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Re: Cory Consultants – Classic II Pull Tab System

Dear Gentlemen:

This letter is in response to your separate inquires regarding whether, pursuant to the Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C. § 2701 *et seq.*, the Classic II Pull Tab System is a Class II or Class III game. We have reviewed the materials you submitted, including detailed descriptions of the game.

As set forth fully below, the Classic II Pull Tab System is a Class III game.

I. Description of the Classic II Pull Tab System

The Classic II Pull Tab System uses ethernet type communications to join together a pull-tab server, which contains information from a finite deal of paper pull-tabs¹, and player video terminals, which display the pull-tab information.

The heart of the system is the pull-tab server. The server collects the information contained on the paper pull-tabs², puts that information on an

¹ The finite deal of paper pull-tabs is manufactured separately from the Classic II Pull Tab System, including the player terminals and pull-tab server.

² Each Deal used by Cory contains 99,840 separate pull-tabs. Dispersed within the Deal are 1920 different sets of pull-tabs with each set, and the pull-tabs thereof, having its own barcode and barcode identification number. The server is physically and electronically capable of storing,

electronic database, and supplies the pull-tab information to the video terminals in the network. The server is not a player video terminal and does not accept money or display pull-tab information. When loaded with upwards of 5000 patented Cory pull-tabs³, which have a hidden barcode window, the server will begin to open and read the barcodes on the pull-tabs and store the information in an electronic database. The electronic database consists of 3 tables, each with the exact information from each pull-tab barcode in the exact sequence in which it was read. The size of the database is selectable and depends on the number of terminals connected to the network and the amount of video terminal activity. Immediately after the barcode information is stored on the electronic database, each pull-tab is cut in half and sent to a trash container in the base of the server. These cut and defaced pull-tabs are temporarily retained within the trash container.

However, an alternate procedure exists that does not cut the pull-tab in half after its information has been stored in the electronic database. If a casino chooses this procedure for the operation of the system, immediately after the barcode information is stored on the database, each pull-tab is kept in a container⁴ and a pull-tab may be retrieved upon the request of a player.

The video terminals in the network allow the players to receive the next available pull-tab information stored in the electronic database on the server. Once a player establishes credit(s) on a video terminal, the player has the opportunity to select pull-tab information from any of the 3 tables in the electronic database. After the player makes a selection, the server will send the corresponding barcode, in an

retaining, and issuing pull-tab barcode data from a plurality of Deals. The additional Deals may be of a similar value or of a different value and prize level. In either case, the additional Deals would be available at each of the player terminals so that the player would be able to select from or switch to any of the Deals.

³ While each pull-tab could be configured to include a single play, Cory Consultants prefers multiple play pull-tabs. Thus, the Classic II Pull Tab System derives its pull-tab information from multiple play pull-tabs and stores such information in the electronic database. Each multiple play pull-tab contains twenty (20) plays. The electronic database uses the specific pull-tab information in the exact sequence in which the pull-tab barcodes were read. Because each video terminal is connected in a network, any player at a video terminal may compete against other players at other video terminals for the next available multiple play pull-tab in the electronic database. Using this system, a player is not required to play all of the plays on a particular pull-tab and is able to stop playing and request a voucher from the video terminal at anytime. The voucher contains the following information: date, time, location name and address, terminal i.d., bank number, number of credits, dollar value of redeemable credits, value of each credit, 14 to 18 digit validation number with corresponding barcode, company name and expiration date. Once a player requests a voucher, the next player that utilizes that particular video terminal has the opportunity to select the next unused play on the most recently received multiple play pull-tab in the video terminal memory as supplied from the electronic database.

⁴ This alternate procedure allows the paper pull-tabs to be stored for a period of time as maybe devised by the casino. The storage capacity of the container is 3000 pull-tabs.

electronic format, along with the complete set of pull-tab information that coincides with that particular pull-tab barcode. This information is recorded in the memory system of the player video terminal.

The player can then view the pull-tab information on the video terminal to determine if he or she won any prize(s). Specifically, the pull-tab information is reproduced for display on the player video terminal so that the player can view each single play of a multiple play pull-tab as it had been physically printed on the actual paper pull-tab, which was input into the electronic server. The player does not touch or physically examine the actual pull-tab, as the physical pull-tab is not actually dispensed from the video terminal.⁵ Rather, the physical pull-tab is kept in the server room in a trash container.

