

Tribal Gaming Regulations and Controls



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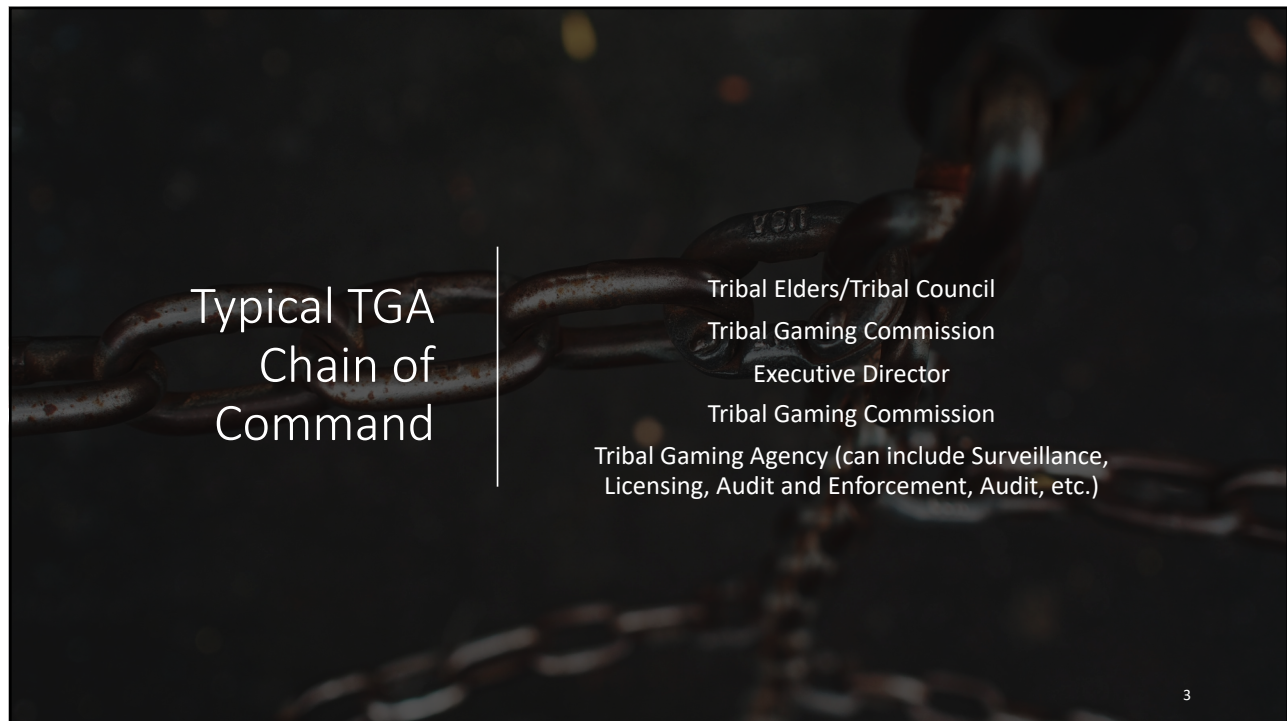


Quick Facts

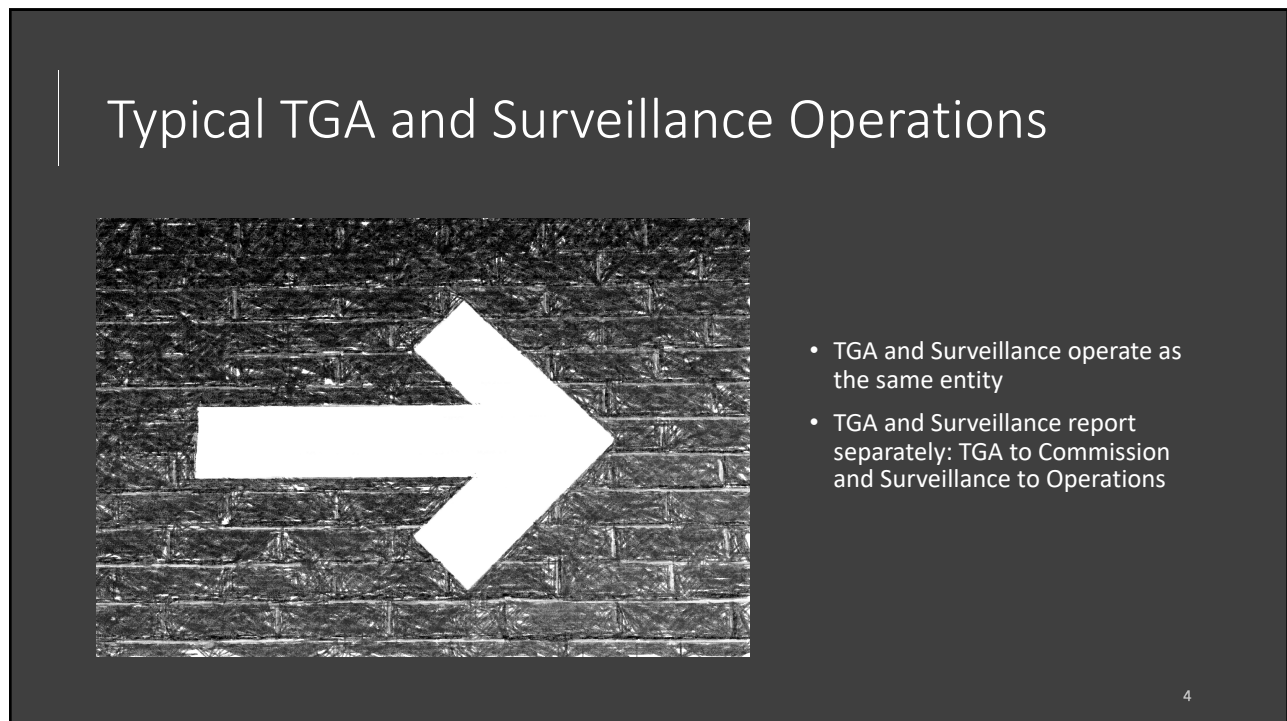
- Established in 1988, the Indian Gaming Regulatory Act (IGRA) is a federal law which provides tribes and states with a legal framework to develop tribal gaming.
 - Only federally recognized tribes may use the IGRA to negotiate a tribal-state gaming compact with their state.
 - IGRA defined gaming classifications:
 - Class I: Tribal ceremonies
 - Class II: Competition-based gaming (bingo)
 - Class III: Slot machines, table games

