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CHEROKEE NATION GAMING COMMISSION

9 APRIL 2021

MEETING DATE / LOCATION:

9 April 2021
WebEx Conference Hosted:
CNGC Conference Room

COMMISSIONERS PRESENT:

John Sparks, Chairman
Stephen Barrick, Vice Chairman
Kendra McGeady, Commissioner
Richard Hull, Commissioner

COMMISSION STAFF:

Janice Walters Purcell, Executive Director
Jeannie Bunch, Compliance Officer
Sydney Kimble, Gaming Auditor III
Jonathan Rhoads, Information Technology
Tiffany Cochran, Compliance Manager
Kelsey Coachman, Clerk
Kristi Cole, Licensing Clerk III
Audra Imhoff, Audit Manager

CHEROKEE NATION ENTERTAINMENT:

Gary Weddell, Gaming Operations
Bear Christensen, Senior Director of Compliance
Monica Richards, Vice President Finance
Jennifer Provence
Josh Anderson

VISITORS:

John Young, Office of the Attorney General
Todd Hembree, Legal
Angelina Jobe
Kelly Myers
Melody Cable, CNB Vice President of Audit Services
Mitch Moren, CNB Audit

CHEROKEE NATION GAMING COMMISSION MEETING MINUTES

9 April 2021

WebEx Conference Hosted:

CNGC Conference Room

I. CALL TO ORDER:

Chairman Sparks called the meeting to order at approximately 9:38 a.m.

II. ROLL CALL:

Chairman Sparks stated, "The first item on the Proposed Agenda is the Roll Call, the Clerk will call the roll."

Kelsey Coachman appearing for Tammy Perry called roll.

Present: Chairman Sparks
Vice Chairman Barrick
Commissioner McGeady
Commissioner Hull

Not Present: Commissioner O'Leary

A quorum was established.

III. APPROVAL OF THE AGENDA

Chairman Sparks stated, "The first item after the roll call is the Approval of the Agenda. Do we have a Motion to Approve the Agenda?"

Commissioner McGeady made the Motion to approve the agenda; Commissioner Hull seconded the Motion.

Chairman Sparks asked, "Do we have any questions on the Motion? Any debate on the Motion? Seeing none, all in favor say aye."

Chairman Sparks asked, "Any opposed? Hearing none, the Agenda is Approved."

Motion to Approve the Agenda passed.

IV. APPROVAL OF MINUTES

Chairman Sparks stated, "Next item on the Agenda is the Approval of the Minutes. The Minutes in question are the Minutes from the meeting of March 12th. Do we have a Motion to Approve the Minutes as provided from the meeting of March 12, 2021?"

Commissioner Hull made a Motion to Approve the March 12, 2021 Minutes; Commissioner Barrick seconded the Motion.

Chairman Sparks asked, “Do we have any questions on the Minutes? Do we have any questions on the Motion? Seeing none, any debate? Seeing none, all in favor say aye.”

Chairman Sparks asked, “Any opposed? Hearing none, the Motions passes, the Minutes are Approved.”

Motion to Approve the Minutes passed.

V. INTRODUCTION OF GUESTS

Chairman Sparks stated, “The next item on the agenda is the Introduction of Guests. In particular we have now a guest with us, Kelly. Ms. Myers would you like to be recognized?”

Kelly Myers responded, “I would, thank you. I just wanted to come in and take an opportunity real quick to say hi to everybody. And for those that are not already aware, I recently left the Gaming Commission and am now working for GLI, Gaming Laboratory. I wanted to thank the Commission and Cherokee Nation for the past thirteen (13) years that I’ve been there and all the opportunities I’ve had. I couldn’t be more grateful for Cherokee Nation. I miss you guys already. I miss all of my staff. I’m working from home so I’m right up the road if you guys need anything I’m always available.”

Chairman Sparks replied, “Wonderful, well thank you. We sure have enjoyed you, you will be missed.”

Commissioner Barrick stated, “Yes she will. We’ll miss you”

Chairman Sparks continued, “But hopefully we can still see each other.”

