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CHEROKEE NATION GAMING COMMISSION

MEETING DATE / LOCATION:

12 March 2021

WebEx Conference Hosted:
CNGC Conference Room

COMMISSIONERS PRESENT:

John Sparks, Chairman
Stephen Barrick, Vice Chairman
Linda O'Leary, Commissioner
Kendra McGeady, Commissioner
Richard Hull, Commissioner

COMMISSION STAFF:

Janice Walters Purcell, Executive Director
Jonathan Rhoads, Information Technology
Jeannie Bunch, Compliance Officer
Tiffany Cochran, Compliance Manager
Kelsey Coachman, Clerk
Kelly Myers, Licensing Manager
Kristi Cole, Licensing Agent
Sydney Kimble, Gaming Audit III
Mike Moore, Budget Analyst

CHEROKEE NATION ENTERTAINMENT:

Gary Weddell, Gaming Operations
Bear Christensen, Compliance
Monica Richards, Accounting
Melody Cable, CNB Audit
Mitch Moren, CNB Audit
Kyle Culver, Marketing
Angelina Jobe, Sr. Manager, Information Technology
Donald Childers, Surveillance and Loss Prevention

VISITORS:

John Young, Office of the Attorney General
Eddie Robles, Information Technology
Jennifer Provence
Ivan Devitt
Josh Anderson
Haley Anderson

**CHEROKEE NATION GAMING COMMISSION MEETING
MINUTES
12 March 2021
WebEx Conference
Hosted:CNGC Conference
Room**

I. CALL TO ORDER:

Chairman Sparks called the meeting to order at approximately 9:46 A.M.

II. ROLL CALL:

Kelsey Coachman, appearing for Tammy Perry, called roll.

Present: Chairman Sparks
 Vice Chairman Barrick
 Commissioner O’Leary
 Commissioner McGeady
 Commissioner Hull

A quorum was established.

III. APPROVAL OF THE AGENDA

Chairman Sparks announced the next item on the Agenda and will entertain a Motion to Approve the Agenda; Commissioner Hull Motioned to approve the agenda; Commissioner McGeady seconded the Motion.

Motion passed.

IV. APPROVAL OF MINUTES

Chairman Sparks, the next item is Approval of the Minutes, Commissioner O'Leary made a Motion to adopt the 12 February 2021 meeting minutes; Commissioner Barrick seconded the Motion.

Any questions, any debate, hearing none vote taken.

Motion passed.

V. INTRODUCTION OF GUESTS

Chairman Sparks stated, "The next item is the Introduction of Guests. If anybody feels they need attention, let us know. Otherwise, we'll move on from that."

VI. CNE REPORTS

Chairman Sparks sated, "I would entertain a Motion to enter into Executive Session, for the purposes of the items listed."

Commissioner Hull Motioned to enter into Executive Session with regard of the items listed under subsection VI. CNE Reports, A. Financial Report and VI.B. Facilities Report on the Agenda; Commissioner O'Leary seconded the Motion.

Chairman Sparks stated, "We have a question from the Chair for Mr. Christensen. Yes sir?"

Bear Christensen stated, "Yes sir, Jennifer Provence and myself would like to stay for the Executive Session as Jennifer wants to do a presentation to Commissioners, regarding our marketing efforts."

Chairman Sparks replied, "I have no objection. Do we have any questions from any other Commissioners? It's more of a Point of Order, but I think a Point of Order's in order at this point."

Executive Director Janice Walters Purcell asked Chairman Sparks, "Chairman, may the IT people stay?"

Chairman Sparks responded, "Of course, but thank you for asking."

Any questions, any debate, hearing none vote taken.

Motion Passed.

Exited Regular Session at approximately 9:53 A.M. and entered into Executive Session.

Commissioner Hull motioned to exit Executive Session and enter into regular session, Commissioner Barrick seconded the motion.

Motion Passed.

Exited Executive Session and returned to Regular Session at 10:59 A.M.

VII. OLD BUSINESS

A. CNGC TICS Update

Executive Director Janice Walters Purcell deferred to Counsel John Young.

Chairman Sparks stated, "Mr. Young, you are recognized."

Counsel John Young stated, "Chairman Sparks these were previously voted on by the Commission. They've been published under the APA process. No additional comments were received. By Operation of Law they become effective tomorrow, March 13th. But the grace period for CNE to come into compliance with them runs until March 27th. So while they will become law tomorrow, the Commission has previously agreed that CNE has a grace period with which to get up to speed. And I have that in as May 27th. Unless for some reason the minutes reflects something different, that's what my math came out as, May 27th."

