



CWYĀ DβŦ JƏŦGƁəŦY DĥƏŦĬĥ

CHEROKEE NATION GAMING COMMISSION

MEETING DATE / LOCATION:

18 November 2021
Conference Hosted:
Chota Center, Cherokee Casino, Tahlequah,
Ok. 74464

COMMISSIONERS PRESENT:

John Sparks, Chairman
Richard Hull, Commissioner
Kendra McGeady, Commissioner
Frank DeLozier, Commissioner
Linda O'Leary, Commissioner

COMMISSION STAFF:

Janice Walters Purcell, Executive Director
Tiffany Cochran, Compliance Manager
Audra Imhoff, Audit Manager
Samantha Phillips, Gaming System
Analyst
Heather Cain, Licensing Agent
Florence Northington, Licensing Agent

CHEROKEE NATION ENTERTAINMENT:

Gary Weddell, Casino Operations
Bear Christensen, Sr. Director of Compliance
Jennifer Provence, VP of Corp. Casino Marketing
Todd Hembree, CNB Legal
Donald Childers, VP Surveillance and Loss Prevention
Joshua Anderson, Director of Surveillance and Technology
Mitch Moren, Sr. Audit Manager
Reba Chambers, Compliance Manager
Tim Mannon, Sr. Manager Corporate Gaming
Eric Martindale, CNB Audit Services
Angelia Jobe, IT Manager
Kyle Culver, CNE Marketing
Jennifer Watkins, CNE

VISITORS:

Greg Calvert, Office of the Attorney General

E.O. Smith, Cherokee Tribal Council

John Young, Cherokee Nation Tribal Council Attorney

CHEROKEE NATION GAMING COMMISSION

MEETING MINUTES

18 November 2021

I. CALL TO ORDER:

Chairman Sparks called the meeting to order at approximately 9:41 a.m.

II. ROLL CALL:

Present: Chairman Sparks
Commissioner Hull
Commissioner McGeady
Commissioner DeLozier
Commissioner O'Leary

A quorum was established.

III. APPROVAL OF AGENDA:

Chairman Sparks stated, "The next item on the Agenda is the Approval of the Agenda that has been previously distributed. Let me take one more look at that. We have the motion to approve the agenda as distributed?"

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

IV. APPROVAL OF MINUTES

Chairman Sparks stated, "The next item is the Approval of the Minutes."

Next item is the Approval of the Minutes for the Minutes that have also been previously

distributed. Everybody take a second to review those one more time. Do we have a Motion to Approve the Minutes?"

Commissioner O'Leary made a Motion to approve the 10 October 2021 Commission meeting Minutes; Commissioner McGeady seconded the motion. Motion passed.

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:

Chairman Sparks stated, "Okay, with that, we now move on to CNE Reports, Item six (6). We're going to take items A through D together in Executive Sessions. In fact, do we have a Motion to enter into Executive Session for the purposes of items six (6), A through D?"

Commissioner McGeady motioned to enter into Executive Session at 9:47 A.M.; Commissioner Hull seconded the Motion. Motion passed.

- A. FINANCIAL REPORT
- B. FACILITIES REPORT
- C. LITIGATION
- D. REGULATORY

Commissioner Hull motioned to exit the Executive Session at 10:15 a.m.

The motion was seconded by Commissioner O'Leary. Motion carried.

Chairman Sparks stated the Commissioners will take a (10) minute break and the meeting will resume at 10:32 a.m.

VII. OLD BUSINESS

A. Proposed Vendor License Regulation – J. Walters Purcell

Chairman Sparks stated, "... Moving along to 'Old Business', item seven (7). The Executive Director would like to be recognized for that."

Executive Director Purcell stated, "Todd Hembree as the Attorney General issued an Attorney General's opinion that was to differentiate between gaming and non-gaming vendors. This regulation was written by CNGC but it has not actually gone through the APA process. What I am asking of the commissioners is that we be able to publish this vendor regulation and for the vendor regulations to go through the APA process."

Chairman Sparks continued, "So, Executive Director, it is my understanding that you're requesting a Motion to post proposed changes to the regulations? Regulatory changes?"

Executive Director affirmed, "Yes, with this specific vendor license regulation, that is right."

Chairman Sparks continued, "Okay, so the Chair will recognize a Motion to post Proposed Vendor License Regulation changes as previously distributed?"

Executive Director affirmed, "Yes."

Chairman Sparks continued, "Okay, so the Chair would entertain such a Motion."

Commissioner O'Leary motioned to approve Proposed Vendor License Regulation to be posted for Comments; seconded by Commissioner McGeady.

