size was smaller than what they had said, 'this is the size it will be'. So because of that again we contacted corporate gaming and let them know our concerns. And then they were able to ... our third set of samples that have measured correctly and the logo and the name have been imprinted correctly as well."

Chairman Sparks asked, "So is there ever a chance that you have two (2) die in use that are separate sizes? Or are the dice refreshed so they'll always a uniform size."

Tiffany Cochran replied, "The casinos keep an inventory and they are changed out frequently. As dice are pulled off, those are pulled and then destroyed. So they are staying up to..."

Chairman Sparks asked, "So they'll be consistent?"

Tiffany Cochran affirmed, "Yes."

Chairman Sparks asked, "Alright, any questions? It's fascinating, isn't it?"

Commissioner Hull replied, "It is."

Chairman Sparks stated, "So if you could go back, one of the things we were talking about is, could you zoom in on the top die? See where it says 'Hotel & Casino', on one (1) set

where it says 'Hotel & Casino' the background is dark that's the foil, and letters are the absence of foil. Now on the other set, it's switched the background is how no foil but the lettering is in the foil. Any other question? Any debate? Seeing none, all in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes. The Dice Order Request. Now I believe, anyone else under VIII.B.2. (New Business, Game and System Approvals, Dice Order Request Memo)? Seeing none."

Commissioner Barrick made a Motion to Approve the Dice Order for the Hard Rock; Commissioner Hull seconded the Motion.

Motion passed.

3. Milestone XProtect 2020 R3 Upgrade Memo

Chairman Sparks stated, "Now moving on to VIII.B.3. (Milestone XProtect 2020 R3 Upgrade Memo), and before I get bogged down, just ask you, what's the requested action?"

Tiffany Cochran replied, "We are seeking Approval for Milestone Upgrade as listed and previously distributed."

Chairman Sparks stated, "Ok, the Chairman will entertain a Motion to Approve the Milestone XProtect as recommended by staff. Alright we have a Motion to Approve the recommendation and the second. Ms. Cochran please proceed, if you have anything else we need to know."

Tiffany Cochran replied, "I'm not really sure, but as listed CNGC Compliance has completed a review of the Milestone XProtect 2020 R3 Upgrade. CNE has submitted everything that we asked for. We reviewed that and any questions have been asked and answered, so we are ready to request Approval from the Commission."

Chairman Sparks stated, "Ok, alright. Anything else in addition to the information that has been provided?"

Tiffany Cochran asked, "May I ask a question?"

Chairman Sparks responded, "Sure, sure."

Tiffany Cochran asked, "I don't know how I missed it, but who made the Motion and the second, for my own notes?"

Executive Director Janice Walters Purcell asked, "Could you repeat that for our notes?"

Chairman Sparks stated, "So we had a Motion by Commissioner Hull, we have a second by Commissioner Barrick. Any questions?"

Executive Director Janice Walters Purcell asked, "And this is on?"

Chairman Sparks stated, "This is on VIII.B.3. The Milestone XProtect."

Executive Director Janice Walters Purcell responded, "Thank you."

Chairman Sparks asked, "Any debate? Alright, seeing none, all in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes."

Commissioner Hull made a Motion to Approve the Milestone XProtect as recommended by staff; Commissioner Barrick seconded the Motion.

Motion passed.

4. Patron Management Change Request – Affirmation of Approval

Chairman Sparks stated, "Next Item VIII.B.4. The Patron Management Change Request. Again Ms. Cochran, I'm going to ask you to annunciate the request you're seeking, the action you are seeking."

Tiffany Cochran responded, "We are seeking Affirmation of Approval for the Patron Management Change Request as listed and previously distributed."

Chairman Sparks sated, "Ok, so the Chair will entertain a Motion to Affirm the Approval of the Executive Director previously granted regarding the Patron Management, changes in Patron Management for the Cage Lead Supervisor and Cage manager user groups as explained in more detail in the Memo. Do we have such a Motion?"

Commissioner Hull stated, "I'll make that Motion."

Commissioner Barrick stated, "Second."

Chairman Sparks stated, "We have a Motion to Affirm the Executive Director's Approval by Commissioner Hull, and a second by Commissioner Barrick. Anything else you'd like to provide?"

Tiffany Cochran stated, "No, sir. At the June Meeting we brought forth a Patron Management Change request, and it was very similar to this one. It was for Comps Permissions for the Cage user groups as well. But in that one it did not have access to the Comps, to be able to issue, reprint or anything. So this time they went back and submitted a request for Executive Director Approval to give the Cage personnel that permission within that IGT permission change. And so Executive Director Purcell made the Approval so they could move forward and we are now asking for Affirmation of Approval."