Executive Director Janice Walters Purcell asked Counsel John Young, "May 27th, not March 27th, correct?"

Counsel John Young affirmed, "Correct"

Executive Director Janice Walters Purcell asked, "And that's for the grace period for CNE?"

Counsel John Young replied, "That's when the grace period would end for CNE."

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

Chairman Sparks asked, "Mr. Christensen, do you know if that's consistent with your understanding? Or inconsistent?"

Bear Christensen replied, "Yes, that is consistent with my understanding."

Chairman Sparks stated, "I'm looking back to the minutes right now. There is some discussion of setting June 1st. But it appears to me that the ninety (90) day implementation period was adopted as opposed to the firm date of June 1st. That's my reading of the minutes. And if that's the case, page seven (7) of the Minutes. So, that sounds good to me. Commissioners any questions for Mr. Young on this? Mr. Young, I'm sorry, do you have anything else to add to that?"

Counsel John Young replied, "No sir, that's all for now, thank you."

Chairman Sparks asked Executive Director Janice Walters Purcell, "Executive Director Do you have anything to add to that?"

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

Chairman Sparks asked, "Commissioners, any questions?"

Chairman Sparks stated, "As a Point of Order, there's no action requested or required at this point. This item on the Agenda is just information that things are proceeding by Operation of Law pursuant to the Administrative Procedures Act. Is that correct?"

Counsel John Young replied, "Yes sir, that's correct."

VIII. NEW BUSINESS

A. Barred Patron Regulation

Executive Director Janice Walters Purcell was recognized, "Ok, on the screen there should be the Barred Patron Act, which is required by the Tribal State Compact and what I'm requesting today is, to publish those. And does Mr. Young have anything else to add?"

Counsel John Young replied, "If I may, if we can publish on Monday the 15th. That gives us a little time to coordinate getting them on the web server and then allow for a thirty (30) day comment period. If there are no comments it becomes effective by Operation of Law after that. But despite pretty technical stuff to get us in compliance with the State Compact, so there may be comments, I don't know. But in either event, I think thirty (30) days is probably a healthy window to allow for comments."

Executive Director Janice Walters Purcell stated, "Thirty (30) days, ok."

Chairman Sparks asked, "So you would like us to release for publication March 15th? Or publish, I'm sorry publish on March 15th, which would result in a thirty (30) day response time ending on April 14th?"

Counsel John Young replied, "Yes sir, please. So with direction of the Commission we would get them online and published in accordance with the APA by Monday the 15th. Then a thirty (30) day window for public comment, and as you said that would end on April 14th. If there's no comments then it becomes effective by Operation of Law not long after that. I'll double check on the dates."

Chairman Sparks asked Counsel John Young, "And you made some comment about, I'm sorry. Would you take a question from the Chair on this?"

Counsel John Young affirmed, "Yes sir."

Chairman Sparks stated, "Actually, we're proceeding out of order. Do we have a Motion to direct publication of the new Regulation on the new Barred Patron Regulation? Let me just start that again. Do we have a Motion to publish the Barred Patron Regulation?"

Commissioner Hull Motions to publish the Barred Patron Regulation; Commissioner Barrick seconded the Motion.

Chairman Sparks stated, "Now we have a Motion and a second, and we're on point. Mr. Young if you'll take a question from the chair. Did I hear you say there are some technical issues that require some time for implementation on this as well?"

Counsel John Young replied, "I may have misspoke a little. This is drafted technically to get us in compliance with some problematic with a compact we're involved in with the State to address addictive gambling issues, problematic gambling issues. So the thirty (30) day window doesn't necessarily correspond with that."

Chairman Sparks responded, "Ok, so we don't need additional time for implementation?"

Counsel John Young stated, "Not for implementation, but the law does require there at least be some comment period. The standard has always been thirty (30) days."

Chairman Sparks stated, "Alright so, you're suggesting publication on March 15th?"

Counsel John Young replied, "Yes sir, please."

Chairman Sparks stated, "Alright, I'd entertain a Motion to Amend the current Motion to specify publication on March 15, 2021."

Commissioner Hull Motioned to Amend the current Motion to specify a publication date of March 15, 2021; Commissioner O'Leary seconded the Motion.

No Questions or Debate, Vote taken.

Motion to Amend the Motion to specify a publication date of March 15, 2021 passed.

Chairman Sparks stated, "I have one (1) question for Mr. Young on this. Is there like a central clearing house for this. Can you request or be barred and like they go out to all of the tribal properties in the state, or does it have to go one (1) by one (1)? Or do you know?"

