

Ordinance 34-14

An Ordinance of a Supplemental Appropriation for **Department of Justice of the Mille Lacs Band Tribal Government** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

The District III Representative introduced the following Bill on the 27th day of May, 2014.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of appropriating for **Department of Justice** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

Title I

Section 1: Governmental Operations. The Band Assembly hereby appropriates and authorizes expenditures for **Department of Justice** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

Section 1.01: Amendment to Section 1.02. The Band Assembly hereby appropriates and authorizes the expenditure of: One hundred fifteen thousand two hundred seventy eight dollars and three cents (\$115,278.03) to support the hiring of (2) additional Police Officers 100-215 under **Department of Justice**; which amends the **Total Fiscal Year 2014 Mille Lacs Band Tribal Operations** to read: One hundred eighteen million fifty three thousand four hundred seven dollars and ninety six cents (\$118,053,407.96); and

One hundred thirty nine thousand nine hundred sixty four dollars and fifty four cents (\$139,964.54) to support the hiring of (2) additional Police Officers 100-215 under **Department of Justice**; which amends the **Total Fiscal Year 2015 Mille Lacs Band Tribal Operations** to read: Eighty eight million eight hundred sixty six thousand four hundred fifteen dollars and forty six cents (\$88,866,415.46); and

Section 1.02: The Band Assembly hereby appropriates and authorizes the expenditure of supplemental programmatic funds for the following:

<u>Tribal Operation Fiscal Year 2014</u>	<u>Supplemental</u>	<u>Amended Amount</u>
Department of Justice		
To support of hiring (2) additional Police Officers 100-215	\$ 115,278.03	\$ 4,668,834.03
<u>Tribal Operation Fiscal Year 2015</u>	<u>Supplemental</u>	<u>Amended Amount</u>
Department of Justice		
To support of hiring (2) additional Police Officers 100-215	\$ 139,964.54	\$ 4,859,331.54

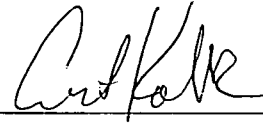
Section 1.03: The Band Assembly hereby authorizes Commissioners to approve budgetary revisions within programs up to **\$10,000.00** provided that the revisions are allowable under grant provisions, if applicable and that sufficient funds are available for the revision. For revisions over **\$10,000.00**, the Band Assembly hereby authorizes the Administration Policy Board to approve budget revisions within programs of up to 50% of the total programs budget within a given budget line if the program is under **\$100,000.00** and up to 20% if the program is **\$100,000.00** or greater.

All funds appropriated are maximum fund amounts and shall not be exceeded.

Ordinance 34-14
(Band Assembly Bill 16-01-34-14)

Introduced to the Band Assembly on this
Twenty seventh of May in the year
Two thousand fourteenth.

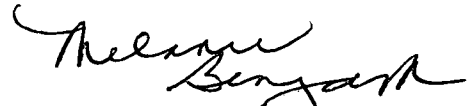
Passed by the Band Assembly on this
Twenty seventh of May in the year
Two thousand fourteenth.



Curt Kalk, Speaker of the Assembly

APPROVED

Date: 5-27-14



Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND

Sylvia Villebrun

From: John Gerdener
Sent: Thursday, May 22, 2014 4:58 PM
To: Sylvia Villebrun
Cc: Todd Matha
Subject: FW: Supplemental Info.

Sylvia,

It made be a tad light in that it does not appear to include anything for worker's comp, FICA, or 401(k), but those would not be significant in total so I would use the numbers below.

John Gerdener
Commissioner of Finance
Mille Lacs Band of Ojibwe
320-532-7475

From: Todd Matha
Sent: Thursday, May 22, 2014 4:41 PM
To: Sylvia Villebrun
Cc: John Gerdener
Subject: Supplemental Info.

Parliamentarian Villebrun,

Interim Chief of Police Rosati has provided the below financial breakdown in relation to the appropriation request presented on May 21, 2014. The 2014 figures contemplate the hiring of the additional officers on or around July 1, 2014, which remains a distinct possibility since the Police Department previously performed background investigations on several eligible candidates in connection with an existing opening in the department.

