

Fundamentals of Tribal Casino Gaming Regulation – A Primer for Regulators

Top 10 Considerations for Tribal Gaming Regulatory Agencies Regarding Commission Meetings and Hearings

TGRA Commission's meetings and hearings serve as the primary forum through which the Commission exercises its regulatory authority. Therefore, every proceeding should emphasize:

- Independence of the Commission
- Transparency and accountability
- Consistent application of regulations
- Protection of tribal sovereignty
- Due process for licensees and regulated entities
- Creation of a defensible administrative record

The following considerations help ensure that Commission actions comply with tribal law, gaming ordinances, regulatory standards, and the expectations of agencies such as the National Indian Gaming Commission while preserving the Tribe's sovereign authority over gaming operations.

1. Maintain Procedural Fairness and Due Process

- All parties appearing before the Commission should receive adequate notice, access to relevant information, an opportunity to be heard, and the ability to present evidence and testimony.
- Legal counsel should be permitted to represent affected parties and Commission personnel when appropriate.

2. Establish Formal Meeting and Hearing Protocols

- Meetings should be regularly scheduled and conducted under formally adopted procedures.
- Consistent processes promote transparency, accountability, and defensibility of Commission actions.

3. Develop and Publish Agendas in Advance

- Agendas should be prepared and publicly posted before each meeting.
- Commissioners should receive hearing materials, staff reports, and supporting documentation sufficiently in advance to allow informed decision-making.

4. Follow Robert's Rules of Order

- The Commission should employ structured parliamentary procedures, including motions, seconding motions, discussion, voting, and a prescribed order of business.
- This promotes orderly deliberations and clear decision-making.

5. Create a Complete Administrative Record

- Hearings should be recorded through video, audio, digital transcription, or certified court reporters when appropriate.
- A comprehensive record is critical if Commission decisions are challenged or appealed.

6. Protect the Integrity of Evidence and Testimony

- Witnesses, including TGRA staff, should be sworn under oath before providing testimony.
- Formal procedures should govern the submission, review, and admission of evidence.
- Maintaining evidentiary standards strengthens the credibility of Commission decisions.

7. Avoid Ex Parte Communications

- Commissioners should refrain from discussing pending matters outside the hearing process with interested parties, staff, vendors, attorneys, or fellow commissioners.
- Decisions should be based solely on evidence presented during the official proceeding.

8. Balance Transparency with Confidentiality

- Open meetings support public confidence in tribal gaming regulation.
- Closed sessions may be necessary for personnel matters, sensitive investigations, legal strategy, or confidential information, but no final decisions should be rendered during closed sessions.

9. Standardize Common Hearing Types

- Written hearing scripts, checklists, and procedures for recurring matters such as vendor licensing, gaming employee licensing, regulatory violation, and management licensing hearings help ensure consistency and fairness.
- Standardization reduces procedural errors and improves efficiency.

10. Document Decisions and Follow-Up Actions

- Meeting minutes should accurately reflect motions, votes, findings, and Commission actions.
- Written decisions should clearly identify the basis for the Commission's determination and any conditions, sanctions, or corrective actions imposed.
- Well-documented decisions support regulatory integrity and facilitate future review.

Barnes & Noble

<https://www.barnesandnoble.com/s/fundamentals%20of%20tribal%20casino%20gaming%20regulation>

Amazon

https://www.amazon.com/Fundamentals-Tribal-Casino-Gaming-Regulation/dp/B0G3638B28/ref=sr_1_1?crd=2K9T0QWDG83YO&dib=eyJ2ljojMSJ9.obBxcBbXzj5xWyEES1FTTQ.yz6WjQiZKI4wsjP5cMgqP5Xchm_zDfpe3ByqllSc4o&dib_tag=se&key

[words=fundamentals+of+tribal+casino+gaming+regulation&qid=1764177136&srefix=%2Caps%2C112&sr=8-1](https://www.magersandquinn.com/product/FUNDAMENTALS-OF-TRIBAL-CASINO/28792171)

Magers & Quinn

<https://www.magersandquinn.com/product/FUNDAMENTALS-OF-TRIBAL-CASINO/28792171>

Bookscape

https://bookscape.com/product-details/fundamentals-of-tribal-casino-gaming-regulation-9798318806810?utm_source=chatgpt.com