Counsel John Young replied, "Chairman Sparks, I think on that it's probably getting out of my depth. With that I would have to defer to Bear Christensen on that. I think there is but like I said I don't want to say that."

Chairman Sparks asked, "Mr. Christensen do you know off the top of your head?"

Bear Christensen replied, "We're part of an organization called, The Oklahoma Association of Compulsive and Problem Gambling and as part of that organization there are numerous other tribal casinos that are a part of that. And for each participating member we will submit people who self-ban because of a responsible gambling issue and once they're submitted to that organization, it goes out to all the participating members."

Chairman Sparks responded, "Excellent, ok. Thank you."

Executive Director Janice Walters Purcell asked, “Ok so, on the Motion as amended, is that all we’re calling the Motion? Or is it the Motion as amended...”

Chairman Sparks replied, “It’s a Motion to publish the Barred Patron Regulation on March 15, 2021.”

Executive Director Janice Walters Purcell responded, “Ok, so was just amending it to add a date?”

Chairman Sparks replied, “Correct. It may be hyper technical but, the original Motion was just to publish and in fact the principal issue of the question was the date. I thought it would be cleanest if we affirmably set the date.”

Executive Director Janice Walters Purcell stated, “Thank you.”

Motion passed.

B. Permits & Licenses

1. Employees

Kelly Myers is recognized, “Yes Chairman. For this month for March we have thirty (30) temporary permits that are ready for Commission Approval. One (1) is for Kelsey Coachman, one (1) of our new staff members for the Gaming Commission. We also have twenty (20) new suitability determinations ready for Commission Approval. Again Kelsey Coachman is the only CNGC individual on that list. Along with that we have thirty-six (36) license orders that are ready for Commission Approval. Three (3) CNGC staff, Kelsey Coachman, Jonathan Hanna, and Jonathon Rhoads. And then we have two hundred fifty (250) renewals that are ready for Commission Approval as of April for 2021. Two (2) of those are CNGC staff, which is Brenda Mock and Jody Johnson. I’m recommending Commission Approval for all of these as listed.”

Chairman Sparks asked Kelly Myers, “Are you comfortable taking all of these in one vote? Or would you like to break them up?”

Kelly Myers replied, “They can all go as one (1).”

Chairman Sparks asked, “Do we have a Motion to approve staff recommendation on the permits and licenses as listed and provided in the packet?”

Commissioner McGeady Motioned to Approve staff recommendations; Commissioner Barrick seconded the Motion.

Motion passed.

2. Vendor & Vendor Representatives

Kelly Myers stated, “This month for vendors we can take this list all as one (1) as well. We do not have any new companies that are ready for Commission Approval, but we do have thirteen (13) individuals that ready for Commission Approval. We have ten (10) company renewals for April that are ready for Commission Approval. As well as fifty-nine (59) individuals that are ready for Commission Approval on the renewals. I’m recommending Approval of those on this list as submitted.”

Chairman Sparks asked, “Do we have a Motion to Adopt and Approve the recommendations for the vendor permit and license as summarized in your packet?”

Commissioner O’Leary Motioned to Adopt and Approve the recommendations for the vendor permit and license as summarized in the packet. Commissioner Hull seconded the Motion.

Motion passed.

C. License Classifications & Affirmation of Approval

Kelly Myers is recognized, “This month we have one (1) new job description that received Executive Director Approval on February 25th, we’re asking for Affirmation of Approval for this position.”

- AC2632 - Director Corporate Accounting

Chairman Sparks asked, “Do we have a Motion to Approve the recommendation and request for Approval?”

Commissioner Barrick Motioned to Approve the recommendation and request for Approval; Commissioner McGeady seconded the Motion.

Motion passed.

D. Game & System Approvals

1. EGM Approval Memo

Tiffany Cochran is recognized, "This month we have ninety-nine (99) new electronic games:

- 22 IGT
- 8 Aristocrat
- 35 AGS
- 22 Scientific Games
- 1 Bally
- 2 Novomatic
- 1 Castle Hill Gaming
- 8 Konami

We also have five (5) new gaming cabinets:

- 1 Scientific Games
- 1 Konami
- 3 Novomatic

We have one (1) new main program:

- 1 AGS

We have seven (7) new gaming components:

- 4 AGS
- 3 Novomatic

And then we also have two (2) Executive Director Approval for Affirmation of Approval, on the Memo the Directors Approvals are highlighted in yellow:

- 2 Aristocrat

In the packet that is shown on the screen, it is an amended Memorandum only to highlight and add at the very bottom about the Novomatic cabinet. CNGC went on March 3rd to do a cabinet demo at the Hard Rock and during our review of this cabinet it was found that Apex who is a non-licensed CNGC vendor is the manufacturer company. Their discussion with both the vendor and the manufacturer that Novomatic purchased these games from Apex and will be distributing those and leasing those to A & W.