Kelly Myers responded, “Absolutely. You guys just let me know because I’m working with Tiffany on setting up some new GLI access right now from some individuals. So, I’ll still working with Cherokee Nation. I’ll probably be at all the conferences and everything, so just let me know and I’ll come see you, and I can take you to lunch or dinner. I don’t know they might have made a mistake giving me a credit card. But thank you all. I don’t want to hold up your meeting. I just wanted to say thank you again and thank you to all of you and Kristi stepped in, in my place and she is amazing. She’ll do awesome.”

Commissioners all thanked Kelly and wished her well.

Chairman Sparks asked, “Does anyone else want to be recognized? Hearing none.”

VI. CNE REPORTS

Chairman Sparks stated, “The next item on the Agenda is the CNE Reports. The Financial, the Facilities, and certain Marketing Software all of which Executive Session has been requested. At this time I would entertain a Motion to enter Executive Session. One Executive Session to address items A, B, and C. Is there such a Motion?”

Commissioner Barrick Motioned to enter into Executive Session to discuss the entirety of the items listed under subsection VI.A Financial Report, VI.B Facilities Report, and VI.C Marketing Software Upgrade on the Agenda; Commissioner Hull seconded the Motion.

Chairman Sparks asked, “Do we have any questions?”

Executive Director Janice Walters Purcell asked, “Chairman, is it be possible to give permission to have Audra Imhoff stay in the Executive Session?”

Chairman Sparks replied, “If you believe she is necessary, yes. We have Commissioners, Executive Director, Counsel, Presenters, IT people. Anyone else indispensable? If not one of those will need to exit.”

Motion to enter into Executive Session passed.

Exited Regular Session at approximately 9.45 a.m. and entered into Executive Session.

Commissioner Hull made the Motion to exit Executive Session; Commissioner Barrick seconded the Motion.

Motion Passed, Commission returned to Regular Session at approximately 10:32 a.m.

VII. OLD BUSINESS

A. Update of Licensing Regulation

Chairman Sparks stated, “The next item on the Agenda is the Update of Licensing Regulation.”

Chairman Sparks asked Executive Director Janice Walters Purcell, “Would you like to be recognized for this?”

Executive Director Janice Walters Purcell replied, “Did you want us to bring everyone back in from the waiting room?”

Chairman Sparks stated, “This may just be a status update.”

Executive Director Janice Walters Purcell responded, “It is just a status update. The licensing regulation has been confirmed and is ready for implementation. And I will have that posted in the next couple of days. So licensing has already been aware of this and I’ve discussed it with them. So we are complying with the new regulation and removing that provision of credit which was in the old one.”

Chairman Sparks stated, "Alright, no action needed from us at this time, is that just informational?"

Executive Director Janice Walters Purcell replied, "Yes, just information."

Chairman Sparks asked, "Anything else on VII.A? None."

B. Barred Patron Regulation Update

Chairman Sparks stated, "Moving on to VII.B, the Barred Patron Regulation Update."

Executive Director Janice Walters Purcell stated, "On the Barred Patron, I'm going to defer to John Young to tell us what's the status of that."

Counsel John Young stated, "Mr. Chairman, that reg was published on approximately March 15th. The day of the last meeting. Giving it thirty (30) days for public comment under the APA. Comments close next week. I actually saw a public comment come in during this meeting. I just haven't opened that email. So we did receive one (1) public comment on it. But otherwise, the comment period closes next week. I'll look at that proposed comment I received. I'll share it with Executive Director Purcell. And if we need to make changes under the APA will present them again to the Commission with the red line blank of suggesting the revision. But otherwise it's still in comment period until next week."

VIII. NEW BUSINESS

Chairman Sparks stated, "Moving on now to item VIII. In particular item VII.A, Permits and Licenses."