Chairman Sparks asked, "Alright, thank you, we have a Motion and a second. Now, on the Motion, Executive Director, do you have any other comments on the changes or..."

Bear, Mr. Christensen, do you have any comments on the Motion? This is an offer you can refuse, I just saw you nodding in the background and thought you might have some information to provide.”

Mr. Christensen stated, “Just to let the Commissioners know, we’ve been working together with CNGC staff and other members of (our) licensing department, to discuss the proposed regulation in order to make it conform to the former Attorney General’s opinion... So we’re very pleased with the draft itself. This will also be a very big help in clarifying a lot of confusion... at CNE. It will also reduce costs to CNE... or some of the vendors that in the past aren’t traditionally gaming vendors and really put up a fight when it came to dealing with some of these regulations. I think it’s a very positive step forward.”

Chairman Sparks asked, “Mr. Christensen, if you could take a question from the chair? Are you comfortable with the changes... for those third parties with whom CNE does business? Those who are regulated and licensed and those who are not. Do you think that will impact the integrity of the games or the soundness and security of the financial operations?”

Mr. Christensen replied, “No. It’s my personal opinion that this provides more clarity and it really focuses in on those vendors who have a direct impact on gaming activities, a direct impact on the integrity of gaming (activities). Instead of a shotgun approach, it’s a more focused, laser focused, approach to those vendors who are involved directly in gaming activities. Instead of what we had before, which was sort of everyone. So it allows our staff and CNGC staff, in terms of doing background investigations, to really narrow the focus on those vendors.”

“One more thing is: Is it your thought that if vendors who are in positions that may not be anticipated at this point come to CNE to do business and you find that federal regulations should be changed to include somebody that may not be (included) for whatever reason, that you bring that to the Commissions attention as well?”

Mr. Christensen affirmed, "Absolutely. This is true for existing vendors too. So, if we have a vendor that currently under this regulation, or the proposed regulation, and does not require licensure but gets involved in activities that would require them to be licensed, we would work with CNGC staff and vendor licensing there to make sure these people got licensed."

"Okay, thank you. Commissioners, any other questions? Executive Director, any questions? Any debate? Seeing none, all in favor say aye. All opposed? Hearing none the Motion passes."

Motion passed.

VIII. NEW BUSINESS

A. PERMITS & LICENSES – F. Northington

Florence Northington presented the following individual temporary permits, individual suitability determinations, license orders, individual renewals and recommended approval.

1. Employees

- Sixty-three (63) Individual(s) for Temporary Permits
- Forty-four (44) Individual(s) for Suitability Determinations
- Forty (40) License Order
- One hundred- two (102) Renewals including three (3) CNGC individuals
– Johnny Dority, James Hilderbrand, Jamie Marshall, Haley Noe, Kyle Soujoun & Bess Wiginton.

Chairman Sparks stated, "Next item is item VIII. New Business. First item on VIII.A.1 is Permits and Licenses for employees. So who will be handling these? (Florence Northington affirms that she will handle the Licensing reports) Thank you for making your way up front. The Chair will entertain a Motion to approve the staff recommendation on the sixty-three (63) temporary permits. Do we have such a Motion?"

Commissioner Hull motioned to approve as submitted 63 individual temporary permits; seconded by Commissioner DeLozier.

Chairman Sparks asked, "Do we have any questions on the Motion? Would you take a question from the Chair?"

Florence Northington replied, "Absolutely."

Chairman Sparks asked, "Do you have anything to add to the information that's in our packet on the sixty-three (63) temporary permits?"

Florence Northington replied, "I do have to add a simple change due to a previous (issue) discussed with the Executive Director (Purcell) about a person who has been left off. So I will just need your signature for that person."

Chairman Sparks replied, "Okay, thank you, I will do that. But on the sixty-three (63) that are here, nothing to add?"

Florence Northington replied, "Correct. We did have Mr. DeLozier on the Suitability (Determinations)."

Chairman Sparks said, "So, as a point of order, I'm going to take these four (4) subsets individually as opposed to collectively... Alright, any other questions on the Motion? Seeing none, all in favor say aye. Any opposed? Hearing none, the Motion passes."

Motion passed.

Chairman Sparks continued, "Next item, the Chair would entertain a Motion to approve the

staff recommendations on the forty-four Suitability Determinations.”

Commissioner McGeady motioned to approve the forty-four (44) suitability determinations; seconded by Commissioner Hull

Chairman Sparks continued, “Any questions on the Motion? Anything to add?”

