



by Andrew Hofstetter

## Tribal Gaming Protection Network



The Tribal Gaming Protection Network (TGPN) is a ten-member volunteer organization run by a Board of Directors. TGPN falls under the umbrella of the National Indian Gaming Association (NIGA) and reports directly to the Chairman of NIGA, Ernest Stevens, Jr. The organization began as an initiative started by Chairman Stevens. It grew from the desire to share information on cheats and scams with tribes to help protect them from internal and external threats. Because of the highly sensitive nature of the information and the need to maintain confidentiality, much of the information is handled through appropriate legal and investigative channels. The Network is meant to be advisory in order to forewarn tribes and allow them to be proactive and prevent cheats and scams before they arise.

TGPN assists tribes and provides information through trainings, symposiums, and technical assistance. For the past ten years, TGPN has provided training at the NIGA Mid-year and NIGA Annual Conferences. TGPN strives to provide training that help strengthen the protection of assets, integrity, and public trust of the tribe. The TGPN has conducted a variety of training, including the following:

**Investigations (Civil and Criminal)** – Gaming Commissions conduct various regulatory roles in the industry, but one of the most important functions they are responsible for daily are investigations. Gaming Commissions examine all civil and criminal investigations that may affect the tribe/casino. The most important aspect of examining investigations is the collection of information; which can vary from gathering supporting documentation to interviewing those involved. Any information collected could arise in a hearing or appeal before the Gaming Commission during a civil case, or during a court case with a judge during a criminal investigation. Whether the information is used during a hearing or a court, documenting the sequence of events in an accurate and detailed manner is paramount.

**IT Red Flags** – As technology becomes more prevalent in daily life, it is not uncommon for a Gaming Commission to have IT personnel on staff or to outsource the services of IT personnel. The Gaming Commission is responsible for protecting the tribe and casino from internal and external threats that relate to their IT system. Having a robust IT department is important for threat detection and security. It is important to have strong protocols in place to protect the tribe's information and to prevent security breaches such as

remote access by a vendor or someone who does not have access. Also, since the IT department involves many departments of the casino, there must be good governance and sharing information. We recommend creating a steering committee to address issues and concerns as they come up and to educate staff on new policies. It is also advisable to have routine internal and/or external assessment audits on all IT systems since they can identify risks, threats, vulnerability, and potential weaknesses in the IT infrastructure.

**Regulating Boxing & Mixed Martial Arts (MMA)** – One of the cornerstones of the TGPN training is Mixed Martial Arts and combative sporting events, which is becoming increasingly popular in Indian Country. With the entertainment these events create, comes significant risk and liability to the hosting tribe. Since there are no formal regulations or governing body for MMA, it is up to the tribes to have a solid foundation of regulations, ordinances, protocols, and licensing standards in place. The regulation of MMA fights is essential for the protection of the fighters, officials, venue staff, guests, the general public, and the tribe. Regulations, protocols, and processes protect the integrity of the fights and allow for evaluations, investigations, and permit a proper hearing and appeal process if necessary. Properly governed fights also protect the tribe from possible negative public perception.

There are various vendors that offer to provide any service needed for an MMA event. Although these one-stop vendors are appealing, the risks and liabilities must be weighed. These types of groups have their own doctors, referees, staff, and everyone under one umbrella. With this kind of structure it is difficult to protect the integrity and public image of the fight when there is no independence or third party regulating and sanctioning the fight. Sanctioning a fight can be a way for the hosting tribe to exercise their sovereignty by ensuring the integrity of the match. Some of the tasks that come with sanctioning a fight include: licensing the fighters and those involved, examining the fighters' record of wins/losses/concussions, ensuring the fighters are evenly matched, ensuring the fighters' medical information (packets) have been provided, the medical evaluation and clearing of fighters, fighters' blood work must be in order, and ensuring fighters meet the regulatory requirements to fight.

**Tort Claims** – If a patron decides to file a Notice of a Tort Claim with the Gaming Commission, it must be completed within the prescribed time frame, and should maintain the

requirements of a Tort Claims Ordinance. The proper filing of a Claim should initiate a case and be deemed written consent to all civil and criminal laws of the represented tribe. The burden is on the patron to provide and prove their claim. Failure to submit the Claim on time will result in the termination of the Claims process. The patron should consult with Ordinance requirements before submitting the claim. The Gaming Commission, operations, and all those involved should acquire legal counsel, understand the regulations regarding tort liability, know the compact and all regulations, and understand the appeal and hearing processes. The Gaming Commission must look at the applicability and laws for Tort Claims referring to the specific language in the Compacts or other regulations.

The basic elements of a Tort Claim include duty, breach, causation, and damages. The essential steps of a Tort Claim are: certification, investigation, hearing (if requested), final decision, and appeal (if demanded by a patron). There must be a foundation in place to implement procedures to deter foreseeable liability and process claims as they occur. The Tort Claim process will vary from tribe to tribe; compact requirements and or jurisdictions may vary. Some tribes involve the Gaming Commission, and some don't, and involve a Tort Claims Committee.

To progress and improve the training we provide, TGPN is working to bring forth the following certification training classes:

- Health and Safety
- Risk and Liability
- Public Protection
- Licensing

In addition to working on developing TGPN Certification programs, TGPN is expanding its programs with the addition of National Symposiums. The following symposiums are currently scheduled:

- Licensing Background Symposium for 2016 – New Mexico
- Surveillance Symposium 2017 – Southern California

The variety of experience the members bring to TGPN allows them to address a broad range of topics, concerns, and departments on the regulatory and casino sides of the industry. It was important to Chairman Stevens to have a network of regulators who can address common concerns within the industry.

The goal of TGPN is to create a board that tribes can turn to when they need information, networking, or protection.

### TGPN Board of Directors

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Enrolled Member Confederated Tribes of Warm Springs, OR  
Tribal Government Affairs at BlueBird, CPAs

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Curtis Danforth, NIGA and TGPN Facilitator  
Enrolled Member of Oneida Nation of Wisconsin.  
Owner and President of O-tech Solutions

We must never forget we advocate for all tribes. Only when we work together can we achieve the tasks at hand to benefit future generations. ♣

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