Fiscal Year 2014 (remainder)

Salary $\$21.27 \times 3 \text{ months} \times \text{two officers} = \$22,120.80$
PERA $\$22,120.80 \times 15.3\% = \$3,384.48$
Medicare $\$22,120.80 \times 1.45\% = \320.75
Medical $\$1,470.49 \times 3 \text{ months} \times \text{two officers} = \$8,822.94$
Dental $\$23.00 \times 3 \text{ months} \times \text{two officers} = \138.00
Disability $\$55.00 \times 3 \text{ months} \times \text{two officers} = \330.00
Life Ins $\$25.00 \times 3 \text{ months} \times \text{two officers} = \150.00
Unemployment $\$22,120.80 \times .05\% = \11.06
Car/equipment $\$40,000 \times \text{two officers} = \$80,000.00$
TOTAL = $\$115,278.03$

Fiscal Year 2015

Salary $\$21.27 \times 2080 \times \text{two officers} = \$88,483.20$
PERA $\$88,483.20 \times 15.3\% = \$13,537.92$
Medicare $\$88,483.20 \times 1.45\% = \128.22
Medical $\$1,470.49 \times 12 \text{ months} \times \text{two officers} = \$35,298.96$
Dental $\$23.00 \times 12 \text{ months} \times \text{two officers} = \552.00

Disability $\$55.00 \times 12\text{months} \times \text{two officers} = \$1,320.00$

Life Ins $\$25.00 \times 12\text{ months} \times \text{two officers} = \600.00

Unemployment $\$88,483.20 \times .05\% = \44.24

TOTAL = \$139,964.54

Please inform me if you need any further details. Thank you.

Todd R. Matha

Solicitor General

Mille Lacs Band of Ojibwe

43408 Oodena Drive

Onamia, MN 56359

Tel. 320.532.7894

INTEROFFICE MEMORANDUM

TO: Band Assembly Members
FROM: Todd R. Matha, Solicitor General *TRM*
SUBJECT: Appropriation Request (Police Department)
DATE: May 20, 2014
CC: Melanie A. Benjamin, Chief Executive
Jared R. Rosati, Interim Chief of Police



The Band Assembly earlier asserted its principal justification for adoption of the Band's criminal code.

[T]he purpose of this chapter is to protect *all* persons under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians through the development of various measures which define in writing acceptable and non-acceptable behaviors or omissions in the behavior of those persons who are enrolled members and other Indians under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians¹

This purpose statement corresponds with and is intended to effectuate a well-known fundamental right, *i.e.*, “[a]ll persons within the territorial jurisdiction of the Non-Removable Mille Lacs Bands of Chippewa Indians shall be accorded the equal protection of the Band's laws”² In turn, the MLB Department of Justice and its constituent divisions are entrusted with the realization of this laudable goal.

In particular, the Department of Justice, including the Police Department,³ exists “for the expressed purpose of protecting the general welfare and safety of all those who enter lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.”⁴ The Police Department vigorously attempts to fairly and evenly enforce Band and state law on the reservation and within after acquired tribal trust and fee lands,⁵ but financial constraints require it to allocate limited personnel on the basis of established historical trends.⁶ The Police Department consequently endeavors to maintain a constant presence of at least one (1) patrol officer in District I, which usually increases to two (2) patrol officers for the late evening/nighttime shift.

However, an increase in residential housing in District III, coupled with the advent of a collaborative undertaking in District II,⁷ merits the immediate addition of two (2) new patrol

officers. The Police Department would then operate at full strength, thereby enabling a constant patrol officer presence in all districts, instead of just District I. The Police Department would require the amount of \$220,000.00 to facilitate the hiring of two (2) officers, which includes salary, fringe benefits, Public Employees Retirement Association ("PERA") contribution, and vehicle acquisition.

As always, the Police Department will attempt to obtain federal grant funds to offset or supplement the addition of the officers.⁸ Yet, at this juncture, the Police Department requests a Band Assembly allocation of necessary funds from unspent net revenue or other appropriate source. Chief Executive Melanie A. Benjamin has noted her support of this request.

Thank you for your kind consideration of this important matter.

¹ 24 MLBSA § 1001(a) (emphasis added).

² 1 MLBSA § 8; *see also* Indian Civil Rights Act of 1968, 25 U.S.C. § 1302(8) (2014).

³ 24 MLBSA § 1053(b).

⁴ *Id.*, § 1051.