Florence Northington replied, “No, sir, other than Mr. Debozier’s Suitability.”

Chairman Sparks continued, “Alright. Any other questions or debate? Okay, seeing none, all in favor say aye. Any opposed? Hearing none, Commissioner Debozier, you are advised to now abstain from the last vote.”

Commissioner Debozier replied, “Yes.”

Chairman Sparks continued, “Alright, let the Minutes reflect that Commissioner Debozier abstained from the last vote.”

As stated, Commission DeLoizer abstained from voting as he was an individual listed for Suitability Determinations. Motion Carried.

Chairman Sparks continued, “Next item is the forty (40) orders. The chair will recognize a motion to accept the forty (40) orders as proposed by the staff, previously distributed. Do we have such a motion?”

Commissioner O’Leary motioned to approve the forty (40) license orders; seconded by McGeady. Motion carried.

Chairman Sparks continued, “Finally, the Chair will entertain a motion to approve the one hundred and two (102) renewals as proposed by the staff. Do we have such a motion?”

Commissioner Hull motioned to approve the 102 renewals; seconded by O’Leary. Motion carried.

Chairman Sparks continued, “At this point, we move to entertain a motion to amend the agenda to include a temporary permit that was omitted. Do we have such a motion?”

Commission DeLoizer motions to amend the agenda for one (1) temporary permit; Seconded by Hull Motion Carried.

As a point of order, Chairman Sparks ask Florence Northington the name of the one (1) temporary permit. Florence states the individuals name is Markie Jordan-Erazo.

Commissioner O'Leary motions to approve the staff's recommendation of the one (1) temporary permit; Seconded by Commissioner McGeady. Motion carried.

Chairman Sparks Continues, "As a point of order that was just under the Suitability Determinations."

2. Vendor & Vendor Representatives

Chairman Sparks continues, "Next item is VIII. 2 Vendor and Vendor Representatives. Is that correct?"

Florence Northington replied, "That is correct, sir."

Florence Northington presented the following vendor company orders, Individual orders, company renewals, individual renewals and recommended approval

- Zero (0) Company orders for 18 November 2021
- Eighteen (18) Individuals orders for 18 November 2021
- Seven(7) Company Renewals 10 December 2021
- Forty-nine (49) Individual Renewals 10 December 2021

Chairman Sparks continued, "Alright, we're now moving on to VIII.A.2. The Chair will entertain a motion to approve staff recommendations on the eighteen (18) Individual Orders, the seven (7) Company renewals, and the forty-nine (49) Individual Renewals. Do we have such a motion?"

Commissioner Hull motioned to approve as submitted Company orders, Individual orders, Company Renewals and Individual Renewals; seconded by Commissioner DeLozier. Motion carried.

3. Investigations, License Actions & Hearings (Executive Session Requested- 67 CNCA 108A.)- F. Northington

Chairman Spark asked the Executive Director, Janice Walters Purcell, if she has any objections to amend the agenda and move 8: A 3 to 8: H? Executive Director Purcell stated she has no objections.

Commission O'Leary motions to amend item 8: A 3 to 8: H on the agenda; seconded by Commissioner McGeady. Motion carried.

B. GAME & SYSTEM APPROVALS – T. COCHRAN

1. EGM Memo- T. Cochran

Tiffany Cochran presented the EGM Memo; seventeen (17) new electronic game themes and five (5) items that received Executive Director Approval. SG Gaming three (3) items approved by Executive Director on 9 October 2021, Konami one (1) theme approved by Executive Director on 16 October 2021 and one (1) IGT theme approved by Executive Director 1 October 2021 and recommended approval.

Electronic Game Themes

- Aristocrat 4
- AGS 6
- Novomatic 2
- Everi 1

- Incredible Technologies 2
 - Aruze 2
-

OS/Main Programs

- AGS 1
- Everi 1
- IGT 1
- Incredible Technologies 1

New Gaming Components

- Everi 1

New Gaming Cabinets

- Aries 1
- Incredible Technologies 1

Executive Director Approved Items

- Castle Hill 1
- Ainsworth 1
- Aristocrat 1
- Konami 2

Commissioner McGeady motioned to approve listed items; seconded by Commissioner O'Leary.

Motion carried.

Chairman Sparks asked, "Tiffany, would you explain any particular details in the five (5) items highlighted?"

Tiffany Cochran replied, "The items that are not highlighted were for approval and the five (5) highlighted items are Affirmation of Executive Director approval."

