

1 CHAIRPERSON JAMES: I'd like to go ahead and move
2 towards our business meeting at this particular point in time if
3 we can do that. I think we have just a few issues that we need
4 to talk about, mostly scheduling and how we're going to proceed
5 with the rest of our work. So I'd like to get that out of the
6 way.

7 Depending on how long that takes, I would be
8 predisposed to continue to see if we could work through lunch and
9 how much we can get done. If we need to take a lunch break
10 later, we will.

11 I'd like to as a matter of record note that we do have
12 a quorum of Commissioners here to conduct business and to ask if
13 there is any old business that needs to be brought before the
14 Commission.

15 And I think our scheduling and our work plan could
16 easily fit under the category of old business, and I'd like to
17 raise an issue for some discussion among our Commissioners. I
18 think we have some scheduling going on down at the end of the
19 table down here.

20 We are trying to make sure that we get the most number
21 of Commissioners that we can particularly at our -- is this the
22 May meeting you all were looking on? Yeah, and we're trying to
23 accommodate some busy schedules here, and I think we have picked
24 up everybody.

25 Bill, how would you feel if we change that to
26 accommodate Leo and then try to work the schedule so that we get
27 most of it on the first day when you can be there?

28 COMMISSIONER BIBLE: I can't remember which days are
29 the day I can be there.

1 CHAIRPERSON JAMES: Whatever day that is, we will work
2 with you to cover the agenda to make sure that we put the bulk of
3 the agenda there.

4 COMMISSIONER WILHELM: I'm sorry. What is it we're
5 doing here?

6 CHAIRPERSON JAMES: We're trying to accommodate the May
7 schedule. You've already been checked with, and they said you
8 can move the date. The only one that has a problem is Bill at
9 this point.

10 COMMISSIONER WILHELM: Oh, I didn't know I said that.
11 It happens to be factually accurate though, but are we changing
12 this in such a way that Commissioner Bible can't participate?

13 CHAIRPERSON JAMES: No.

14 COMMISSIONER BIBLE: I'm not completely sure at this
15 point.

16 CHAIRPERSON JAMES: No, we're trying to change it so
17 that we can get everyone, and bill says he thinks he can be
18 there. He's not sure. He's going to check.

19 COMMISSIONER MOORE: Which day?

20 COMMISSIONER DOBSON: Is this May 11th and 12?

21 CHAIRPERSON JAMES: That's right.

22 COMMISSIONER MOORE: What, 11th and 12th?

23 CHAIRPERSON JAMES: Seventeenth and 18th.

24 COMMISSIONER LANNI: It says here -- I'm just looking
25 at the agenda -- it says May 11th and 12th.

26 COMMISSIONER BIBLE: No, I'm fine with the 11th and
27 12th because I scheduled this six months ago.

1 CHAIRPERSON JAMES: That's correct. It was May 11th
2 and 12th, but Leo could not make that date. We're now looking it
3 if there's another time we can we get --

4 COMMISSIONER WILHELM: Oh, a whole different week.

5 CHAIRPERSON JAMES: -- a whole different week.

6 COMMISSIONER WILHELM: Oh, I'm sorry. I lost this
7 entirely. I apologize.

8 CHAIRPERSON JAMES: A whole different week.

9 Tim, do you want to say something about that? You've
10 been working this issue.

11 PARTICIPANT: Okay. Commissioner McCarthy is going to
12 be out of town for May 1 through 15, out of the country, and it
13 will be difficult to participate via teleconference if there will
14 be any voting in May. So I check around and checked with every
15 single Commissioner's schedule. Everyone except Commissioner
16 Bible's schedule permitted Monday and Tuesday, May 17 and 18th,
17 and that's hopefully what we could do to accommodate if there
18 were any votes taken.

19 COMMISSIONER McCARTHY: And Mr. Bible indicates he is
20 free on one of those two days.

21 COMMISSIONER BIBLE: Yeah, I have a problem on one of
22 the days.

23 COMMISSIONER McCARTHY: And he's checking on the other
24 one.

25 PARTICIPANT: Correct. Actually he is not available
26 one of the days for sure. Is that accurate, Commissioner Bible?

27 COMMISSIONER BIBLE: Well, it's going to be very, very
28 difficult. It just depends upon what is finally established as a
29 countering item for the other meeting.