⁵ MLB POLICE DEP'T OPERATIONS MANUAL ("Police Manual") (ed. Mar. 19, 2010), § 103.4, *available at* <http://www.millelacsband.com/pdf/Current%20MLTPD%20Policies.pdf>. Band Statute entrusts the DOJ with "promulgat[ing] policy governing the conduct and employment rules and regulations of all law enforcement." 24 MLBSA § 1052. Consequently, the Police Department is expressly exempted from the Band's governmental policies and procedures. 6 MLBSA § 2(a)(5); MLB PERS. POLICY & PROCEDURES MANUAL (ed. Mar. 5, 2014), § 2(7) at 5.

⁶ POLICE MANUAL, § 101.4(2); *see also* Request for United States Assumption of Concurrent Federal Criminal Jurisdiction (Feb. 25, 2013) at 2 (identifying an alarming rate of crime in the Vineland community). In 2012, the Police Department generated a total of 4,615 Incident Criminal Reports. The lion share of these reports derived from District I, whereas reports originating from Pine County properties accounted for less than five percent (5%) of the annual total, and reports originating from Aitkin County properties accounted for less than one percent (1%) of the annual total.

⁷ The Aitkin County Sheriff's Department has begun monitoring and identifying tribal call assistance in a effort to establish grounds for the county board and attorney to reexamine the merits of entering a joint powers agreement. The MLB Police Department must certainly be capable of assuring a constant patrol officer presence in District II in order to justify such an agreement.

⁸ 24 MLBSA § 1052 ("The Department of Justice shall have power to seek financial assistance from the United States, any of its subdivisions or any private foundation in the interests of enhancing the development of law enforcement and judiciary in general.").

Band Assembly Bill 16-01-33-14

A Bill of a Budget Transfer for **Department of Justice** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

The District I Representative introduced the following Bill on the 20th day of May, 2014.

Preamble

Be it enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of appropriating for **Department of Justice** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

Title I

Section 1: Governmental Operations. The Band Assembly hereby appropriates and authorizes expenditures for **Department of Justice** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

Section 1.0.1: The Band Assembly hereby authorizes the budget revision of programmatic funds for the following:

FY 2014 – Gaming Regulatory Authority Budget transfer

Legal 100-188	(\$11,250.00) transfer to	
	Department of Justice	18,333
	Office of Solicitor General 100-215	\$11,250.00 18,333

FY 2015 – Gaming Regulatory Authority Budget transfer

Legal 100-188	(\$33,750.00) transfer to	
	Department of Justice	56,650
	Office of Solicitor General 100-215	\$33,750.00 56,650

ALSO NEED
ADJL APPROPRIATION
TO OSC

FY14 12,334
FY15 38,110

Section 1.03: The Band Assembly hereby authorizes Commissioners to approve budgetary revisions within programs up to \$10,000.00 provided that the revisions are allowable under grant provisions, if applicable and that sufficient funds are available for the revision. For revisions over \$10,000.00, the Band Assembly hereby authorizes the Administration Policy Board to approve budget revisions within programs of up to 50% of the total programs budget within a given budget line if the program is under \$100,000.00 and up to 20% if the program is \$100,000.00 or greater.

All funds appropriated are maximum fund amounts and shall not be exceeded.

John Gerdener

From: John Gerdener
Sent: Wednesday, May 14, 2014 4:41 PM
To: Sylvia Villebrun; Curt Kalk; Sandi Blake; Marvin Bruneau; Diane Gibbs
Cc: Elaine Smith
Subject: RE: Budgetary Allocation
Attachments: GRA-OSG attorney split.xlsx

I agree with most of Todd's logic, but not entirely with his all his math.

The average total benefits for Band government employees runs 41% to 42%, making the total salary and benefits closer to \$92,000, not \$82,000. In addition, assuming the attorney would start on June 1 as Todd states below, means 4 months need to be included in FY14, where it appears Todd is using only 3 months.

I have reworked what the correct additional allocation between GRA and OSG should be on the attached worksheet, which assumes GRA commits to covering \$55,000 in FY14.

Please call me if you have any questions.

John Gerdener
Commissioner of Finance
Mille Lacs Band of Ojibwe
320-532-7475

From: Sylvia Villebrun
Sent: Wednesday, May 14, 2014 3:55 PM
To: John Gerdener; Curt Kalk; Sandi Blake; Marvin Bruneau; Diane Gibbs
Cc: Elaine Smith
Subject: FW: Budgetary Allocation

FYI

From: Todd Matha
Sent: Wednesday, May 14, 2014 3:52 PM
To: Sylvia Villebrun
Subject: Budgetary Allocation

Parliamentarian Villebrun,

Please consider this note as a summary of our recent conversation. In regards to the request for a full-time GRA dedicated attorney, both the Chief Executive and Band Assembly had expressed that the GRA should likely dedicate partial funding to the OSG for this purpose. Consequently, the GRA has agreed to pay fifty-percent (50%) of an OSG attorney's salary, including fringe benefits, which presently amounts to \$55,000.00 per year. This amount would likely increase year to year given inflation and merit increases.

