



San Manuel Band of Mission Indians
Tribal Gaming Commission
OFFICE OF THE COMMISSION

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July 10, 2012

Ms. Tracie Stevens, Chairwoman
Ms. Stephanie Cochran, Vice Chairwoman
Mr. Daniel Little, Associate Commissioner
National Indian Gaming Commission
1441 L St. N.W., Suite 9100
Washington, D.C. 20005

Dear Commissioners,

The San Manuel Gaming Commission has reviewed proposed rule 25 CFR Part 547 (Class II Technical Specifications) and 25 CFR Part 543 (Minimum Internal Control Standards for Class II Gaming) published in the Federal Register Vol. 77, No. 106 on June 1, 2012. We offer the following comments on the regulations as published.

§ 543.10 (a) (1) – The resolution of card room disputes by supervisors from departments independent of the card room department.

The change to the regulation seems to allow for no supervision of the poker room. The supervision of the poker room is an important control for game integrity which in the opinion of this agency should be maintained. Further, we question the practicality of supervisors from departments independent of the card room department being able to fairly resolve disputes without having a presence in the card room.

§ 543.21 (d) (2) – Establishes a one (1) year surveillance retention for suspected crimes, suspicious activities and detentions.

The proposed regulation set an arbitrary one year retention requirement for areas broadly defined as "suspicious or suspected." We think this approach is subjective and could also create an unnecessary burden. We would recommend that the retention periods be set by the Tribal Regulatory Authority to ensure the retention periods are appropriate for each jurisdiction.

§ 547.4 (a) "Fairness": The existing regulation establishes a minimum mathematical probability (odds) for hitting an advertised jackpot.

The proposed revision eliminates any required minimum odds, and simply requires the test lab to calculate what the manufacturer has programmed for "probability" and inform the TGRA.

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It is an undisputed fact that the complexity of "bingo math" is so vast that it could/would allow for programming a mathematical probability that an advertised jackpot could never (or virtually never) be won. This would not be "fair" to the public.

Players have the right to expect that an advertised jackpot is winnable. The regulatory community has an obligation to protect that player's "right of expectation" by establishing some minimum guaranteed threshold. A requirement that is not unprecedented within the gaming industry, evolving over time as regulators saw that in order to protect the public there is a legitimate need to establish a minimum mathematical probability.

The Commission suggested that compensating control for the lack of odds is a disclaimer informing the public that the "odds of winning exceeds 100 million to one or equivalent" (§547.16(c)). While we disagree, we do not understand the reason for not continuously displaying said wording if the intention is to inform the player. If the burden is on the player to find the information it calls into question its function as a protection against playing games with dramatically different odds. It seems likely that the patrons will perceive this as hiding information from them, which will foster distrust in Class II machines.

We strongly encourage the Commission to consider reevaluating the need for probability standards. It is intrinsic in our duty as regulators and to the success of Tribal businesses that we maintain the trust of players by operating games that provide an entertaining gambling experience without feeling like it's impossible to win.

§547.8 (d) (2) "Last Game Recall" should have language to the effect "...including entertainment display."

We fully agree that Class II gaming's outcome is solely determined by the play of bingo and additional graphics are displayed for entertainment purposes. However, the symbols used in association with advertised wins, while used for entertainment purposes, still have value to the player and therefore should be recorded in recall history. Players have a reasonable right to expect that if a combination of symbols appears on a pay line of the "entertainment only" display that they have won a prize. As written, the Class II device would not be required to recall this data. If posted paying combinations of symbols appear in the "entertainment display" and no prize is awarded, the integrity of the gaming system and reputation of the Tribe may be called into question by the gaming public. As operators and regulators, maintaining this information is critical to answer questions and resolve disputed wins.

§ 547.8 (a) (2) (ii) The existing regulation requires that between plays of any game or until a new game option is selected, the player interface must display "the final results for the last game, including entertaining displays of results, if any."

The proposed revision eliminates the display of results related to the entertainment display.

From a practical standpoint it would seem counterproductive to have the most exciting and entertaining feature of the game (the entertainment display) be required to go blank in between games. We would recommend no change here.

§ 547.12(a)(2) The existing regulation requires software downloads be performed only as authorized by the Tribal Gaming Regulatory Authority (TGRA).

As stated in the comments from NIGC, we understand that the TGRA has the authority to mandate restriction to control software downloads. The purpose of including this requirement in the technical standard is to ensure manufacturers implement processes in the design of their products. It makes sense to incorporate controls over digital content as part of the design of Class II systems rather than implement awkward or ineffective controls after the fact.

We believe the original intent of the standard was ensuring control over downloadable content until the regulatory agency has performed an independent software authentication. This control is designed to protect the patron from engaging in gaming activity on untested software.

We humbly request that you consider including these comments in your public record. We thank you for the opportunity to submit these comments and hope you find some value in them.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman H. DesRosiers". The signature is fluid and cursive, with a long horizontal stroke at the end.

Norman H. DesRosiers
Executive Director Gaming Commission