A. Permits & Licenses

1. Employees

Kristi Cole is recognized, "For employee licensing, we have. I'll read all of the numbers off and we can take them all as one approval. We have forty (40) temporary permits, including one (1) CNGC employee, Michael Moore; we have thirty-three (33) suitability determinations; there are twenty-five (25) licensed orders; and two hundred thirty-four (234) renewals ready for May 7th approval date. And those also include eight (8) CNGC employees as listed. We are requesting approval of those employee licenses."

Chairman Sparks asked, "We have a request of a Motion. Do we have a Commissioner to make the Motion, for request for Approval as requested by staff?"

Commissioner McGeady made the Motion to Approve the Permits and Licenses as requested by staff; Commissioner Hull seconded the Motion.

Chairman Sparks asked, "Do we have any questions on the Motion? Seeing none, do we have any debate? Seeing none, all in favor say aye."

Chairman Sparks asked, “Any opposed, hearing none, the Motion passes.”

Motion to Approve the permits and licenses as requested passed.

2. Vendor & Vendor Representatives

Chairman Sparks stated, “Moving on to item VII.A.2”

Kristi Cole was recognized again, “For Vendor and Vendor Representatives we have one (1) new company order this month. We have eleven (11) individual orders. We have four (4) companies that are up for renewal for May and thirty-eight (38) individual renewals. We can take all those up as one (1), and I’m requesting approval of those vendors as listed.”

Chairman Sparks asked, “Do we have a Motion to Approve the vendor permit and license orders and renewals?”

Commissioner Barrick made the Motion to Approve the vendor permit and license orders and renewals as requested by professional staff; Commissioner Hull seconded the Motion.

Chairman Sparks asked, “Do we have any questions on the Motion? Any debate? Seeing none, all in favor say aye.”

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

Motion passed.

B. Game and System Approvals

Chairman Sparks stated, “Moving down to VIII.B, Ms. Cochran, would you like to be recognized?”

1. EGM Memorandum

Tiffany Cochran stated, “For this month we have 41 new electronic game themes:

- 11 AGS
- 2 Konami
- 12 Novomatic
- 7 IGT
- 9 Scientific Games

We have one (1) new gaming cabinet:

- 1 Castle Hill

We have one (1) new main program:

- 1 AGS

We have four (4) new gaming components:

- 1 AGS
- 1 Eclipse

- 2 Novomatic

And then we also have thirteen (13) Executive Director Approval that we are requesting Affirmation for:

- 8 Konami
- 4 IGT
- 1 VGT

The Director Approvals are highlighted in yellow. They were approved so the properties could move forward with those upgrades or conversions and to have the software shipped to the property. So at this time we have completed our review and requesting approval for the items listed and previously submitted”

Chairman Sparks asked, “Do we have a Motions to Approve the new EGM themes, components, and other items listed in the Memorandum as requested by staff?”

Commissioner McGeady made the Motion to Approve the new EGM themes, components, and other items listed in the Memorandum as requested by staff; Commissioner Barrick seconded the Motion.

Chairman Sparks asked, “Do we have any questions? No questions, do we have any debate? Seeing none, all in favor say aye.”

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

Motion to Approve the new EGM themes, components and other items listed passed.

2. Cage Players Club Permission and Affirmation of Approval

Chairman Sparks stated, “Let’s move along to the Cage Player Cub Permission.”

Tiffany Cochran stated, “Previously CNE was granted approval for the cage to perform some of the Player’s Club functions, such as reprinting cards and signing new guests up. So at this time CNE had requested Executive Director Approval to adjust the permissions for the cage personnel to fulfill additional Player’s Club duties. We have requested permissions adjustments as necessary to allow the cage personnel to fulfill the responsibilities and functions as outlined in the policy CAG600, CAG601, CAG602, CAG603, and CAG604. Executive Director Approval was granted on March 23 to allow CNE to move forward with Cage personnel fulfilling these additional Player’s Club functions. CNGC Compliance has completed their review of the request for the Player’s Club permissions and we are requesting Affirmation of Approval previously listed and distributed.”

Chairman Sparks asked, “Do we have a Motion to Affirm the Executive Director’s Approval of the requested adjustment of the Cage Personnel to allow certain duties of the Player’s Club?”