If the OSG attorney assumed full-time duties on June 1, 2014, then the GRA would need to submit a prorated amount of \$13,750.00 for the remainder of the fiscal year, which concludes on September 30, 2014. In the following fiscal year, the GRA would submit the full amount of \$55,000.00 (or about \$56,500.00 given an anticipated merit increase).

The OSG would require an additional allocation of funds to hire a sixth attorney with an approximate starting salary of \$65,000.00 per year. According to OMB, this amount increases to roughly \$82,000.00 per year when figuring in fringe benefits. Provided that the GRA commits the above funding, then the OSG would need \$11,250.00 added to its present fiscal year budget (four (4) remaining months), and the amount of \$33,750.00 the following fiscal year, totaling the requested \$45,000.00 for the biennial fiscal cycle.

Todd R. Matha
Solicitor General
Mille Lacs Band of Ojibwe
43408 Oodena Drive
Onamia, MN 56359

Tel. 320.532.7894

Mille Lacs Band Of Ojibwe
 Cost of OSG/GRA additional attorney
 prepared by John Gerdener on May 14, 2014

		<u>4 mos FY14</u>	<u>3% Annual Increase FY15</u>
Estimated Base Salary	65,000	21,667	66,950
Estimated Fringes at 41.5%	<u>27,000</u>	<u>9,000</u>	<u>27,810</u>
Estimated Total Cost	<u>92,000</u>	<u>30,667</u>	<u>94,760</u>
GRA Share	55,000	18,333	56,650
Balance --OSG share	<u>37,000</u>	<u>12,334</u>	<u>38,110</u>
	<u>92,000</u>	<u>30,667</u>	<u>94,760</u>

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Sent: Wednesday, May 14, 2014 3:52 PM
To: Sylvia Villebrun
Subject: Budgetary Allocation

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Todd R. Matha
Solicitor General
Mille Lacs Band of Ojibwe
43408 Oodena Drive
Onamia, MN 56359

Tel. 320.532.7894

INTEROFFICE MEMORANDUM

TO: Band Assembly Members

FROM: Todd R. Matha, Solicitor General *TRM*

SUBJECT: ~~Revised Appropriation Request~~

DATE: May 12, 2014



On the basis of recent legislative comments, I asked the Gaming Regulatory Authority on May 8, 2014, to consider assuming fifty (50%) of the costs associated with retaining Attorney Zachary H. Atherton Ely as full-time dedicated legal counsel.¹ On May 9, 2014, the GRA unanimously voted to commit the amount of \$55,000.00 per fiscal year (prorated for FY2013-14), subject to projected annual increases, representing Attorney Atherton-Ely's salary, including fringe benefits. As a result, I now revise the May 1, 2014 allocation proposal,² and reduce the request to \$45,000.00, which again will support the hiring of a sixth attorney within the Office of the Solicitor General.

Thank you for your kind consideration of this request.

Attach.: Cited memoranda (three (3) pages)

¹ Solicitor Gen. Memo re: Budget Contribution Req. (May 8, 2014).

² Solicitor Gen. Memo re: Appropriation Req. (May 1, 2014).

*B.A. suggests
Retro (per Band proposal)
From GRA.
GR
5-13-14
GR*

INTEROFFICE MEMORANDUM

TO: Band Assembly Members

FROM: Todd R. Matha, Solicitor General *SR*

SUBJECT: Appropriation Request

DATE: May 1, 2014

CC: Melanie A. Benjamin, Chief Executive
John G. Gerdener, Commissioner of Finance



On March 17, 2011, the Office of the Solicitor General increased from four (4) attorneys to its current composition of five (5). This increase corresponded with the anticipated founding of a Child Support Agency within the Department of Administration. In its federal grant proposal, the Mille Lacs Band pledged an in-kind contribution, representing fifty percent (50%) of an OSG attorney's salary, including fringe benefits.¹ In addition, the OSG maintains two (2) support staff positions: Paralegal and Administrative Assistant.