Chairman Sparks stated, "Alright, thank you. Any other questions? Debate? Seeing none, all in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes. The previously provided Approval is Affirmed."

Executive Director Janice Walters Purcell asked, "May I add something on this?"

Chairman Sparks responded, "Oh, yes please."

Executive Director Janice Walters Purcell stated, "Ms. Cochran and her group thoroughly reviewed this and prior to Executive Director Approval sometimes, actually a lot of times, they ask for additional information from CNE, because they are very thorough. So I just want to point that out."

Chairman Sparks asked, "You're talking about VIII.B.4. (New Business, Game and System Approvals, Patron Management Change Request – Affirmation of Approval)?"

Executive Director Janice Walters Purcell replied, "Actually I'm talking about all the Affirmation of Approvals."

Chairman Sparks stated, "Alright, thank you for that."

Bear Christensen asked, "Chairman Sparks?"

Chairman Sparks responded, "Yes. Who's speaking?"

Bear Christensen replied, "This is Bear Christensen. I just wanted to give the Commissioners a little background on that, the likes of Affirmation. Those changes in the permissions are the combining of the Player's Club and the Cage. Departments will be new, Casinos Services entity that we are creating and will allow the Cage to be able to perform some functions that Player's Club had been making. So that's the reason for a request. But just to give you guys a little background on that."

Chairman Sparks stated, "Alright, thank you. Anything else under VIII.B.4. (New Business, Game and System Approvals, Patron Management Change Request – Affirmation of Approval)?"

Commissioner Hull made a Motion to Affirm the Approval of the Executive Director previously granted regarding the Patron Management; Commissioner Barrick seconded the Motion.

Motion passed.

C. SICS

Chairman Sparks stated, "Ok, if not, moving along to VIII.C. The SICS Memo. VIII.C. SICS of course the System of Internal Controls. And Ms. Cochran you are recognized again."

Tiffany Cochran stated, "We are requesting Approval for the three (3) revisions that are listed in addition to Affirmation of Approval to two (2) Executive Director Approval's as previously listed and distributed."

Chairman Sparks stated, "Ok, so there's a request for Approval of the three (3) changes and also Affirm the two (2) Executive Director Approvals."

Tiffany Cochran replied, "Yes, sir."

Chairman Sparks stated, "Ok, just to say again, the Chair will entertain a Motion to Approve the three (3) changes listed and requested by staff as well as an Affirmation of the two (2) Approvals previously provided by the Executive Director. All that's in the Memo. Do we have such a Motion?"

Commissioner Barrick stated, "I'll make that Motion."

Chairman Sparks stated, "We have a Motion by Commissioner Barrick and a..."

Commissioner Hull stated, "I'll second."

Chairman Sparks stated, "Second by Commissioner Hull. Thank you. Do we have any additional questions? Or any questions? Any questions from staff? Any debate? Seeing none, all in favor please say, aye."

Chairman Sparks asked, "Any opposed?" Hearing none, the Motion passes. Thank for recommendations. The changes are Affirmed and Approved. Thank you very much.

Commissioner Barrick made a Motion for Approval of the three (3) changes and also Affirm the two (2) Executive Director Approvals; Commissioner Hull seconded the Motion.

Motion passed.

D. Promotions Memo

Chairman Sparks stated, "It looks like that may be it. Oh, no we have a Promotions Memo. Kind of important. What's the request this time?"

Tiffany Cochran stated, "We are requesting Affirmation of Approval for the nine (9) Executive Director Approvals for the Promotions as previously listed and distributed."

Chairman Sparks stated, "Alright, the Chair will entertain a Motion to Affirm the Executive Director's previously issued Approval of the nine (9) items listed in the Memo."

Commissioner Hull stated, "I'll make that Motion."

Chairman Sparks stated, "We have a Motion by Commissioner Hull."

Commissioner Barrick stated, "Second."

Chairman Sparks stated, "And a second by Commissioner Barrick. Do we have any questions? Questions for staff, Executive Director? Seeing none any debate? Seeing none, all in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes."

Commissioner Hull made a Motion to Affirm the Executive Director's previously issued Approval of the nine (9) items listed in the Memo; Commissioner Barrick seconded the Motion.

Motion passed.