Commissioner Hull made the Motion to Affirm Executive Director Approval of the requested adjustment of the Cage personnel to allow certain duties for the Player's Club; Commissioner Barrick seconded the Motion.

Chairman Sparks asked, "Do we have any questions? Debate? Seeing none, all in favor say aye."

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

Motion to Affirm Executive Director Approval passed.

3. JOINGO Mobile App and Affirmation of Approval

Chairman Sparks stated, "Moving on to VIII.B.3, JOINGO Mobile App."

Tiffany Cochran was recognized, "The JOINGO Mobile App has already been previously approved by former Director. Whenever I was reviewing the requests for the following item that I'll present, I stumbled upon that we had not had an Affirmation of Approval after that Director Approval was granted. So, CNE had previously requested and received Commission Approval for a ninety (90) day trial period of a new mobile application provided by JOINGO. They are a class A gaming vendor and they received that Approval on August 24, 2018. A mobile app update was provided at the October 5, 2018 Commission Meeting and request for the delegation of authority to approve the app upon completion of CNGC's review was granted at the October 5, 2018 Meeting. So, on November 26, 2018, Director Approval was granted to fulfill implementation of the mobile application. I did list everything CNE had submitted for review for CNGC for approval at that time. And I've also attached a copy of the Director Approval that was granted on November 26, 2018. So at this time I would like to request Affirmation of that Approval of the JOINGO mobile app."

Chairman Sparks asked, "Do we have a Motion to Affirm the Director Approval on November 26, 2018 of the JOINGO Mobile App usage?"

Commissioner McGeady made the Motion to Affirm the Director Approval on November 26, 2018 of the JOINGO Mobile App; Commissioner Hull seconded the Motion.

Chairman Sparks asked, "Do we have questions? No questions, do we have any debate? Seeing none, all in favor say aye."

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

Motion to Affirm Director Approval passed.

4. Patron Management Access Change and Affirmation of Approval

Chairman Sparks stated, "Next item, B.4 Patron Management Access Change and Affirmation of Approval."

Tiffany Cochran was recognized, “CNE had requested Executive Director Approval to create a Patron Management user group and service account for vendor access. The requested permissions will allow the vendor, JOINGO, access to the IGT Patron. This access will facilitate quick patron enrollments in IGT via the JOINGO Mobile App. Executive Director Approval was granted on March 26 to allow CNE to move forward with this access change request. Any questions or concerns that CNGC had were asked and answered by Bear and his team. At this time we are requesting Affirmation of Approval for the Patron Management user group and service account for vendor access for the JOINGO Mobile App.”

Chairman Sparks asked, “Do we have a Motion to Affirm the Executive Director Approval granted March 26, 2021, regarding JOINGO access to the IGT Patron?”

Commissioner Barrick made the Motion to Affirm the Executive Director Approval granted March 26, 2021, regarding JOINGO access to the IGT Patron; Commissioner McGeady seconded the Motion.

Chairman Sparks asked, “Do we have any questions? No questions, do we have any debate? No debate, all in favor say aye.”

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

Motion to Affirm Executive Director Approval passed.

5. Marketing Software Upgrade

Chairman Sparks stated, “Now down to 5, VIII.B.5.”

Chairman Sparks asked Tiffany Cochran, “Is this a request to Approve CNE’s marketing request to upgrade the customer relationship manager software, VizExplorer?”

Tiffany Cochran answered, “Yes sir. We are requesting Approval for the CNE marketing software VizExplorer that was presented in Executive Session.”

Chairman Sparks asked, “Do we have such a Motion?”

Commissioner Hull made the Motion to Approve CNE marketing software VizExplorer that was presented in Executive Session; Commissioner McGeady seconded the Motion.

Chairman Sparks asked, “Do we have any questions on the Motion? Seeing none, do we have any debate? Seeing none, all in favor say aye.”

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

Motion to Approve CNE marketing software VizExplorer passed.

C. IHP Transfer Request Memo

Chairman Sparks stated, “Moving on to VII.C, the IHP Transfer Request.”

