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May 31, 2006

NIGC
1441 L Street, NW, Suite 9100
Washington, DC 20005
Attn: Ms. Penny Coleman
Acting General Counsel

Re: Comments on 25 CFR Part 502, Part II, Proposed Rule for Definitions, May 25, 2006

Dear Ms. Coleman,

I recently downloaded and read the proposed rule changes and would like to offer the following comments concerning same:

1. I believe Native American businessmen (and businesswomen), have successfully adopted and adapted to the contemporary American business practices employed by all successful enterprises that make use of all and every legal means to expand, stay competitive, increase market share and increase net profits.
2. I believe game manufacturers, eager to fill a need, have resorted to a subterfuge that while following the "letter of the law" has resulted in putting the "spirit of the law" into intensive care requiring some measure of corrective action.
3. I believe that those who craft and promulgate the "letter of the law" are prone to re-craft and re-promulgate those letters when the desired results are not achieved or when ingenuity or technological advances negate the desired intent of the law.
4. If you intend to follow the "letter of the law" as published concerning definitions, I would respectfully request that our games be exempted from the classification of "slot machines" as more fully described in our Petition of April 26, 2006.

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MAY 31 2006

My purpose in writing is twofold. I submitted a Petition with supporting documentation requesting an opinion and game classification for our games on April 6, 2006. I understand you are under no obligation or specific timeframe to reach a decision, if ever. I am troubled by your interpretation of the wording "electronic or electromechanical facsimiles of any game of chance or slot machine of any kind" as it would, or may be applied to our games.

To paraphrase the words of the Senior Counsel of the New Jersey Casino Control Commission, Mr. Seth Brilliant (609-441-3422): "A slot machine is, and will always be a slot machine, regardless of condition, whether operable or not, until such time as an authorized agency of government reclassifies the device in writing as something other than a slot machine." Our games are no longer classified as "slot machines", they are "bona-fide" amusement-redemption games. That is the primary purpose of our games and the fact that they may have an application in Native American operations will not alter that fact that while they may display the usual characteristics of a "slot machine", they are not "slot machines". In New Jersey, possession of an empty slot cabinet, without proper licensing, is a chargeable offence for possession of a gambling device.

The New Jersey Casino Control Commission and the New Jersey Division of Gaming Enforcement have exempted our games that have been approved by the New Jersey Legalized Games of Chance Control Commission. These games can be found on the Atlantic City Boardwalk in arcades, redemption and amusement centers that are located within sight of most major casinos. They are in fact, fixtures in most seaside and vacation locations that cater to tourists and vacationers, especially throughout the northeast corridor and are easily found across this country in various locations.

The major differences our games exhibit as certified by an approved lab is as follows:

- They contain no random number generator algorithm program (RNG).
- The game is controlled by the player.
- They do not produce an outcome without player input.
- A lack of player input results in a voided game and credit to the player.

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I would also like to mention the fact that at this time, we have no games on order, installed, or currently operating in, or on, any Native American reservation or casino. It is conceivable that the changes proposed could result in a significantly different future situation for all parties involved and it is doubtful there will ever be a more opportune time to resolve this matter.

I would respectfully request that upon review of our Petition and supporting documentation you arrive at one of two possible conclusions:

1. Our New Jersey certified games may be used as Class II devices on Native American reservations and casinos, or
2. A determination by NIGC that you have no jurisdiction over our games as they are neither Class II, nor are they definable as Class III gaming devices.

Thank you for your time and hopefully your consideration in this matter.

Best regards,



Martin Caplan
President
Double D Gaming