E. 21.02AP Pari-Mutuel Wagering, Final Audit Report

Chairman Sparks stated, "We are now moving on to Item E. the Pari-Mutuel Wagering, Audit. Good afternoon."

Audra Imhoff responded, "Good afternoon."

Chairman Sparks asked, "Ms. Imhoff, what are you requesting particular action on behalf of the Commission?"

Audra Imhoff stated, "We are requesting Affirmation of Approval to release the 21-02 Pari-Mutuel Wagering Audit."

Chairman Sparks stated, "Ok, so there is a... The Chair will entertain the Motion to Approve the release of the Pari-Mutuel Wagering Final Audit Report as provided."

Commissioner Hull stated, "I'll make that Motion."

Chairman Sparks stated, "Alright, we have a Motion by Commissioner Hull. And a second by Commissioner Barrick. Do we have any questions for Ms. Imhoff on the Audit? Or is there anything else you'd like to add?"

Audra Imhoff stated, "The findings on this audit are issued by Siloam Springs and Sallisaw Properties. These findings were mostly due to the requirements not being adequately addressed in CNE's SICS. Management's response for CNE is on page five (5) of the Final Audit Report. And they will be updating the relevant SICS to meet the standards for those findings. And we will follow up with CNE during the implementation process, to make sure those get addressed."

Chairman Sparks stated, "Ok, I see a target implementation of August 1st. Is there a mechanism to verify that?"

Audra Imhoff replied, "Yes, we will follow up now it will be moved to implementation, and we will follow up for that."

Chairman Sparks asked, "Will that be reported back to Commission? Or will that just, if it was not needed, would that then appear in our next audit?"

Audra Imhoff replied, "Yes, we will check in the next audit cycle, to make sure that has been closed out. And then during the implementation process, we will continue to follow up and I will update during our meetings where we're at on those implementation findings."

Chairman Sparks asked, "So if we don't see any, then that means it's done?"

Audra Imhoff replied, "Right."

Chairman Sparks asked, "So there's nothing to report, so it just won't be listed. Is that correct?"

Audra Imhoff replied, "Yes, correct."

Chairman Sparks stated, "Sorry I was just trying to distinguish between when it's completed if will there be a confirm report to that or if it's not completed there'll be a flag as just the distinguishing the procedure on that. Any other questions?"

Executive Director Janice Walters Purcell asked, "Ms. Imhoff, is there a requirement that those are reviewed periodically?"

Audra Imhoff responded, "Yes, it is required that we review our implementation every six (6) months from the date of the audit finding. And whenever that Final Audit Report is distributed. But we are going to start following up ninety (90) days prior to that six (6) months."

Executive Director Janice Walters Purcell asked, "Where is that six (6) month requirement?"

Audra Imhoff responded, "It is in NIGC's requirements."

Executive Director Janice Walters Purcell stated, "Thank you."

Chairman Sparks asked, "And if you'll take another question from the Chair? You indicated you're going to in lieu of every six (6) months, just do it every ninety (90) days?"

Audra Imhoff responded, "Yes, we're going to follow up every ninety (90) days to try to keep on track to make sure that they do meet the six (6) month time frame. As opposed to waiting until six (6) months to follow up."

Chairman Sparks stated, "Ok, thank you. Anything else under VIII.E. (New Business, 21-02AP Pari-Mutuel Wagering, FAR)? Any other questions? Or debate? Seeing none, all in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes."

Commissioner Hull made a Motion to Approve the release of the Pari-Mutuel Wagering Final Audit Report; Commissioner Barrick seconded the Motion.

Motion passed.

F. SICS Regulation Solicitation for Comments

Chairman Sparks stated, "Next Item is the SICS Regulation Solicitation for Comments. Executive Director you're identified here."

Executive Director Janice Walters Purcell stated, "Yes, and I would like to defer to Mr. Young on this."

Chairman Sparks asked, "Counsel Young are you still with us?"

Counsel John Young responded, "I am. Very briefly, Mr. Chairman. One of the things we monitored the last audit we went through, that there's been a historical back log of the SICS Approval process. There's some kinks in the hoses, we'd like to work out so, we're requesting the Commission Authorize us to publish the SICS Approval process through the APA and silicate comments and then once we receive those, we'll bring those back to the Commission and recommend further action."

Chairman Sparks asked, "So at this time you're requesting a notice of proposed rulemaking? The notice being published, is that correct?"