Jeannie Bunch was recognized, “For this month for the properties there, I have reviewed the IHP transfers and request the amount listed be approved.”

Chairman Sparks asked, “Do we have a Motion to Approve the IHP Transfer Request described in the Memorandum April 9, 2021 and included in our packet. Do we have a Motion to Approve?”

Commissioner Barrick made the Motion the Approve the IHP Transfer Request described in the Memorandum April 9, 2021 and included in the packet; Commissioner Hull seconded the Motion.

Chairman Sparks asked, “Have any questions? Debate? Hearing none, all in favor say aye.”

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

Motion to Approve the IHP Transfer Request passed.

D. Promotions Memo

Chairman Sparks stated, “Next is D, the Promotions Memo.”

Jeannie Bunch was recognized, “For this month the Memo that you have there, requesting Affirmation from the Commission, all of those items listed have previously received Executive Director Approval. So we’re just asking for Affirmation for two (2) corporate GCRs one (1) new one (1) revision. And Catoosa has one (1) new. I’ve reviewed those and of course have already received Executive Director Approval so I recommend Affirmation be Approved as well.”

Chairman Sparks asked, “Do we have a Motions to Affirm the Executive Director Approval of the Calendar of Events listed in the April 4th Memo in our packet?”

Commissioner Hull made the Motion to Affirm the Executive Director Approval of the Calendar of Events listed in the April 4th Memo in the packet; Commissioner McGeady seconded the Motion.

Chairman Sparks asked, “Do we have any questions on the Motion? Have any debate? Seeing none, all in favor say aye.”

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

Motion to Affirm Executive Director Approval passed.

E. SICS Memo

Chairman Sparks stated, “Moving on to VIII.E, the SICS Memo.”

Jeannie Bunch stated, “For this month for SICS review Memo, there are two (2) revisions, which are listed there in the Memo that have been reviewed and recommend Approval for those as listed.”

Chairman Sparks asked, “Do we have a Motion to Approve the revised SICS as listed in the Memo of April 9th, and included in our packet?”

Commissioner McGeady made the Motion to Approve the revised SICS as listed in the Memo of April 9th, and included in the packet; Commissioner Barrick seconded the Motion.

Chairman Sparks asked, “De we have any questions? Any debate? Seeing none, all in favor say aye.”

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

Motion to Approve the revised SICS passed.

F. Final Audit Report-Accounting 21-05AP

Chairman Sparks stated, “The next item is VIII.F, the Final Audit Report.”

Sydney Kimble was recognized, “So, the CNGC Audit Department, we’re requesting Approval to release the 21-05 accounting audit to the NIGC and other appropriate parties. So, this was included in the packet, we completed it about, what, a month ago or so. We’re requesting Approval to release it.”

Chairman Sparks asked, “Do we have a Motion to Approve the release of the Final Audit Report of April 9, 2021 to the NICE and other appropriate entities?”

Commissioner Hull made the Motion to Approve the release of the Final Audit Report of April 9, 2021 to the NIGC and other appropriate entities; Commissioner Barrick seconded the Motion.

Chairman Sparks asked, “Do we have any questions? Seeing none, do we have any debate? Seeing none, all in favor say aye.”

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

Motion to Approve the release of the Final Audit Report passed.

IX. EXECUTIVE DIRECTOR’S REPORT

Chairman Sparks stated, “The next item is the Executive Director’s Report provided to us.”

Executive Director Janice Walters Purcell was recognized, “Chairman, I submitted a report. And listed the new members of our staff. One (1) of them, two (2) of them are here. Audra Imhoff will be the new manager for Audit. She comes to us from Revenue Audit. She’s an MBA. Also we have Jonathan Gage Rhoads, and we call him Gage, that’s his middle name. And he is for IT and he comes with a cyber-security degree and he has been doing a great job. Mike Moore is not in here but he’s a Budget Analyst and he comes with 20 years of experience from Walmart. And he’s helping us get everything in shape. And also Kelsey Coachman is a Clerk I, and she is doing a great job, she has wonderful computer skills. And I would just like to say welcome to all these people. I would also like to thank Sydney

Kimble, who you just saw give that report, because she has been so helpful and just a wonderful employee. I did have one more thing to add. So on the live meetings. Mr. Weddell said June. Is that was were shooting for so I can make reservations and everything?”