2. Global Payments Kiosk Upgrade Memo - T. Cochran

Tiffany Cochran presented the Global Payments Kiosk Upgrade, Cherokee Nation Entertainment (CNE) has submitted a request for an upgrade to the Global Payment Kiosks and Portal Systems at all CNE properties to Kiosk version 2.23 and portal version 2.18. Based upon the review, CNGC Compliance recommends approval of the upgrade to Global Payments Kiosks and Portal System at all CNE properties to Kiosk version 2.23 and Portal version 2.18 as submitted.

Commissioner DeLozier motioned to approve Global Payments Kiosk Upgrade Memo as submitted; seconded by Commissioner Hull. Motion carried.

C. SICS MEMO—T. Cochran

Tiffany Cochran presented the SICS memo; there is one (1) new SICS submitted by CNE for approval by the Commission. Based upon our review, we recommend approval for the new and/or revised SICS as listed.

Commissioner McGeady motioned to approve the changes in the SICS/system of internal controls stands as reflected in the submitted documents; seconded by Commissioner DeLozier. Motion carried.

D. Promotions Memo—T. Cochran

Tiffany Cochran presented the Promotions memo and recommended approval for items as listed. CNE requested Executive Director Approval for the following Gaming Commission Reports (GCR). Once the GCR were reviewed and discussions were complete, approval was granted on the dates listed to be executed by the specified property and/or properties as listed.

Commissioner O'Leary motioned to approve as listed the promotions memo; seconded by Commissioner Hull. Motion carried.

Chairman Sparks ask Ms. Cochran if she has anything to add or to highlight. Tiffany lets the Commissioners know it's similar to the EGM Memo. The first page is for approvals and on the second page is the Executive Director previously approved. So on the second page we are asking for affirmation of approval of previously approved Executive Director Approval

E. IHP Transfer Request Memo – T. Cochran

Tiffany Cochran presented and recommended approval for the transfer of retired in-house progressive (IHP) funds to promotional funds for the direct benefit of e-games patrons.

Commissioner Hull motioned the IHP Transfer Request memo approval; seconded by Commissioner O'Leary. Motion carried.

F. Proposed 2022 Commission Meeting Schedule- J. Walters Purcell

Commissioner O'Leary motioned to adopt the proposed 2022 Commission

Meeting schedule; seconded by Commissioner McGeady. Motion carried.

Chairman Sparks ask if anyone has any question. Executive Director states for clarification that there were two meeting schedules for 2022 submitted, one has 2022 meeting schedule and the other has proposed. The CNGC staff prefer the proposed meeting schedule.

Commissioner Hull motioned to amend and considering to adopt the proposed 2022 Commission Meeting schedule; seconded by Commissioner O'Leary. Motion carried.

G. Audit Update- A. Imhoff

Audra Imhoff presented the Audit update, CNGC Audit was able to complete all audits on time for 2020 - 2021 fiscal year. BKD has requested to review these audits a couple weeks ago and we have submitted all the documentation and are waiting to hear a response back.

Once we receive these reports back from BKD. The CNGC will send to NIGC. There is a 120 day deadline to submit the reports to NIGC from our operation of business fiscal year and will keep the Commissioners informed on what we hear back from the BKD. Other than that we have started off our new fiscal year off. No action is needed from the Commissioners, informational purposes only.

H. Investigations, License Actions & Hearings (Executive Session Requested- 67 CNCA 108A.-F. Northington

Commissioner DeLozier motioned to enter into Executive Session at 11:08 a.m.; seconded by Commissioner O'Leary.

Commissioner DeLozier motioned to exit Executive Session at 12:23 p.m.; seconded by Commissioner O'Leary. Motion carried.

Chairman Sparks states we are now out of Executive Session under item H. The Chairman would like to entertain the motion to approve the Executive Directors recommendation in the regards to tab 1 regarding the individual's license action. Commissioner McGeady motioned to approve tab 1 regarding the individual's adverse license action; seconded by Commissioner O'Leary. Motion carried.

IX. Open Session:

None.

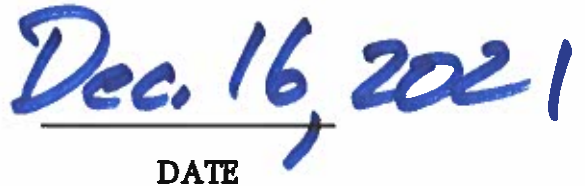
XI. Adjournment:

Commissioner O'Leary motioned to adjourn at 12:29 a.m.; seconded by Commissioner DeLozier. Motion carried.

Approval of Minutes:



CHAIRMAN SPARKS



DATE