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CHEROKEE NATION GAMING COMMISSION

MEETING DATE / LOCATION:

19 June 2020
Video/Audio Conference Hosted:
CNGC Conference Room

COMMISSIONERS PRESENT:

John Sparks, Chairman
Jennifer Goins, Commissioner
Shawna Baker, Commissioner
Stephen Barrick, Commissioner

COMMISSION STAFF:

Tiffany Cochran, Compliance Manager
Kelly Myers, Licensing Manager
Tammy Perry, Executive Assistant
Tracy Christie, Gaming Analyst

CHEROKEE NATION ENTERTAINMENT:

Gary Weddell, Gaming Operations
Bear Christensen, Compliance
Monica Richards, Accounting
Todd Hembree, Legal
Melody Cable, CNB Audit
Mitch Moren, CNB Audit
Kyle Culver, Marketing
Tim Mannon, Corporate Gaming

VISITORS:

John Young, Office of the Attorney General
Chrissi Nimmo, Office of the Attorney General

CHEROKEE NATION GAMING COMMISSION MEETING MINUTES

19 June 2020

Video/Audio Conference Hosted:
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I. Call to Order:

Chairman Sparks called the meeting to order at approximately 9: 49 a.m.

II. Roll Call:

Present: Chairman Sparks
Commissioner Baker
Commissioner Goins
Commissioner Barrick
Not Present:
Commissioner O'Leary

A quorum was established.

III. APPROVAL of the Agenda:

Commissioner Baker made the motion to approve the agenda: seconded by Commissioner Goins.

Chairman Sparks stated he would like to amend the agenda adding to Old Business item B. NIGC (Tulsa Regional Office) Fingerprint Matter in Executive Session. The next amendment is 8; B; 3 that is actually included in the EGM Memo in item 8; B; 1, also strikes Promotions and Calendar of Events. Chairman Sparks stated we don't have anything to bring to the commission now. The motion is to amend the agenda to conform to the changes Chairman Sparks mentioned, which are reflected in the new agenda. Chairman Sparks asked Counsel Young if he saw a problem with that form of the motion. Counsel Young did not see a problem. Commissioner Goins motioned to amend the agenda. Commissioner Baker seconded. Motion passes.

IV. Approval of Minutes

Commissioner Baker motioned to approve the minutes. Seconded by Commissioner Goins. Chairman Sparks asked for a motion to amend the minutes from the May 22, 2020 meeting, a technical correction page 5 under item 8; B; 3, New Business from ECM to EGM. The next amendment is under Audit Implementation Review in the second paragraph it reads; Bess Warren is waiting on the TICS Revision, it should be Tiffany Cochran is waiting on the TICS Revision, minor

changes. Commissioner Barrick made the motion to amend the minutes consistent with those two revisions. Seconded by Commissioner Goins. Motion to approve the minutes as amended the motion to approve the minutes passes as amended.

V. Introduction of Guests:

Introductions were made by attendees from the Cherokee Nation Gaming Commission (CNGC), Cherokee Nation Entertainment (CNE), Cherokee Nation Businesses (CNB), Cherokee Nation (CN) and guests.

VI. CNE Reports:

A motion to enter into executive session to discuss the entirety of the items listed under subsection 6 on the Agenda, CNE Reports @ 10:04. Commissioner Barrick made the motion, seconded by Commissioner Goins. Motion passes.

A. Financial Report

B. Facilities Report

Commissioner Barrick motioned to exit executive session at 10:40 a.m. The motion was seconded by Commissioner Goins. Motion Passes.

VII. Old Business:

A. TICS Revisions-

Chairman Sparks stated as a point of order status of this (TICS Revision) Chairman asked Counselors Nimmo and Young, any information of where we are in this process for reasons we are all aware related too? Counselor Young replied, "We have moved it to the July agenda, it is such a dry topic and there is so much of it there. It's going to give everyone a little more time to read it and reach out to counsel if they need to or have any questions."

Chairman Sparks asked "do you believe this is a question for anybody, do you believe we are approaching or we're at a final format or do you believe there needs to be analysis revision?" Counselor Young replied "I think we discussed there's a handful of things that CNE had mentioned in previous meetings and they were pretty minor to fix. I think it's probably time to take a pass at that, if it's something small we can fix, so I think it's really close with that in mind.

B. NIGC (Tulsa Regional Office) Fingerprint Matter-

Chairman Sparks stated with the Fingerprinting matter we have had with the NIGC Office, we received an email from NIGC since the posting of the agenda which will be the basis the Executive Session which has been requested of this matter. A motion to enter Executive Session at 10:48 a.m. was made by Commissioner Baker and seconded by Commissioner Goins. Motion passes.

Commissioner Baker made the motion to exit Executive Session at 11:05 a.m. Seconded by Commissioner Goins. Motion passes. Chairman Sparks stated to assist the minutes, we are recording this meeting online.

Chairman Sparks stated the 7; B, dealings with the NIGC Tulsa Regional Office. Chairman Sparks stated he would entertain a motion to direct Executive Director Purcell to respond in writing to the e-mail from the NIGC Tulsa Office of June 15, 2020, that they address all future questions in writing to Chairman Sparks as the Chair for the Commission, with a copy to the Executive Director. Commissioner Barrick made the motion, seconded by Commissioner Goins. Chairman Sparks stated that Executive Director Purcell to communicate with Tulsa Regional Office for the NIGC in response to their e-mail of June 15, 2020 and ask them to respond in writing to Chairman Sparks attention and copy Executive Director Purcell. Motion passes.

VIII. New Business:

A. Permits and Licenses:

Kelly Myers presented the following and requested approval.