On or around December 12, 2012, the OSG began providing legal representation for the Gaming Regulatory Authority, which corresponds with its statutory obligation.² The GRA has since realized a significant cost savings as it no longer solely relies upon outside legal counsel and consultants. The GRA, and its assigned counsel, has also realized a need to dedicate the services of a full-time attorney to the existing and contemplated workload.³ Deputy Solicitor General Zachary H. Atherton-Ely has expressed a willingness and preference to undertake this increased responsibility.

Consequently, the OSG requires another attorney to assume the role of assigned child support legal counsel, which Attorney Atherton-Ely presently fulfills in addition to other enumerated duties. In Attorney Atherton-Ely's estimation, an OSG Attorney could continue to easily allocate a minimum of fifty percent (50%) of his or her time with child support work as required by ongoing grant conditions. Given the transition occurring in the Child Support Agency, a new OSG Attorney would probably need to devote considerably more attention to this practice area.

The OSG does not have sufficient funding to sustain a staff of eight (8) members, including another attorney. The OSG, therefore, would require the addition of approximately \$115,000.00 to its budget in order to meet the salary and related expenses of a sixth attorney over the remaining 2014-15 fiscal cycle.⁴ The OSG requests a Band

on hold

INTEROFFICE MEMORANDUM

TO: Band Assembly Members

FROM: Todd R. Matha, Solicitor General *TRM*

SUBJECT: Appropriation Request

DATE: May 1, 2014

CC: *Melanie A. Benjamin, Chief Executive*
John G. Gerdener, Commissioner of Finance



On March 17, 2011, the Office of the Solicitor General increased from four (4) attorneys to its current composition of five (5). This increase corresponded with the anticipated founding of a Child Support Agency within the Department of Administration. In its federal grant proposal, the Mille Lacs Band pledged an in-kind contribution, representing fifty percent (50%) of an OSG attorney's salary, including fringe benefits.¹ In addition, the OSG maintains two (2) support staff positions: Paralegal and Administrative Assistant.

On or around December 12, 2012, the OSG began providing legal representation for the Gaming Regulatory Authority, which corresponds with its statutory obligation.² The GRA has since realized a significant cost savings as it no longer solely relies upon outside legal counsel and consultants. The GRA, and its assigned counsel, has also realized a need to dedicate the services of a full-time attorney to the existing and contemplated workload.³ Deputy Solicitor General Zachary H. Atherton-Ely has expressed a willingness and preference to undertake this increased responsibility.

Consequently, the OSG requires another attorney to assume the role of assigned child support legal counsel, which Attorney Atherton-Ely presently fulfills in addition to other enumerated duties. In Attorney Atherton-Ely's estimation, an OSG Attorney could continue to easily allocate a minimum of fifty percent (50%) of his or her time with child support work as required by ongoing grant conditions. Given the transition occurring in the Child Support Agency, a new OSG Attorney would probably need to devote considerably more attention to this practice area.

The OSG does not have sufficient funding to sustain a staff of eight (8) members, including another attorney. The OSG, therefore, would require the addition of approximately \$115,000.00 to its budget in order to meet the salary and related expenses of a sixth attorney over the remaining 2014-15 fiscal cycle.⁴ The OSG requests a Band

Assembly allocation of such funds from unspent net revenue or other appropriate source. Chief Executive Melanie A. Benjamin has noted her support of this request.

Thank you for your kind consideration of this important matter.

Attach.: Docs. cited in note 3 (eight (8) pages)

¹ Application for Fed. Assistance SF-424 (Jan. 24, 2011) at 3 (designating a \$37,500.00 salary offset, excluding fringe benefits). The base annual salary for an OSG attorney amounts to \$65,100.00. MLB Job Description: Deputy Solicitor Gen. (identifying an E14 compensation grade).

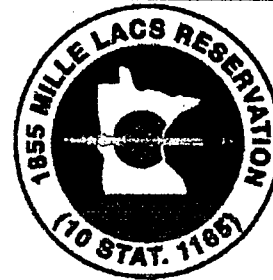
² SOLICITOR GEN. OP. 36-12, *available at* <http://millelacsband.com/office-solicitor-general/solicitor-general-opinions/>.