1 COMMISSIONER WILHELM: Madame Chair, I recognize this
2 is an impossible task, and I certainly don't want to exclude
3 Commissioner McCarthy. Neither, however, do I want to exclude
4 any other Commissioner. Unfortunately I don't have a useful
5 suggestion, but --

6 (Laughter.)

7 COMMISSIONER WILHELM: -- I hate to lose --

8 CHAIRPERSON JAMES: I'm trying to not lose either one
9 of them, and Bill is going to --

10 COMMISSIONER BIBLE: Yeah, and we'll be able to resolve
11 the issue today.

12 COMMISSIONER DOBSON: Does that need to be a two-day
13 meeting?

14 CHAIRPERSON JAMES: Well, that depends. I think we
15 need to set aside at least that amount of time because as I hear
16 over and over again from Commissioners, we need more time to
17 discuss, to debate, to talk. So I at least would like that
18 amount of time set aside on schedules in case we need it. I have
19 no idea.

20 COMMISSIONER DOBSON: As an alternative, would it be
21 appropriate to start with an evening meeting on the 16th, the
22 night of the 16th? It's Sunday, but if we started at, say, four
23 o'clock, four to eight or something Sunday night.

24 COMMISSIONER BIBLE: That helps me. I believe my
25 problem was the 18th.

26 CHAIRPERSON JAMES: That's fine with me.

27 COMMISSIONER LANNI: So the 16th and the 17th?

1 CHAIRPERSON JAMES: So do you want to start on the
2 afternoon of the 18th and then go through the 17th? Leo, what
3 would that do for you?

4 COMMISSIONER McCARTHY: I think that's fine.

5 CHAIRPERSON JAMES: Okay. We're going to check with
6 Commissioner Loescher to make sure that by doing that that
7 doesn't --

8 COMMISSIONER McCARTHY: It's my wife's birthday, but
9 other than that there's no problem.

10 (Laughter.)

11 COMMISSIONER MOORE: That disrupts me a little bit
12 though. I probably can --

13 CHAIRPERSON JAMES: I think Tim has one of the hardest
14 jobs on the Commission staff, which is trying to get dates that
15 will fit all of our schedules.

16 Why don't we do that? We're having Windy check with
17 Dick Leone to see what that does to his schedule, and if that
18 works we'll do the 16th and 17th.

19 COMMISSIONER MOORE: So that would be in the afternoon?

20 CHAIRPERSON JAMES: Right. What are you thinking, Leo?

21 COMMISSIONER McCARTHY: It's the day before that I come
22 back from Italy.

23 CHAIRPERSON JAMES: Oh, dear.

24 COMMISSIONER McCARTHY: No, we'll accommodate all the
25 Commissioners. Whatever we have to do.

26 CHAIRPERSON JAMES: Bob, I hate to put you on the spot,
27 but do you know off the top of your head if there's any conflict
28 that you have on the 16th and 17th?

29 COMMISSIONER LOESCHER: Of May?

1 CHAIRPERSON JAMES: If you could check that, I don't
2 ask you to do it right now, and let us know, and, Tim, continue
3 to try to accommodate that. It's a very difficult job to get
4 that in.

5 In looking at the report subcommittee that's scheduled
6 for April 7th and 8th, the two-day meeting, this is going to be
7 my recommendation, but I'd like to open it up for discussion and
8 other ideas.

9 A part of the frustration that I and, I think, other
10 Commissioners feel is making sure that we have ample opportunity
11 to discuss, debate. That meeting will not have any presentations
12 for two days. It's all discussion, all for us to wrestle with
13 some of the important and substantive issues.

14 Any suggestions for those who are not on the report
15 subcommittee, I would think they would be welcome to attend that
16 meeting if they desire to be a part of those deliberations, those
17 discussions.

18 COMMISSIONER McCARTHY: There was an important comment
19 made, and we didn't hear it.

20 CHAIRPERSON JAMES: I know. You were having far too
21 much fun down there. What I'm talking about is laying on the
22 table the frustration that some Commissioners, including myself,
23 feel in terms of having time to discuss and debate and give some
24 direction.

25 Again, over and over again I try to prod the
26 Commissioners to let's give some direction to the staff. Where
27 would you like to go with this? What are your ideas on this?
28 What are your opinions? And yet we still have a sense of
29 frustration that we don't have enough time to do that.

1 My recommendation is that we use that entire two days
2 in April for just that purpose, April 7th and 8th. It is a
3 report subcommittee meeting, but invite all commissioners to
4 participate whose schedules will allow them to do that, and if
5 there are any other suggestions for how we can get -- I think all
6 of us want to go to the same place. Any suggestions on how we
7 get there?

