San Manuel Band of Mission Indians
Tribal Gaming Commission
OFFICE OF THE COMMISSION

27995 Highland Ave., Suite 301
Highland, CA 92346

(909) 863-2150
(909) 863-2155 Fax

January 18, 2012

Ms. Tracie L. Stevens, Chairwoman
Ms. Stephanie A. Cochran, Vice Chairwoman
Mr. Daniel J. Little, Associate Commissioner
National Indian Gaming Commission
1441 L St. N.W., Suite 9100
Washington, D.C. 20005

Dear Commissioners,

We would like to express our appreciation for the opportunity to provide written public comment on a number of proposed regulations that the NIGC has recently published in the Federal Register. Considering the number of regulatory provisions published, we have relatively few comments. We will address them each by their respective 25 CFR part numbers and abbreviated titles.

25 CFR Part 502 – Definition of Enforcement Action: We have no comments.

25 CFR Part 573 – Enforcement Actions: We have no specific comments other than we believe this is a reasonable approach.

25 CFR Part 537 – Background Investigations For Management Contractors.

In § 537.3 (d) it states that "the deposit will be returned….." (When the investigation is complete and the bills are paid.) For added clarity we would recommend that this provision be reworded to state: "Any remaining balance of the deposit will be returned……".

25CFR Parts 556 and 558 – Tribal Background Investigations and Licensing.

In the introductory comments, NIGC is asking for opinions regarding whether an application should require an applicant to provide a list of all "associations to which they pay dues". We strongly believe that this information is overly broad and unnecessary. One may belong to any number of clubs, associations, etc., personal or professional, with or without dues required. Forgetting to list one has the potential of allegations of being untruthful on an application. We don't believe that the benefit of this information out weighs the risk and costs.

Part 556.4 (c) mandates that tribal investigators "….. shall keep confidential the identity of each person interviewed in the course of the investigation." While we understand that this provision has always existed, we respectfully request the NIGC consider deleting for the following reasons.

The rules of the investigatory process should be left to each tribal jurisdiction. We think it is extremely important to consider the rules of fairness and due process in the licensing process. If a licensing authority decides to "deny" a license based on uncorroborated information provided by a person who has mandatorily been promised anonymity, then the applicant, is being deprived of the fairness of due process if unable to face the accuser. In fact this provision actually violates due process procedures in some jurisdictions. The degree of confidentiality afforded should be left to the investigating jurisdiction.

Part 558.3 Notifications to NIGC of License Issuance and Retention.

Paragraph (c) of this part states that "(c) if a tribe does not license a applicant –

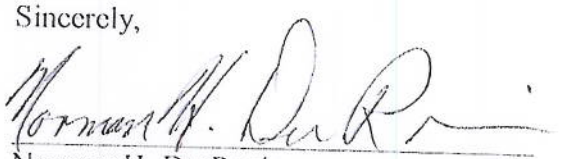
(1) The tribe shall notify the Commission; and
(2) Shall forward copies of its eligibility determination….."

We think that it is important to point out that collectively, there are potentially thousands of "applicants" every year that the "tribe does not license". These applicants may have moved or found other employment before the background was complete, or requested withdrawal for a number of other legitimate reasons. We would speculate that the NIGC really does not want to be notified every time the "…. Tribe does not license an applicant".

We would respectfully suggest that part 558.3 (c) read: " (c) if a tribe denies an applicant a license – " or " if a tribe finds an applicant unsuitable for licensing – ".

Again, we thank you for the opportunity to submit these comments and hope that they will provide some meaningful value in your deliberations.

Sincerely,



Norman H. DesRosiers
Gaming Commissioner

cc: Rita Homa
Jacob Coin
Christine Schoelkopf
Michael Rust