³ GRA Bd. Memo re: Summ. of Legal Work Performed (Apr. 11, 2014); GRA Dir. of Internal Audit Memo re: Req. for Fulltime Deputy Solicitor Gen. Representation for GRA (Apr. 11, 2014); GRA Compliance Mgr.-Hinckley correspondence (Apr. 11, 2014); GRA Dir. of Surveillance Memo re: Req. for Fulltime Deputy Solicitor Gen. Representation for the GRA (Apr. 14, 2014); GRA Compliance Mgr.-Mille Lacs correspondence (Apr. 15, 2014).

⁴ OMB Fin. Officer Katy Radunz performed this calculation on May 1, 2014, presuming an immediate hire for purposes of computation. The posting, interview, selection, and pre-employment processes would likely require a couple months. The OSG could transfer any unused funds into other line items that would be impacted by a staff addition, *e.g.*, communication, mileage, office supplies, and training.

MEMORANDUM

TO: SOLICITOR GENERAL TODD MATHA
FROM: GAMING REGULATORY AUTHORITY BOARD
SUBJECT: SUMMARY OF LEGAL WORK PERFORMED
DATE: APRIL 11, 2014



Per the Solicitor General's request, the Gaming Regulatory Authority (GRA) Board hereby submits the following summary of the legal work provided by Deputy Solicitor General Zachary Atherton-Ely.

Over the past 18 months Attorney Atherton-Ely provided legal counsel and helped draft updates to 14 DETAILED GAMING REGULATIONS (DGR). He is currently assisting with updates to an additional three (3) DGRs. The GRA identified at least ten (10) DGRs requiring future revisions.

Attorney Atherton-Ely also works closely with the GRA Board and Directors on updates to the GRA's Personnel Policies and Procedures. He provided legal counsel and helped draft updates to seven (7) policies. He is currently assisting with updates to an additional three (3) policies. The GRA identified at least nine (9) policies requiring revisions in the future.

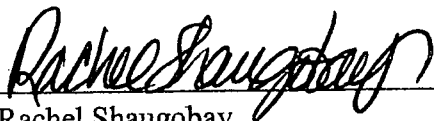
Attorney Atherton-Ely regularly reviews exclusion recommendations from the Director of the Office of Gaming Regulation and Compliance. In the past year, he reviewed over 230 exclusion recommendations. Attorney Atherton-Ely also represents the GRA at the subsequent exclusion hearings. He drafts the GRA Board's Final Determinations for contested exclusion and licensing hearings. The GRA Board presides over approximately eight (8) contested hearings per month. One exclusion and one license denial have been appealed to the Court of Central Jurisdiction. Both Final Determinations were upheld.

Attorney Atherton-Ely attends GRA Board meetings twice a month, Compliance meetings four times a month, and Internet Gaming Steering Committee meetings once a month. At these meetings, he provides legal counsel regarding the INDIAN GAMING REGULATORY ACT, NIGC REGULATIONS, Tribal-State Compacts, TITLE 15, DGRs, policies and procedures, employment disputes and contracts. He also provides updates as to changes in the legal landscape surrounding gaming and internet gaming.

Much of Attorney Atherton-Ely's legal analysis and support relates to questions requiring significant research and follow-up. He recently assisted the GRA with remedying two violations of the Band's Blackjack Compact. Both violations were outstanding for significant periods of time, but are now resolved, or close to a resolution. He also provided legal counsel regarding the classification of player pooled card games currently operating at both properties.

In addition to assisting with the day-to-day legal questions and updates to DGRs and policies, the GRA will require Attorney Atherton-Ely's assistance for two major upcoming projects. First, the GRA will require his assistance to draft updates to Title 15 as requested by the NIGC. Second, the GRA will require his assistance to review the System of Internal Control Standards (SICS) submitted by all departments affected by updates to the Class II MICS from both properties. The NIGC requires both properties to submit written policies, procedures and standard practices based on overarching regulatory standards specifically designed to safeguard the integrity of the gaming operations and protect assets. These SICS must be reviewed and approved by the GRA. The GRA expects voluminous submissions requiring intensive review and follow-up.

The GRA appreciates the work Attorney Atherton-Ely completed in the past 18 months. His assistance helped the GRA improve gaming regulation and efficiency within the organization. The GRA Board believes that fulltime representation by a Deputy Solicitor General will allow the GRA to continue to improve and save considerable expenses associated with hiring outside counsel and consultants.