8 COMMISSIONER BIBLE: No, I think that would be helpful,
9 and it seems to me as you're flowing work product out of the
10 report committee that we use that as the vehicle. For instance
11 you've got three or four chapters that are now in progress, and
12 they're being internally reviewed within the report committee.
13 At some point they get out on the table, and we can organize the
14 discussion along some topical lines.

15 So if you have a chapter hypothetically on advertising,
16 which we discussed today --

17 CHAIRPERSON JAMES: Right.

18 COMMISSIONER BIBLE: -- we'd go through the same sort
19 of dialogue.

20 We'd go through the same sort of dialogue that we had
21 this morning, but at least it would organizationally flow along
22 with the final report.

23 CHAIRPERSON JAMES: The other thing that I would
24 encourage is I would encourage all of our subcommittee chairmen
25 to look at the charge, and if there needs to be another
26 subcommittee meeting to bring forward recommendations for the
27 full Commission, that you try to make that happen, as well, some
28 time between now and that April 7th and 8th meeting.

1 COMMISSIONER DOBSON: Madame Chairman, does the staff
2 have anything in the way of outstanding issues or items to be
3 discussed or decisions to be made? Is there anything like that
4 that can help us focus on what's left to be done, or is it just
5 going to be kind of haphazard and we --

6 CHAIRPERSON JAMES: It's not haphazard. Jim, I would
7 ask you to take a look at the schedule of activities under Tab 8
8 because that gives you the outline of what is exactly happening
9 and when in terms of the date, when various topics are being
10 discussed, when they are being drafted, so that you have a
11 guideline in terms of when that information is to come forward.

12 COMMISSIONER BIBLE: What would be helpful from my
13 standpoint, and I don't know if it would be possible from the
14 staff's standpoint, and this follows up on Dr. Dobson's comment,
15 for instance, if we get to a topical area and say the topical
16 area, again, hypothetically is advertising, if we would have
17 essentially an outline of the issues that we've discussed or may
18 want to discuss and perhaps a recapitulation of either the
19 information that we've had available to us from the --

20 CHAIRPERSON JAMES: The staff had hoped that that
21 information would come from the subcommittee, much as the
22 research subcommittee did. The Indian subcommittee did that, and
23 several of them have.

24 In light of that process not working that way, then I
25 think it would be easy for -- more than happy to do that.

26 COMMISSIONER BIBLE: And pull together components of
27 the testimony so it will refresh our memories as to the things
28 that we've heard.

1 CHAIRPERSON JAMES: Several of the subcommittees have,
2 in fact, done that, and it's been very helpful, and they have
3 given the direction to the staff, and so it's been driven by the
4 Commissioners, but where that is not happening or hasn't
5 happened, we certainly can get the staff to do that.

6 COMMISSIONER BIBLE: And I know Commissioner Wilhelm
7 had requested some time ago that we have kind of a large chart
8 almost of issues organized in some manner with all of the various
9 interest groups in terms of potential recommendations.

10 CHAIRPERSON JAMES: I'm sorry. A chart of?

11 COMMISSIONER BIBLE: Well, some sort of a
12 recapitulation of the potential recommendations from the interest
13 groups that --

14 CHAIRPERSON JAMES: What tab is that?

15 MR. SHOSKY: That's in the background. That's that
16 material that was delivered to the hotel two days ago.

17 COMMISSIONER BIBLE: But does that get organized
18 topically.

19 MR. SHOSKY: Yes, sir, it is.

20 CHAIRPERSON JAMES: It is organized topically --

21 COMMISSIONER BIBLE: By chapter?

22 CHAIRPERSON JAMES: -- are there.

23 COMMISSIONER McCARTHY: If it will help, Madame Chair,
24 the research subcommittee membership has already sent the
25 framework outline for problem pathological gambling.

26 CHAIRPERSON JAMES: And that was extremely helpful.

27 COMMISSIONER McCARTHY: Thank you, and we will have two
28 more to you within a week.

29 CHAIRPERSON JAMES: Great.

1 COMMISSIONER McCARTHY: On lotteries and on the impact
2 of gambling on the job market.

3 CHAIRPERSON JAMES: My desire was to have this be
4 driven by Commissioners rather than be driven by staff, and so
5 that's why we were asking the Commission subcommittee chairs to
6 send that information forward as direction to the staff in terms
7 of where they'd like for it to go.