Counsel John Young stated, "We're requesting Authorization to publish it, and I could actually add requesting a date to publishing it out from today. Giving us time to get it online. And then it'll be online for thirty (30) days and we'll silicate comments during those thirty (30) days."

Executive Director Janice Walters Purcell stated, "So we're not asking for a specific date, but a date within the next two (2) weeks. And keeping in mind IT's schedule and also CNGC's schedule. Correct?"

Counsel John Young replied, "Correct, I would think it would say the permission we'd be seeking is on or by August 6th to publish."

Executive Director Janice Walters Purcell stated, "Ok."

Chairman Sparks asked, "Is there any reason we shouldn't make the date August 13th?"

Counsel John Young replied, "That might be a better idea actually. I looked at my calendar. I think the 13th might be better."

Chairman Sparks stated, "So we have a Motion, as I understand, there's a Motion to Approve notice of those rule makings in regard to the SICS and that notice be published no later than August 13, 2021?"

Counsel John Young responded, "Correct, for thirty (30) days."

Chairman Sparks asked, "Do we have such a Motion?"

Commissioner Hull stated, "I'll make that Motion."

Chairman Sparks stated, "Thank you. We have a Motion by Commissioner Hull. And a second by Commissioner Barrick. We're back on questions. Counsel Young, you were talking about the thirty (30) days, the thirty (30) day publication period, that's in the Administrator Procedures Act, is that correct?"

Counsel John Young responded, "Yes, sir."

Chairman Sparks stated, "Ok, so we, it's published for thirty (30) days and remind us how that corresponds to the comment period. When will comments cease?"

Counsel John Young replied, "The two (2) dates are coextensive. We'll publish it on the 13th and I guess it remains online until it comes down, but we accept comments for a thirty (30) day window. End of that we will receive them and publish them and bring them to the attention of the Commission."

Chairman Sparks stated, "Ok, so it's published for thirty (30) days, during that thirty (30) days, that's the appropriate window to receive comments. Conclusion of the thirty (30) days is also the conclusion of the window for comments. Is that correct?"

Counsel John Young affirmed, "Yes, sir."

Chairman Sparks asked, "Ok, any other questions on the Motion? Posture for questions. Executive Director?"

Executive Director Janice Walters Purcell responded, "No, thank you sir."

Chairman Sparks asked, "Any debate? Seeing none, all in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion passes. Thank you Counsel Young as always."

Commissioner Hull made a Motion to Approve notice of those rule makings in regard to the SICS and that notice be published no later than August 13, 2021; Commissioner Barrick seconded the Motion.

Motion passed.

G. Repeal of Audit Charter

Chairman Sparks stated, "Next Item. Executive Director Purcell it appears you're to be recognized regarding Item VIII.G. The Repeal of the Audit Charter."

Executive Director Janice Walters Purcell stated, "And I'm going to defer to Mr. Young on this Item as well."

Chairman Sparks asked, "Counsel Young, what is the action you are requesting for Item VIII.G. (Repeal of Audit Charter)?"

Counsel John Young responded, "Thank you, Mr. Chairman. The current Internal Audit Charter exceeds the Minimum Internal Center Federal Regs. And by Cherokee Law none of our Minimum or Internal Regs or Procedures can exceed the Federal Regs, therefore they're void as a matter of law. So they're going to publish them in order to Appeal them. And I would be requesting again, to run parallel with the previous date that we put them online for publication August 13th, accept comments for thirty (30) days. Then at the end of that period, if there are any comments, then bring those for the Commission with a recommendation."

Chairman Sparks stated, "Ok, we have a request for a Motion to Authorize notice of proposed rulemaking, specifically, the Repeal of the Internal Audit Charter as cited in the Memo. Do we have such a Motion?"

Commissioner Hull stated, "I'll make that Motion."

Chairman Sparks asked, "We have a Motion, do we have a second?"

Commissioner Barrick stated, "I'll second."

Chairman Sparks stated, "We have a Motion and a second. Just for clarification, the Authorization, I guess we should amend this. A Motion to Amend to clarify that the notice will be posted on or before August 13th."

Commissioner Hull stated, "I will make that Motion."

Chairman Sparks stated, "Alright, we have a Motion to Amend and a second. Any questions, or debate?"

Executive Director Janice Walters Purcell stated, "I have a question."

Chairman Sparks replied, "Yes?"

Executive Director Janice Walters Purcell asked, "On this, we are publish and repealing? Or are we going to publish and then later repeal?"