Another issue that we had found during that was there was not a plaque or a notification to the guest that 'malfunctions voids all pays or plays'. So after we notified the vendor during that time and then we also contacted corporate gaming to let them know of our areas of concern with the demo. Liz reached out to the vendor and confirmed that Novomatic is going to add an additional plate to the cabinet, so that they are listed on the cabinet itself and it's not dependent upon Apex. And then on that plaque on the side with the serial number, it's going to have a unique asset number that's going to be assigned to the serial number. They have also agreed that they will add a 'malfunction voids all pays and plays' plaque to the game so that it visible at all times to the players. And so, I had asked Tristan to update and amend the Memo so that the Commissioners would be aware of the situation because we do have Apex who is not an approved vendor, but then they are purchased games through Novomatic, who are leasing those to A & W who will be servicing those games. So I am requesting Approval for these games with the assumption that the vendors are going to do as stated that they will be placing a plaque on their cabinet as well."

Chairman Sparks asked, "Alright, would you like a Motion to Approve the Electronic Gaming Machine products as listed?"

Tiffany Cochran affirmed, "Yes sir."

Commissioner O'Leary Motioned to Approve the Electronic Gaming Machine products as listed; Commissioner McGeady seconded the Motion.

Chairman Sparks asked, "Ms. Cochran would you take a question from the Chair?"

Tiffany Cochran replied, "Yes, sir."

Chairman Sparks asked, "So, do we have a time to go back and check to make sure the follow up to that's done?"

Tiffany Cochran replied, "Yes sir, I have notified all of my supervisors that whenever we are scheduled to have an Apex installed that we verify that Novomatic in fact does have the plate on the cabinet."

Seeing no other questions and no debate on the Motion, vote taken on Motion.

Motion passed.

2. IGT Table Manager 9.7.3 Hot Fix 2 Affirmation of Approval

Tiffany Cochran was recognized, “CNE had requested Executive Director Approval for an IGT Table Manager Upgrade. This upgrade will update and correct the manual process side to merging accounts as well as correcting the date for the stills and credits.

I think I believe there was a time zone issue where it was auto-populating the incorrect date so this fix is going to correct that. The IGT Table Manager will be upgraded from 9.7.2 to 9.7.3 Hot Fix 2 and it will be implemented at the Hard Rock, West Siloam, and Roland properties. Executive Director Approval was granted on Thursday, February 11th, to allow properties to move forward with the upgrade on February 17th. We have reviewed this upgrade recommendation and we recommended Approval, and now we are requesting Affirmation of Approval for the Table Manager 9.7.3 Hot Fix 2. And then also just an update on February 17th that was the week of the snow storm and the ice and the casino was closed at that time and so because of that CNE pushed the dates back. Hard Rock was implemented on March 8th, West Siloam is scheduled to be implemented on April 6th, and Roland will be implemented on April 13th.”

Chairman Sparks asked, “Alright, do we have a Motion to Affirm the Executive Director’s Approval of the software update?”

Commissioner McGeady Motioned to Affirm the Executive Director’s Approval of the software update; Commissioner Hull seconded the Motion.

Seeing no questions or debate, vote taken.

Motion passed.

3. E Check Timeout Configuration Change Affirmation of Approval

Tiffany Cochran stated, “CNE had requested Executive Director Approval for a configuration change to the E Check system on the CNE kiosk across all CNE properties.

This configuration increased the read timeout from fifteen (15) seconds to sixty (60) seconds. And it also reduced the number of tries from three (3) to one (1). By increasing the read timeout it will leave the connection open longer for the authorization to be received by the kiosk, which would then eliminate the need for the additional retries. CNE was able to provide a screenshot of the before and after to show and reflect that it was in fact changed from fifteen (15) seconds to sixty (60) seconds. And that their retries were reduced from three (3) to one (1). We have reviewed everything for this configuration change and we are recommending an Affirmation of Approval.”

Chairman Sparks stated, "I would entertain a Motion to Affirm the Executive Director's Approval of the Timeout Configuration Change. Do we have such a Motion?"

Commissioner O'Leary Motioned to Affirm the Executive Director's Approval of the Timeout Configuration Change; Commissioner Hull seconded the Motion.