8 If it would be helpful to have staff make those
9 recommendations, we would be happy to -- I would be happy to
10 direct them to.

11 COMMISSIONER BIBLE: Not necessarily make them, but
12 just catalogue the ones we've heard.

13 CHAIRPERSON JAMES: That's done.

14 COMMISSIONER BIBLE: That's done?

15 CHAIRPERSON JAMES: That's done, and copies of that are
16 available for anybody else in the audience who would like to see
17 them.

18 John, would you talk a little bit, maybe a few seconds,
19 about that process and what that catalogue looks like?

20 MR. SHOSKY: Sure. In terms of physical description,
21 it is part of the information that came over with a cover memo
22 two days ago to wherever you were, and it's part of eight items
23 that were in that memo.

24 What we did in terms of the process was review all of
25 the transcripts. We reviewed all of the material that people had
26 sent to us. We reviewed all of the material from the retreat.
27 We reviewed all of the material we had received from individual
28 Commissioners, and we tried to catalogue everything that looked

1 like a recommendation under specific topics, and the topics being
2 the chapter topics in the report.

3 COMMISSIONER BIBLE: So it is organized in that manner?

4 MR. SHOSKY: Right.

5 COMMISSIONER BIBLE: I received the material. I
6 probably have not reviewed it.

7 MR. SHOSKY: It's about 28 pages single spaced. It's a
8 pretty good size chunk.

9 One thing that I'd like to add as a caveat is we did
10 nothing more than just simply catalogue it. It's not intended to
11 be suggestive in any way on our part.

12 CHAIRPERSON JAMES: I think that will be helpful to
13 Commissioners as we go into the next phase of our work. Thank
14 you, John.

15 As soon as we have information about where that April
16 7th and 8th meeting will be, I'll make it available to all
17 Commissioners. All are welcome and invited to be there. It will
18 be enriched by your presence, and anyone who would like to
19 observe and be a part of that, again, it will be an open meeting,
20 and there will not be any presentations. It will be purely
21 deliberations, and I think it will be a very productive time.

22 Any other scheduling business to talk about or time
23 line issues?

24 (No response.)

25 CHAIRPERSON JAMES: Any other old business to come
26 before the --

27 COMMISSIONER LOESCHER: Madame Chair.

28 CHAIRPERSON JAMES: Yes. Commissioner Loescher.

1 COMMISSIONER LOESCHER: You know, it's important to me,
2 you know, that the credibility of this Commission is maintained
3 and that the work we do is respected and that our relations with
4 people who we need to do business with are upheld the best we
5 can.

6 In the last several days, in the last month or so,
7 there's been lots of correspondence and things said about the
8 cooperation of Native Americans, particularly the National Indian
9 Gaming Commission and under the leadership of Mr. Monte Deer, and
10 I would like to hope that the record would be cleared a bit and
11 the air would be cleared a little bit.

12 I met with Mr. Deer, and I know you, Madame Chair, have
13 met with Mr. Deer, and he has reflected all of the contacts and
14 communications and meetings that have been held between
15 management, yourself, myself and others to try to provide the
16 cooperation and the data, you know, that the government agencies
17 have and make it available to this Commission.

18 I think the record is clear that there has been
19 cooperation, and there is a willingness to cooperate now and in
20 the future, and so I'm hopeful, Madame Chair, under your
21 leadership that we could reestablish those communications and
22 utilize the cooperation that is offered to us.

23 CHAIRPERSON JAMES: I would say to the Commission that
24 I did have the opportunity to meet with Mr. Deer. It was a very
25 helpful and I thought another productive meeting in trying to
26 work through some of the understandings of where we exactly are
27 in our collection of data and information.

28 As you know, we wanted to make sure that we went
29 through every process to try to get the information that we feel

1 we need before moving to any formal or legal process. I am not
2 satisfied at this point that we have done that entire process or
3 need to ask at this point for any further or any legal remedy.

4 Mr. Deer expressed some frustration with having a
5 specific enough request from the Commission in terms of what
6 exactly it is we want. I expressed my frustration with not
7 knowing how to frame that question in terms of I don't know what
8 you have. So it's very difficult to answer the question what
9 exactly is it that you want.

10 Where that left off is that I told him that I would
11 speak to Dr. Moore and to you and to John, who are members of
12 that particular subcommittee, and I've already talked to staff.
13 I talked to Doug Seay about developing something very specific in
14 terms of trying to get our request as specific as we possibly can
15 and get it over to them by the beginning -- and, Doug, I think
16 you said you could have that done by?