Chairman Sparks stated, "So it's my understanding, and Counsel correct me if I'm wrong, we publish the notice of intent to repeal, we publish the notice that there is a change in process to the regulations. That change is a repeal. At the end of the thirty (30) days there'll be comments provided by the public, then the Commission takes those comments and takes action from there. I think if there are no comments at the end of the thirty (30) days the change, whatever the change is, becomes effective. In this case the change is the repeal. Is that correct Counsel Young?"

Counsel John Young replied, "Correct with one (1) caveat, this is, the APA is our notice of intent to repeal. If there are no comments at the end of the thirty (30) days, it becomes operative as a matter of law after fifteen (15) days. So it's a slight change from what you said. Only adding the fifteen (15) day after the end of the comment period."

Chairman Sparks asked, "forty-five (45) days total?"

Counsel John Young stated, "Yes, sir, correct."

Executive Director Janice Walters Purcell asked, "And Counsel Young, isn't the reason we're repealing this is because it exceeds the Minimum Internal Controls and in violation of the Tribal Ordinance and additionally there was an issue with it ever being properly being published in the first place?"

Counsel John Young replied, "That's correct, Executive Director, for both of those reasons we're recommending it the repeal. We keep coming across these and so I suspect the more we go, this is one (1) instance of that. Where and old Reg was either erroneously published or exceeds the Amended Cherokee Gaming Ordinance, and we're repealing that correct."

Executive Director Janice Walters Purcell asked, "And that would be the Cherokee Ordinance of 2017, correct?"

Counsel John Young replied, "The Amended 2017."

Executive Director Janice Walters Purcell responded, "Yes."

Chairman Sparks stated, "So we're on the Motion to Amend, by just clarifying the notice will occur no later than August 13th. Any other questions on that Motion to Amend? Seeing none, any debate? Seeing none, all in favor say, aye."

Chairman Sparks asked, "Ok, the Motion to Amend passes. We're now on the Motion as Amended. So questions? Any clarifying issues here as well? Ok, seeing no other questions on the Motion as Amended. Is there any debate? No debate, ok then we are on the question. All in favor of the Motion as Amended, say, aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Motion as Amended passes. Thank you, anything else under VIII.G. (Repeal of Audit Charter)? Seeing none."

Commissioner Hull made a Motion to Amend, clarifying the notice will occur no later than August 13th; Commissioner Barrick seconded the Motion.

Motion to Amend passed.

Commissioner Hull made a Motion to Authorize notice of proposed rulemaking, specifically, the Repeal of the Internal Audit Charter; Commissioner Barrick seconded the Motion.

Motion passed, as Amended.

IX. EXECUTIVE DIRECTOR'S REPORT

Chairman Sparks stated, "We're now on Item IX. Executive Director's Report. Executive Director do you have anything you'd like to add to the matters previously discussed in Executive Session?"

Executive Director Janice Walters Purcell replied, "No, thank you."

Chairman Sparks stated, "Alright, no objection. So with that, are there any questions for the Executive Director?"

X. OPEN SESSION

Chairman Sparks stated, "Now moving on to Open Session. If anybody would like to be recognized for ten (10) seconds or less in Open Session. Seeing none."

Bear Christensen asked, "Chairman Sparks?"

Chairman Sparks replied, "Oh, yes? Who's there?"

Bear Christensen responded, "This is Bear Christensen."

Chairman Sparks responded, "Oh, yes?"

Bear Christensen stated, "I just wanted to, now that they are in the room, let Tiffany and Audra know that they were bragged upon earlier. And in their work with the NIGC, to get that letter of substantial compliance."

Audra Imhoff and Tiffany Cochran responded, "Thank you."

Chairman Sparks stated, "The Commission went out of its way to commend your efforts, Mr. Christensen wasn't sure if that amount of congratulations appropriate. But we assured him is was. The specific conversation, because it was in Executive Session we can't discuss here, but just know that we thought you did better than he did."

Tiffany Cochran stated, "I'll make a note."

Chairman Sparks asked, "Would you like to be recognized any more, Mr. Christensen?"

Bear Christensen responded, "No, sir, thank you."

Chairman Sparks replied, "Yes, anytime."

Executive Director Janice Walters Purcell stated, "Oh, I did have something I wanted to say, I'm sorry. Unfortunately CNGC has had a COVID-19 incident, and additionally because our county is red, and as is a lot of the counties which are in the Cherokee Nation jurisdictional boundary, there's been a limitation to in person activities. So for the Holiday's, we cannot host a meet and greet. There will not be a parade, it will be a hybrid Holiday. However, I think if you check with Kelsey, arrangements have been made so that the Commissioners can enjoy the Holiday. But unfortunately we won't be able to be having a meet and greet at CNGC on Water St. As far as meetings in the future, we are still on track to do hybrid blended, if that changes, we'll let everyone know."