Chairman Sparks replied, “I believe so. I hoped we were going to do it May, but he said not until after June 1st. So, wherever the location of the regularly scheduled meeting in June. I think it will be in Catoosa.”

Executive Director Janice Walters Purcell responded, “June is Tahlequah.”

Chairman Sparks stated, “Oh, ok, even better. Yeah, let’s go ahead and do that and then we can confirm at the May meeting, but go ahead and make reservations for that. And we will discuss that more at the next meeting. Executive Director anything else from you?”

Executive Director Janice Walters Purcell replied, “No, I just sent the financials and Sydney Kimble is the one that put that together for you guys. And did an excellent job. So, it’s the fees that are submitted to the state, that I’ve given to you. I believe also the machine count fees.”

X. OPEN SESSION

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

Executive Director Janice Walters Purcell stated, “Yes, there is Chairman, I would like for Todd Hembree to be recognized.”

Todd Hembree stated, “Understanding we’re in Open Session I won’t go into any particular details but the Commissioners are obviously welcome to contact me offline. Just wanted to bring to your awareness that on May 7th in Pulaski County, AK we will be having a hearing regarding our Arkansas licensing issue. We’ve had three (3) separate lawsuits that we have now got all of them stayed by agreement except for this one (1) that we’re going to have a hearing on in May. This is the case where the Arkansas Horse Racing Commission had denied Gulfside the license saying they did not have a letter of recommendation from the incoming Circuit Judge. Gulfside appealed that to the Pulaski County Court. We moved to intervene and were denied. Pulaski County Court then ruled that Gulfside was an eligible applicant. And then as we know later they were awarded the license. This is where the Arkansas Supreme Court Ruled that Judge Fox’s denial of intervention for us was improper. That was a very big victory for us in the Arkansas Supreme Court. Where in basically we set the whole process. This hearing now will be on whether Gulfside is an applicant. And we will get to argue that case as you recall the Arkansas Supreme Court had some very encouraging words in that opinion which we would call dicta. That would kind of tip their hand as to that we’re right and their wrong. Be that as it may, it is a very good development that a hearing date was set for May 7th because that gets this ball rolling. Our biggest fear

was there would be months of inaction. Well that's not going to happen. Regardless of what Judge Fox rules, either side are going to appeal it for the Arkansas Supreme Court. Again, we like our chances. I think the law and equity are on our side. We know that the Arkansas Supreme Court is amenable to our arguments and we look forward to getting this stage of it done. Hopefully Judge Fox reads the Arkansas Supreme Court decision the way we do. He will recognize his fallacy is his legal thinking and reverse his previous decision. But be that as it may, things are progressing and that is a good sign for us. And I would entertain any questions the Commissioners may have."

Chairman Sparks asked, "Would you take a question for the Chair? It is a hearing in the District Courts or is it an Administrative Hearing?"

Todd Hembree replied, "It is the District Court, or the Arkansas equivalent of the District Court."

Chairman Sparks asked, "Will that be live?"

Toddy Hembree responded, "Yes, one (1) attorney per party, that's the limitations. Obviously, as soon as a decision is rendered, we will inform the Commission. And at the next meeting I will be giving a report how that argument went."

Chairman Sparks asked, "Any other questions? With that, anything else in Open Session? Seeing none."

XI. ADJOURNMENT

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

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

Chairman Sparks asked, "Do we have any questions on the Motion? Do we have any debate? Seeing none, all in favor say aye."

Chairman Sparks asked, "Any opposed? Seeing none, the Motion to Adjourn passes."

Motion to Adjourn passed.

Meeting Adjourned at approximately 11:07 a.m.

Approval of Minutes:



Chairman Sparks

May 07, 2021

Date