17 PARTICIPANT: By Wednesday.

18 CHAIRPERSON JAMES: By Wednesday of next week. So I am
19 hopeful that as we go through that process that we can resolve
20 this.

21 COMMISSIONER LOESCHER: Thank you, Madame Chair.

22 CHAIRPERSON JAMES: Oh, I'm sorry. I should have
23 mentioned that with us today we have Mr. Duncan Getchel as our
24 General Counsel. He is sitting in for George Terwilliger, who
25 was previously engaged or not able to be with us today, and Mr.
26 Getchel has been with us before filling in for Mr. Terwilliger,
27 but he's here in case there are any questions that we have.

28 Dr. Moore.

1 COMMISSIONER MOORE: As chairman of the Indian
2 subcommittee, I just would like to thank Mr. Loescher and Mr.
3 Wilhelm for the work that they have done and the cooperation that
4 we have had.

5 As far as the information that we need from the Native
6 Americans, we need and want and expect all that you have.

7 Now, as I've said before on this Commission and as you
8 can remember, I made a motion that we did not seek to legally get
9 this, and then when that didn't set too well with the Commission,
10 then I made the motion that we do get it.

11 We don't want this to take back home and me to sit
12 around and talk about how much the Indians have made and how
13 much they haven't made. We need this information before we can
14 give out a report of what has happened economically.

15 I think that the Indians have done a tremendous job,
16 and I'm going to say this. I've said it before at our
17 subcommittee meetings. I think it's even done a heck of a job
18 with the money that we know about, and maybe it's all that you
19 have, and if it is, I don't see where you have anything to hide.

20 Now, all of us can hide behind legal things. We heard
21 this morning about advertisement and all. All we want is what
22 you want, I think, is to give a good report, and we would like to
23 see you prosper even more. I'd like to see Mr. Lanni's group
24 prosper more. I mean it's here with us.

25 COMMISSIONER DOBSON: I'd like them all to go broke.

26 (Laughter.)

27 COMMISSIONER MOORE: Well, someone asked me if I wanted
28 that to happen on the coast, and I said, well, we'd have a lot of
29 pigeon nests. I don't know what we'd do with all of the hotels.

1 COMMISSIONER BIBLE: A lot of pigeons, too.

2 COMMISSIONER MOORE: But anyway --

3 CHAIRPERSON JAMES: That's what we have now.

4 COMMISSIONER MOORE: Madame Chair, that's what we want
5 from them.

6 CHAIRPERSON JAMES: Thank you, Dr. Moore. We can
7 always count on you.

8 COMMISSIONER McCARTHY: Madame Chair, may I add that I
9 also asked our colleague, Bob Loescher, for help in regard to the
10 response to the casino questionnaire, and I believe he's trying
11 to intercede. We talked about it two days ago, and so far the
12 responses from the tribal governments that have casino operations
13 is perhaps somewhat short of what we had hoped for, particularly
14 the larger generators of revenue, which is somewhat in contrast
15 to the rest of the casino industry.

16 So I want to thank Mr. Loescher publicly for trying to
17 move that along as well. We have a short time frame on that. If
18 we don't get the responses back within probably eight or nine
19 days, NORC will have written its report, and that would be a real
20 big missing gap in the report.

21 CHAIRPERSON JAMES: Well, thank you for that.

22 COMMISSIONER LANNI: Madame Chair.

23 CHAIRPERSON JAMES: Yes.

24 COMMISSIONER LANNI: Madame Chair, I would just like to
25 say to Commissioner Loescher that if, indeed, we did all go
26 broke, the Native American operations and commercial gaming and
27 the one million people that are displaced from work through the
28 largess of the vast resources that focus on the family I'm sure
29 we'll be taken care of.

1 (Laughter.)

2 CHAIRPERSON JAMES: You know, it's been a while since
3 we've had an exchange like this.

4 Thank you.

5 Any other old business?

6 (No response.)

7 CHAIRPERSON JAMES: Any new business that needs to come
8 before the Commission?

9 (No response.)

10 CHAIRPERSON JAMES: Hearing none, I will close the
11 official business meeting of the Commission and would like to try
12 to move along with our schedule to see how many of the
13 subcommittee reports we can, indeed, get in and if there's any
14 subsequent discussion that we need.