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Summary of Gaming Agent Responsibilities

The Gaming Agent is responsible for regulatory enforcement, compliance, security and control of the Tribal Gaming operations as authorized by, the Class I, Class II and Class III by NIGC and Tribal State Compact. The Gaming Agent will investigate, audit, document, observe, and report compliance or non-compliance of rules, regulation, internal controls within the Gaming Operation in accordance with applicable standards. The Gaming Agent will submit reports and findings to the Director providing recommendations for sanctions and/or compliance, when necessary.

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Tribal Gaming Agents are responsible for preserving the integrity of the Tribal property by performing the following duties:

- Physically monitors gaming facilities to ensure the physical safety of the assets, patrons and employees of the gaming operations;
- Work cooperatively with federal, state, local and other tribal Law Enforcement Agencies by gathering intelligence, for Law Enforcement Agencies with matters, including but not limited to, covert operations on Tribal property, detention and arrest of criminal suspects, production of information that leads to the arrest, prosecution and conviction of suspects, testifying in court and other duties which ultimately prevent illegal activity within the gaming operations and on other areas of Tribal land.

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TGA Responsibilities continued:

- Prepares written reports regarding any deviations of regulations, internal controls, rules or procedures committed by the gaming operation; issues daily shift report to Supervisor.
- Facilitates management of the gaming operation by immediately investigating incidents that occur in the gaming facility.
- Provides objective review and act as a representative for requested dispute resolution.
- Ensures immediate safety and protection of all tribal gaming operation employees, visitors, and patrons while on Tribal Gaming Operation property.

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TGA Responsibilities continued:

- Works in cooperation with the other divisions of the Agency for criminal background investigations and investigations of any violations of federal, regulatory, or other applicable laws.
- Maintain and promote strict standards of confidentiality and professionalism.
- Monitors the following for compliance: Tribal/State Compact and National Indian Gaming Commission Minimum Internal Control Standards, Minimum Internal Control Standards and Policies and Procedures for all departments, Tribal Ordinance, Tribal Gaming Agency Regulations and reports any and all violations.

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TGA Responsibilities continued:

- Gathers surveillance and other related information in response to Tribal Legal Office requests for tort claims, allegations of employee misconduct, over-service of liquor issues and other matters that could greatly impact Tribal assets and the public's perception of the Tribe.
- Provides excellent customer service to customers, other departments and outside law enforcement agencies.
- Acts in accordance with TGA Procedures and exhibits the guiding values of the Department and the Tribe of Indians.
- Observes, reports and records daily Casino activity utilizing multiple documentation methods.

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TGA Responsibilities continued:

- Observes and records "back of the house" activity, gaming operation and all other departments.
- Observes and reports the transport or transfer of assets across Tribal Properties.
- Observes and reports the access of secured locations within the Tribal Properties.
- Reports malfunctions of camera equipment, recording pools, or surveillance network issues to Technicians
- Reviews and analyzes TGA and Operations documentation for inconsistencies.

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TGA Responsibilities continued:

- Completes functions/tasks assigned by the Licensing Specialist and Internal Auditors as required.
- Completes assigned portions of audits and inventory control reviews of Tribal properties.
- Acts as custodian of evidence and may be required to provide statements to the Gaming Commission and other law enforcement agencies.
- Reports procedure deviations and/or deceptive activity of employees or patrons to the Operations department and TGA Administration.
- Make routine walking tours of the Casino floor looking for suspicious or unusual activities.