Rachel Shaugobay
GRA Board Vice Chairperson



Mille Lacs Band
Gaming Regulatory Authority
Internal Audit



To: Solicitor General Todd Matha
From: Becky Houle, Gaming Regulatory Authority Director of Internal Audit
Subject: Request for Fulltime Deputy Solicitor General Representation for the GRA
Date: April 11, 2014

I am writing to both thank your office for representing the Mille Lacs Band of Ojibwe with such dedication and professionalism and also to request even more help on behalf of the Gaming Regulatory Authority (GRA). Deputy Solicitor General Zachary Atherton-Ely has been a vital resource for our offices throughout the last year and a half. It is requested that fulltime representation be extended to the GRA to continue to improve the regulatory health of the Band's gaming enterprises, foster internal expertise and efficiencies, and support consistency throughout the GRA's statutory system.

Attorney Atherton-Ely has played a critical role in drafting numerous Detailed Gaming Regulations (DGR) and researching future updates. The increased quality and uniformity of our updated regulations is unquestionable. We would not have been able to complete these without Zach's help nor if we were to rely on and pay for external counsel. DGR updates and revisions are a constant in this industry. In order stay operationally competitive yet well-regulated and risk averse, we need to be able to keep up.

Attorney Atherton-Ely regularly assists the GRA in a wide range of duties:

- As representation and consultant to the GRA Board, twice-monthly attends board meetings where legal updates are presented, vendor and employee licensing action advice given, exclusion hearing board representation provided.
- Weekly gaming meetings are attended as well as monthly iGaming meetings (where critical legal analysis is needed in understanding the opportunities and threats of the industry for the Band).
- Provides counsel on the Indian Gaming Regulatory Act, National Indian Gaming Commission advisories and Minimum Internal Controls, Tribal-State Compact and Technical Amendments, Title 15, DGRs, contracts, policies and procedures.
- Advises and represents surveillance employees regarding law enforcement investigations and suits.
- Day-to-day legal questions.

Ongoing and future assistance a fulltime Deputy Solicitor General could provide includes:

- Continual updates to the DGRs and personnel policies.
- Drafting changes to Title 15 and representing the GRA in correspondence with the NIGC during the revision process.

Mille Lacs Band
Gaming Regulatory Authority
Internal Audit

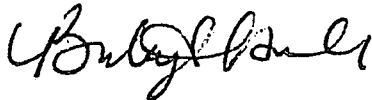
- Reviewing and advising on all System of Internal Control Standards (SICS) to be submitted by the gaming enterprises and approved by the GRA Board over the next 6 to 12 months. Further, reviewing any subsequent modifications and updates to the SICS.
- Developing controls standards for the future of gaming – IT based and internet gaming.

I am concerned that not dedicating fulltime, Mille Lacs Band-employed representation for the GRA could result in the Band drastically overspending time and money on external counsel. More importantly, I am concerned we as regulators will be unprepared for future challenges without this resource.

I cannot say enough about how much Zach has helped the entire GRA and how lucky we are to have him on our side.

Thank you again for your hard work and for your time and consideration. If you have any questions or concerns regarding the above request, please let me know.

Sincerely,



Becky Houle
Director of Internal Audit

Cc: Gaming Regulatory Authority Board
Zachary Atherton-Ely, MLB Deputy Solicitor General
Daniel Klapel, GRA Director of the Office of Gaming Regulation & Compliance
Dave Miller, GRA Director of Surveillance

April 11, 2014

Dear Mr. Solicitor General Matha:

My position with the Mille Lacs Band is currently the Hinckley Compliance Manager. I have been a part of the OGR&C for five years and was a part of the Hinckley GCH operation four years prior to that. I would like to take this opportunity to express my strong belief that it would be extremely beneficial to the OGR&C to have full-time legal counsel assist for the foreseeable future.

Specifically, Zachary Atherton-Ely has become a very integral part of this organization by helping with the following:

1. Revising of DGRs for Class II Gaming MICS updates
2. Discussions regarding Surveillance and its place in the enterprise
3. Transition of new leadership in the OGR&C
4. Research, discussions and eventually the opinion of the classifications of existing carnival games

The OGR&C has the following challenges on its horizon and legal counsel would be very helpful with:

1. Reviewing and approving SICS for the recent DGR revisions
2. Rewriting many existing DGRs in need of updates or complete rewrites
3. Assisting with the updates or drafting of new GRA policies

Zach has earned a reputation with Operations as a "go-to" person for our organization and has been indispensable in negotiating the many challenges of the past year. Many other tribal regulatory agencies have a full-time board and the Mille Lacs Band does not, I feel that Zach's counsel helps fill the gap for this group as well.