1. Employees-
 - 6 Temporary permits- (1 CNGC Tamara Perry)
 - 0 Suitability Determinations
 - 2 Orders
 - 175 Renewals for July 17, 2020 (1 CNGC Jennifer Goins)

Chairman Sparks asked Kelly, would like a motion to approve the Temporary Permits and Orders recommended by CNGC Staff. Commissioner Barrick made the motion, seconded by Commissioner Goins. Motion passes

175 Renewals ready for Commissioner Approval including Jennifer Goins
Commissioner Baker made the motion, seconded by Commissioner Barrick. Motion passes Jennifer Goins abstained.

Kelly Myers presented the following and requested approval

2. Vendors-
 - 4 Company Orders
 - 25 Individual Orders
 - 19 Company Renewals
 - 150 Individual Renewals

Commissioner Goins made the motion to approve the vendor renewals, seconded by Commissioner Barrick. Kelly Myers stated just for clarification the content of the Motion, Commissioner Goins stated she made the recommendation to approve the vendor renewals, license orders and renewals.

Chairman Sparks asked Commissioner Goins is that consistent with your intent? Commissioner Goins replied, yes. Chairman Sparks said let the minutes so reflect that. Motion passes.

B. Game & System Approvals:

Tiffany presented the following:

1. EGM Affirmation of Approval-
 - 1 Aristocrat
 - 2 IGT

These themes have been reviewed and received Executive Director Approval now we are requesting affirmation of approval. Commissioner Barrick made the motion to approve, seconded by Commissioner Goins. Motion passes.

2. ECM Fee Waiver Request- (Correction EGM Fee Waiver Request Memo)

Tiffany Cochran read the prepared Memo for Clarification of the Request to the Commission, In accordance with CNGC Rules and Regulations, Chapter VII titled “Authorization of Gaming Activity, Section (C) titled “Gaming Machine Fee Assessment, Tracking, & Reporting, Section (A)(1), the Cherokee Nation Gaming Commission (CNGC) invoices vendors monthly requesting payment of Gaming Machine Fees. The current fee schedule assesses a four-dollar (\$4.00) fee for each gaming machine operating at licensed Cherokee gaming facilities.

Due to the COVID-19 pandemic, operations was suspended at all Cherokee gaming facilities, resulting in no activity for gaming machines. We are requesting approval to waive the CNGC Gaming Machine Fees for April and May 2020 for the following vendors:

- AGS
- Ainsworth
- Aristocrat
- Aruze
- A&W Enterprises
- Castle Hill Gaming
- CNE
- Everi
- Konami
- PDS
- PGV
- VGT

Tiffany asked the commission to waive the CNGC Gaming Fees for the months of April and May 2020. Chairman Sparks asked the commissioners at this time I have looked into this and we are not the basis

of the fee applies or if this is something we can waive and at this time motion to adopt. Commissioner Goins made the motion, seconded by Commissioner Baker. Chairman Sparks asked Counselor Nimmo, I appreciate the motion, but I am uncertain if we are able to waive fees, I have reservations to that regard. Counselor Nimmo replied I have not looked at the regulations for the fee to determine whether or not the commission can waive the other thing is my understanding raised the issue of waiving fees, but I don't believe that anyone has requested this in writing. My recommendation to the commission you either vote no on this for it to be brought back up and get the appropriate information or you can table it. I think we need to look at underlying regulations to see. Counselor Nimmo thinks it may be possible that this is something the commission can waive, but she hasn't had the opportunity to look at it. Counselor Nimmo stated the second thing being if any individual vendor is requesting a waiver that they communicate that in writing. Tiffany Cochran stated that PGV and A&W they did send an e-mail request for the fees to be waived. Chairman Sparks stated that regrettably that's not part of our packet at this point. Chairman Sparks asked this \$4.00 fee this is not in our account, isn't this deposited into the Nation's account? Counselor Nimmo replied all of the fees the Gaming Commission go into the General Fund, it's revenue for the nation so waiving the fee would result in a decrease in revenue for the nation not just for the Gaming Commission to the Nation as a whole. Chairman Sparks recognized himself and stated "Commissioners, I would suggest that we vote this out at this time, we can have the Executive Director along with Counsel investigate this to see if this number one something we can do, and number two take a deep breath and see if is this the kind of thing that we are doing as it relates to the Commission and frankly the Nation on how we are handling these types of matters. If there is a policy nationwide that we are consistent with that. One way or the other I don't know if I have a strong feeling on this at this time, but I would like our action to be consistent with that of the Nation at this point I'm not sure I have the information to do so. This is presented as affirmative motion for that reason I would ask that the commissioners that we vote to not approve this motion. Commissioner Goins made the motion, seconded by Commissioner Barrick. Motion fails.

C. SICS Memo-

Tiffany presented the following:


- 2 New SICS Submissions
 - RVA011 Egames System Outage Audit
 - RVA071 Desk Procedures
- 6 Policies for Revision
 - MMD004 Receipt of Goods
 - RVA009 CTA Audit
 - RVA017 Xtra Credit
 - RVA032 Manual Complimentary Audit
 - RVA048 Gaming Cashier Reconciliation Audit Desk Procedure
 - RVA048 Gaming Cashier Reconciliation Audit
- 2 Deactivations
 - FNB008 Receipt of Goods
 - RVA001 NRT Kiosk Audit.

Commission Baker made the motion to approve, seconded by Commissioner Barrick. Motion passes recommendations are approved.

Chairman Sparks stated that our concerns and prayers are with the Executive Director to say the least.

Commissioner Goins made the motion to adjourn, seconded by Commissioner Baker. Motion passes Meeting is adjourned at 11:35 a.m.

Approval of Minutes:

 _____ July 17, 2020 _____
CHAIRMAN SPARKS DATE