Chairman Sparks stated, "Thank you for that. And just as a follow up for the last one. Thank you everybody for working on some configurations for this. This configuration is something I've had in back of my mind for a while, to help facilitate. I think once we're able to pull in the size, it'll even work better with the monitors on the side for those of us and the Commission tables. In the Audience, is this arrangement helpful, as far as being able to follow the meetings, knowing what's going on? Does that work? Ok, what about the podium where it is, as opposed to presenting from tables or otherwise? Does this work as well? I mean this has got to function for you too. People presenting are the set up facilitate your presentations? So if you have any suggestions on how to facilitate that. My only other thought, I'm kind of on a roll here, is we talked to some folks, if you have slides or other visual aids. You can see how their being presented on the screens now. If you're

providing material, if you could do it kind of a PowerPoint slide deck, when and where appropriate, I know it's not always appropriate. But when and where appropriate could you do that in a slide deck/PowerPoint format, so when it hits the screens we can see what's going on. To an extent that's helpful. Anything else from IT that we're doing that could be helpful for you? No? I know right?"

Mike Moore stated, "Spin this around, this horseshoe around, to where your back's over there and y'all can see that."

Chairman Sparks stated, "Ok, so one of the reasons for doing that also is, when we're doing licensure action, usually we're not, when we get past the COVID point we won't be in rooms this large. So those screens. The question is why don't we flipping around so the big screens in front of us like that, when we have the rooms like half of it, the screen up so here...but that doesn't mean we can't make that work in the meantime."

Executive Director Janice Walters Purcell stated, "I have a suggestion. Any materials to be submitted, if there's any way we could receive those before during the meeting, like maybe a day or two (2) ahead of time. Because we do a run through and so we would like to be able to incorporate those in our run through to make sure there's no kinks or any problems with those videos. That would be so helpful, instead of the day of."

Chairman Sparks stated, "To the extent, I don't know if anybody heard that, to the extent that you're able to provide the material earlier so we can incorporate, kind of figure all that out. I know some information is real time, we sure do appreciate up to date information, but if any of that can be provided ahead of time would be helpful as well. Ok well thank you again. As is often the case, we or I at least I, walk in here and just expect the meeting to go. So thank you for all the effort in the lead up. Is there anything else?"

Commissioner Barrick asked, "Question, did you say that the CNGC part was deleted or is the National Holiday itself being..."

Executive Director Janice Walters Purcell responded, "The CNGC part is deleted. The National Holiday is going, but I believe they are limiting like the pow wow tickets have already been disbursed. And a lot of the other is going to be hybrid instead of live. There will not be a parade. So..."

Commissioner Barrick asked, "The vendors in town?"

Executive Director Janice Walters Purcell replied, "Oh, I think they'll still be there."

Commissioner Barrick replied, "Just curious."

Chairman Sparks asked, "What about the State of the Nation Speech, do have any information on that?"

Executive Director Janice Walters Purcell replied, "I don't have any information on that yet. But as soon as I receive any information on the Holiday I will let y'all know."

Chairman Sparks asked, "What if we can to the extents permitted, Commissioners if you're going to be there I think it'd be good if we tried to sit together during that time. If we could work with the organizers to secure that. Hopefully they wouldn't put us at the very very very back around the corner. If we tell them we're coming. So, to the extent that's permitted."

Executive Director Janice Walters Purcell stated, "I know that in the future, in the past, because I was a Commissioner, they did pictures. Did they do a picture of you? And the first or second year you were on the Commission, so they can display those. I don't believe that they've done any pictures of the newer Commissioners. So we might see when we can do that, if that's ok?"

Chairman Sparks asked, "Ok, anything else in Open Session?"

XI. ADJOURNMENT

Chairman Sparks stated, "With that, is there a Motion to Adjourn?"

Commissioner Hull stated, "I'll make a Motion to Adjourn."

Chairman Sparks stated, "And a second. Any questions? Comments? Debate? All in favor say, aye."

Chairman Sparks asked, "Any opposed? Hearing none the Motion passes. Thank you all very much."

Meeting Adjourned at approximately 12:37 p.m.

Approval of Minutes:



Chairman Sparks



Dec. 16, 2021

Date