Seeing no questions or debate, vote taken.

Motion passed.

E. Promotions & Calendars of Events

Jeannie Bunch was recognized, "For promotions this month they're all requesting Affirmation for Approval. For the corporate properties, there are three (3) new promotions, and four (4) renewal revisions. And Catoosa has one (1) new promotion. I've reviewed those and requested Executive Director Approval from Janice, and just asking for Affirmation from the Commission."

New:

- Customer Reactivation – COR2103REACTIVATION
- \$500k – COR2103MARCH
- March Social Media Influencer – COR2103BCSLOTS

Revision:

- Tier 1 (Multi-Platinum) Benefits – COR2102ONESTARTIER1
- Tier 2 (Platinum Benefits) – COR2102ONESTARTIER2
- Tier 3 (Gold) Benefits – COR2102ONESTARTIER3
- Tier 4 (Vinyl) Benefits – COR2102ONESTARTIER4

Catoosa:

- March – CAT2103MARCH

Chairman Sparks stated, "So for all of this, these have all been previously approved, ok. The action you're requesting is just Affirmation of the Approval?"

Jeannie Bunch replied, "Correct."

Chairman Sparks asked, "Alright, so do we have a Motion to Affirm the previously provided Executive Director Approval of the Calendar of Events & Promotions as listed?"

Commissioner Barrick Motioned to Affirm the previously provided Executive Director Approval of the Calendar of Events & Promotions as listed; Commissioner O'Leary seconded the Motion.

Motion passed.

F. IHP Transfer Request

Jeannie Bunch stated, "For the request to transfer retired funds this month, I've reviewed those as submitted by CNE and recommend the approval listed in the Memo be approved."

Chairman Sparks asked, "Ok, do we have a Motion to Approve the transfer of the funds as described in the Memo in the packet?"

Commissioner Hull Motioned to Approve the transfer of the funds as described in the Memo in the packet; Commissioner McGeady seconded the Motion.

Motion Passed.

G. Investigations, Licenses, & Hearings (Executive Session Requested 67 CNCA §108A)

Chairman Sparks stated, "Executive Director it appears to me as a Point of Order, after we conclude matters under VIII.G that we're going to receive the Executive Director's Report and conclude, so there'll be no more action items. Is that your understanding?"

Executive Director Janice Walters Purcell affirms, "That is correct, and as to the report, it was essentially the tier letter that Monica Richards had discussed."

Chairman Sparks responded, "Ok, alright. So, again as a Point of Order as is our habit if not custom, we're going to enter into Executive Session, address the matters on the licensure hearing, come back out into open session, consider that vote, and then move through the remaining items on the Agenda. We anticipate and will not take up any other action items, so if you would when we enter into Executive Session, if you're not part of that if you would like to go on about your day, you won't miss anything here even though of course we will miss you. With that, do we have a Motion to enter into Executive Session and consider the action on the Gaming License?"

Commissioner Barrick Motioned to enter into Executive Session; Commissioner Hull seconded that Motion.

Motion passed, exited Regular Session and entered into Executive Session at approximately 11:51 A.M.

Commissioner McGeady Motioned to exit Executive Session; Commissioner Barrick seconded the Motion.

Motion passed, exited Executive Session and entered into Regular Session at approximately 12:39 P.M.

Chairman Sparks stated, “We are back in Regular Session. We are still on item VIII.G. In particular condition being, continued reporting as well as reporting of the final outcome of the the suitability determination of a particular license holder under tab one (1). Atthis point I would entertain a Motion to rescind the suspension of the license application and determine that the applicant is suitable. And issue a conditional license, with the criminal case in which she is named in Arkansas. With that does anyone make such a Motion?”

Commissioner Hull Motioned to rescind the suspension of the license application and determine that the applicant is suitable; Commissioner Barrick seconded the Motion.

Motion passed.

IX. EXECUTIVE DIRECTOR’S REPORT

Chairman Sparks stated, “Next item the Executive Director’s Report. Executive Director, do you have anything additional to report other than what’s been discussed otherwise?”

Executive Director Janice Walters Purcell replied, “No, Chairman, I do not.”

X. OPEN SESSION

Chairman Sparks opened the floor to anybody who would like to be recognized.

None.

XI. ADJOURNMENT

Commissioner Hull made the Motion to Adjourn; Commissioner Barrick seconded the Motion.

Motion passed.

Meeting Adjourned at approximately 12:44 P.M.

Approval of Minutes:


Chairman Sparks

March 12, 2021
Date