In conclusion, I would like to add that this letter in no way lists all of Zach's achievements, nor is it a complete list of the outstanding challenges the OGR&C has before it. My opinion is that Zach's legal counsel has helped and will continue to be a benefit to the OGR&C for as long as we are able to use his skill set.

Sincerely,

Teresa Kozumplik
HK Compliance Manager



Mille Lacs Band Gaming Regulatory Authority
Grand Casino Hinckley/Mille Lacs
Surveillance Department

To: Solicitor General Todd Matha
From: David Miller, Gaming Regulatory Authority Director of Surveillance
Subject: Request for Fulltime Deputy Solicitor General Representation for the GRA
Date: April 14, 2014

Mr. Matha-

I am writing to sincerely thank you and your office for the Legal representation that has been provided to the Gaming Regulatory Authority (GRA). The usage of Deputy Solicitor General Zachary Atherton-Ely has far than met the expectations that I had from that position in the past 1 ½ years.

During the time that Attorney Atherton-Ely has been working with the GRA, there have been a number of things that he has dedicated his time to. Attorney Atherton-Ely has proven to be a vital part of the oversight of the regulatory concerns for the Band. He completes exhaustive research, helps all of us with proper language and content for the regulations, and has been instrumental in setting up meetings with the properties to voice the GRA's position.

Attorney Atherton-Ely has also directly helped my department out with looking at all of the legal documents that we get from the counties around our properties. The Surveillance Department gets subpoenaed to court regularly, and it is essential to the Band to have legal representation with you when you are called to testify in court.

It has come to my attention that you are inquiring about the possibility of this position being a full time position within your department. I would like to endorse such a move. This type of move would make sense in keeping consistent with the regulatory oversight as we move forward. This fulltime position would make financial sense for the Band, as the GRA would no longer have to spend Band assets to hire outside attorneys, get them up to date as far as the regulatory issues, to voice the concerns of the GRA.

In the future of the GRA, we are going to need to utilize counsel for more and more regulatory concerns, as the technology of gaming grows, specifically igaming and online gaming.

Thanks again for the usage of Attorney Atherton-Ely, and I hope that the GRA can use his services for a long time. If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Miller". The signature is stylized with a large, sweeping initial "D" and "M".

David J. Miller
Director of Surveillance
Gaming Regulatory Authority

Cc: Gaming Regulatory Authority Board

April 15th, 2014

Office of the Solicitor General
Mille Lacs Band of Ojibwe Indians
43408 Oodena Drive
Onamia, MN 56359

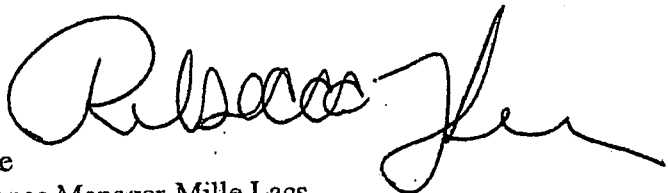
To whom it may concern:

I have had the opportunity to interact with Zachery Atherton-Ely in various meetings and training opportunities for over a year in his capacity as legal counsel for the Gaming Regulatory Authority (GRA). He has been instrumental in ensuring that all relevant legal aspects are addressed as we review laws and regulations in Indian Gaming, especially as we move forward into a highly technological era. He has willingly taken steps to educate himself above and beyond in these aspects of gaming and always has applicable comments in the many discussions that are occurring on the subject. He has taken on an important role by facilitating discussions with other attorneys, drafting legal communications, reviewing letters and opinions, and increasing the communication lines both within and without the GRA.

It is a benefit to the GRA to be supported by the Office of the Solicitor General with the Mille Lacs Band. As the gaming properties continue to be a revenue source, it is highly important that the Band's assets are as secured as possible. The GRA analyzes and follows many various federal, state and tribal regulations, standards and laws to implement the Compliance program at the properties. A GRA-specific attorney is able to provide vast assistance in this analytical role. Especially as we get closer to embracing a new type of gaming (I-Gaming), the formulation of new regulations will require a lot of analysis, coordination, and communication.

I believe that the GRA has benefited from working with Mr. Atherton-Ely and further support that a GRA-specific attorney is instrumental in the future of regulating Indian Gaming for the Mille Lacs Band.

Respectfully,



Rebecca J. Lee
GRA Compliance Manager-Mille Lacs