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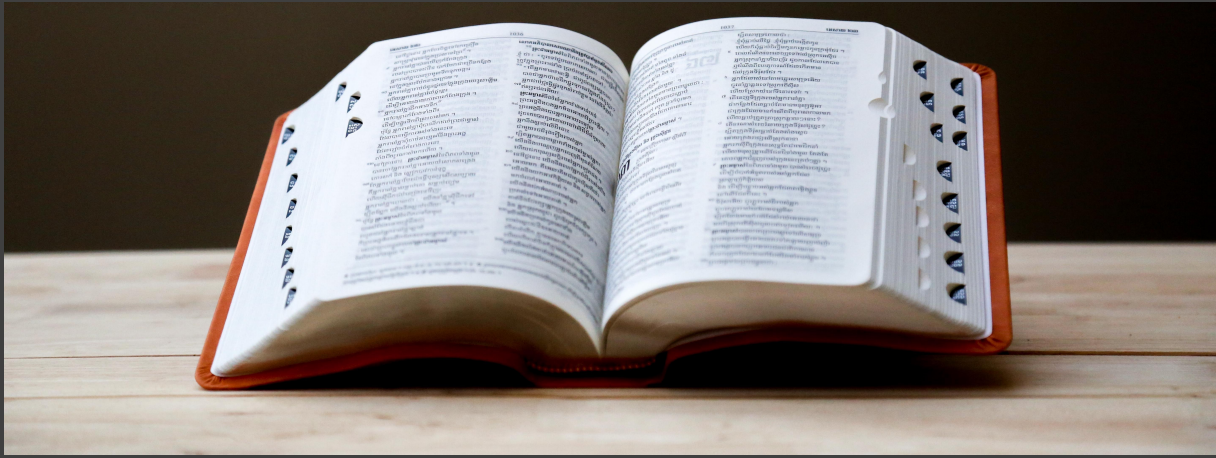
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TGA Responsibilities continued:

- Must learn, comprehend and comply with all Company policies and procedures, MIC's, Gaming Regulations and Regulation 31 requirements. Ensure control/protection of company assets.
- Responsible for maintaining a good attendance record.
- May be required to be a panelist for the Internal Review Hearings.
- May be asked to provide testimony in Tribal, State, or Federal Court proceedings.
- Promotes a positive and harmonious work environment by contributing to team effort.

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What is the definition of regulation?

According to the Merriam-Webster's Dictionary, "a rule or order issued by an executive authority or regulatory agency of a government and having the force of law".

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Regulatory via the Jurisdiction

- Regulation or the regulatory body can exist in several forms. For example, in Las Vegas, we see the State with the Nevada Gaming Control Board or in states like Washington, there are two sources of regulatory bodies which are the state and tribal gaming commissions.
- Perfect example of what the Enforcement division does for the Nevada Control Board is the following: "Primary responsibilities are to conduct criminal and regulatory investigations, arbitrate disputes between patrons and licensees, gather intelligence on organized criminal groups involved in gaming related activities, make recommendations on potential candidates for the "List of Excluded Persons," conduct background investigations on work card applicants, and inspect and approve new games, surveillance systems, chips and tokens, charitable lotteries and bingo."

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The Regulations- A brief outlook

- Depending on the jurisdiction is dependent of what regulation is adhered to. So, for example, if you're in Nevada, there are regulations developed by the Nevada Gaming Commission and enforced by the Gaming Control Board.
- If you're in the jurisdiction of a Tribal Gaming Agency, there are more regulations that are involved. For example, you may see the Tribal State Compact and the NIGC MICS. These are regulations that are brought forth via the Tribe, State and Federal Governments to make sure that the operator is adhering to certain requirements.



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Relationship Goals between Operations and Regulatory

- *"Be genuinely interested in everyone you meet and everyone you meet will be genuinely interested in you"* by Rasheed Ogunlaru
- As a Regulatory Agent, I believe this is the best quote! Why? Because it helps with understanding the whole picture. When we come in auditing the operations, it's better to work or have a relationship with the operator because this allows information to flow easier without delay.
- In the overall outcome to succeed, the operator should trust in the regulatory agent or agency to be knowledgeable but also someone who can be easily approachable to answer questions.



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Best Practices or Things You Should Know

- We all have the same mission: protect the integrity and property of the tribe. We must work together.
- TGA operations while focusing on regulations and controls should not forget operational concerns. Surveillance while focusing on operations should not forget regulations and controls.
- There must be a robust violation/exception reporting, compliance and follow up review process!
- Joint training of TGA and Surveillance will greatly improve cooperation and efficiency.

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Resources

(Current data as of 24 Mar 2021)

- [NIGC](#)
- [MICS](#)
- [Indian Gaming Compacts](#)
- [Bureau of Indian Affairs \(BIA\)](#)
- [Indian Gaming Regulatory Act \(IGRA\)](#)

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