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Part 571 - Monitoring and Investigations

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Subpart A - General

§ 571.1 Scope of this part

This part sets forth general procedures governing Commission monitoring and investigations of Indian gaming operations.

§ 571.2 Definitions.

As used in this subchapter, the following terms have the specified meanings:

Commission's authorized representative means any persons who is authorized to act on behalf of the Commission for the purpose of implementing the Act and this chapter.

Day means calendar day unless otherwise specified.

Hearing means that part of a proceeding that involves the submission of evidence to the presiding official, either by oral presentation or written submission.

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1
2 Party means the Chairman, the respondent(s), and any other person named or admitted as
3 a party to a proceeding.

4
5 Person means an individual, Indian tribe, corporation, partnership, or other organization
6 or entity.

7
8 Presiding official means a person designated by the Commission who is qualified to
9 conduct an administrative hearing and authorized to administer oaths, and has had no
10 previous role in the prosecution of a matter over which he or she will preside.

11
12 Respondent means a person against whom the Commission is seeking civil penalties
13 under section 2713 of the Act.

14
15 Violation means a violation of applicable federal or tribal statutes, regulations,
16 ordinances, or resolutions.

17
18 **§ 571.3 Confidentiality.**

19
20 Unless confidentiality is waived, the Commission shall treat as confidential any and all
21 information received under the Act that falls within the exemptions of 5 U.S.C. 552(b)
22 (4) and (7); except that when such information indicates a violation of Federal, State, or
23 tribal statutes, regulations, ordinances, or resolutions, the Commission shall provide such
24 information to appropriate law enforcement officials. The confidentiality of documents
25 submitted in a multiple-party proceeding under part 577 of this chapter is addressed in §
26 577.8 of this chapter.

27
28 **§ 571.4 Investigation closure letter.**

29
30 **In instances where NIGC has concluded its investigation of a particular matter and**
31 **has determined that it will not recommend the commencement of an enforcement**
32 **proceeding against a respondent, the Commission's authorized representative, in his**
33 **or her discretion, may advise the party by letter that the investigation has been**
34 **terminated. Such notification is not a finding that no violation of IGRA, NIGC**
35 **regulations, or a tribe's approved gaming ordinance occurred. Such notification**
36 **does not preclude further action by NIGC based on the investigation.**

37
38 **Subpart B – Inspection of Books and Records**

39
40 **§ 571.5 Entry of premises**

41
42 (a) The Commission's authorized representative may enter the premises of an Indian
43 gaming operation **or any other person** to inspect, examine, photocopy, and audit all
44 papers, books, and records (including computer records) concerning:

45
46 (1) Gross revenues of class II gaming conducted on Indian lands; and

Comment: Person is a term defined in Part 571.2.

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1
2 (2) Any other matters necessary to carry out the duties of the Commission under the Act
3 and this chapter.
4

5 (b) The Commission's authorized representative shall present official identification upon
6 entering a gaming operation or other facility for the purpose of enforcing the Act.
7

8 **§ 571.6 Access to papers, books, and records**
9

10 (a) Once the Commission's authorized representative presents proper identification, a
11 gaming operation shall provide the authorized representative with access to all papers,
12 books, and records (including computer records) concerning class II gaming or any other
13 matters for which the Commission requires such access to carry out its duties under the
14 Act.
15

16 (b) If such papers, books, and records are not available at the location of the gaming
17 operation, the gaming operation shall make them available at a time and place convenient
18 to the Commission's authorized representative.
19

20 (c) Upon the request of the Commission's authorized representative, the gaming
21 operation shall photocopy, or allow the Commission's authorized representative to
22 photocopy, any papers, books, and records that are requested by the Commission's
23 authorized representative.
24

25 (d) If such papers, books, and records are held or maintained by a person other
26 than a gaming operation, the person shall make them available at a time and place
27 convenient to the Commission's authorized representative.
28

Comment: This language mirrors the language of 571.6(b) but adds that it applies to individuals other than the actual gaming operation.

29 **§ 571.7 Maintenance and preservation of papers and records.**
30

31 (a) A gaming operation shall keep permanent books of account or records, including
32 inventory records of gaming supplies, sufficient to establish the amount of gross and net
33 income, deductions and expenses, receipts and disbursements, and other information
34 required in any financial statement, report, or other accounting prepared pursuant to the
35 Act or this chapter.
36

37 (b) The Commission may require a gaming operation to submit statements, reports, or
38 accountings, or keep specific records, that will enable the Commission to determine
39 whether or not such operation:
40

41 (1) Is liable for fees payable to the Commission and in what amount; and
42

43 (2) Has properly and completely accounted for all transactions and other matters
44 monitored by the Commission.
45

46 (c) Books or records required by this section shall be kept at all times available for

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1 inspection by the Commission's authorized representatives. They shall be retained for no
2 less than five (5) years.

3
4 (d) A gaming operation shall maintain copies of all enforcement actions that a tribe or a
5 state has taken against the operation, noting the final disposition of each case.

6

7 **Subpart C –Subpoenas and Dispositions**

8

9 § 571.8 Subpoena of witnesses.

10 § 571.9 Subpoena of documents and other items.

11 § 571.10 Geographical location.

12 § 571.11 Depositions.

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14 **Subpart D - Audits**

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16 § 571.12 Audit standards.

17 § 571.13 Copies of audit reports.

18 § 571.14 Relationship of audited financial statements to fee assessment reports.

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