The distribution of pull-tab barcodes and information⁶ among the video terminals in the network is done in the exact order that the server receives a request for such information. When a player chooses to stop play on a video terminal, he or she can print a voucher for any prizes won on the purchased pull-tab(s) information and collect such prizes from an attendant.⁷

II. Statutory and Regulatory Background

IGRA divides gaming on Indian lands into three distinct categories, each of which is subject to differing levels of federal and state regulation and involvement. *See Cabazon Band of Mission Indians v. NIGC*, 14 F.3d 633, 634-35 (D.C. Cir. 1994). Class I gaming involves social games played solely for prizes of minimal value and traditional forms of Indian games played in connection with tribal ceremonies or celebrations. *See* 25 U.S.C. § 2703(6); 25 C.F.R. § 502.2. Class I gaming is not applicable here. Class II gaming includes:

the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) ... in which the game is won by the first person covering a previously designated arrangement of numbers or designations on

⁵ Although, if the casino has selected the alternate procedure in which the paper pull-tabs are **not** cut in half after their information is input into the electronic database, it is possible that a player may request that a casino retrieve the actual pull-tab from the trash container and provide the actual paper pull-tab to the player for his or her examination. Such an alternative becomes problematic, however, when different players play from the same pull-tab. *See* Footnote 3.

⁶ This information includes the barcode identification number corresponding to the set (or Deal) to which the pull-tab belongs.

⁷ Cory Consultants has represented that manual play of the pull-tabs is also possible, as a complete Deal could be set aside by management for the manual purchase, examination and redemption by those players who may select this manner of play.

such cards, including (if played in the same location) pull tabs, ... instant bingo, and other games similar to bingo.

See 25 U.S.C. § 2703(7)(A); 25 C.F.R. § 502.3. Class II gaming does not include “electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.” *See* 25 U.S.C. § 2703(7)(B)(ii). Class III gaming encompasses “all forms of gaming that are not class I gaming or class II gaming.” *See* 25 U.S.C. § 2703(8); 25 C.F.R. § 502.4.

The purpose in distinguishing between Class II and Class III gaming is that, pursuant to IGRA, Class III gaming may only be conducted in conformance with a Tribal-State compact. *See* 25 U.S.C. § 2710(d)(1)(C). Class II gaming may be played without a Tribal-State compact. Consequently, state involvement in tribal gaming is dependent upon the class of game(s) utilized by a tribe.

III. Analysis

At issue here is whether the Classic II Pull Tab System is a Class II technological aid to the game of pull-tabs or a Class III electronic facsimile of the game of pull-tabs.

The game of pull-tabs is a game of chance traditionally played as a paper game. *Cabazon Band of Mission Indians v. NIGC*, 14 F.3d 633, 635 (D.C. Cir. 1994). Players purchase a card from a deck; the set of cards (“the deal”) contains a predetermined number of winners; upon purchasing the card, the player pulls the paper tab open to find out if he is a winner. *Id.* Each player competes against all other players in the hall playing the game. *Id.* “In the traditional pull-tabs game, bingo hall clerks sell pull-tabs from counters or mobile carts, and winners present the tabs to either clerks or cashiers to collect prizes.” *Diamond Game Enter., Inc. v. Reno*, 230 F.3d 365, 367 (D.C. Cir. 2000).⁸

Under IGRA and NIGC regulations, the paper game of pull-tabs is a Class II game. *See* 25 U.S.C. § 2703 (7)(A)(i)(III); 25 C.F.R. § 502.3(b). However, Class II

⁸ The 10th Circuit Court of Appeals has described the game of pull-tabs in the following manner:

In the game of pull-tabs as it is typically played, players compete against one another to obtain winning cards from a set of cards, known as a “deal.” A typical deal contains up to 100,000 cards and a predetermined number of winning cards. Each individual pull-tab within a deal is a small, two-ply card. When the top layer of an individual card is removed, the bottom layer reveals a pattern of symbols indicating whether the player has won a prize. Winning cards are randomly spaced within preprinted, prearranged deals which are stored in boxes or divided into rolls. One deal consists of all of the pull-tabs in a given game that could possibly be purchased. A single game of pull-tabs is complete only when all pull-tabs within a given deal have been sold

Seneca-Cayuga Tribe of Okla. v. NIGC, 327 F.3d 1019, 1024 (10th Cir. 2003).

gaming does not include “electronic or electromechanical facsimiles” of a game of pull-tabs. See 25 U.S.C. § 2703(7)(B)(ii). “*Electronic or electromechanical facsimile* means a game played in a electronic or electromechanical format that replicates a game of chance by incorporating all of the characteristics of the game.”⁹ See 25 C.F.R. § 502.8. “By definition, a device that preserves the fundamental characteristics of a game is a facsimile of the game.” *Cabazon Band of Mission Indians*, 14 F.3d at 636 (finding that “facsimiles are exact copies or duplicates”).

Conversely, a technologic aid is any machine or device that: assists a player or the playing of a game; is not an electronic or electromechanical facsimile; and is operated in accordance with applicable Federal communications law. See 25 C.F.R. § 502.7(a). Pull-tab dispensers and readers are technologic aids. See 25 C.F.R. § 502.7(c).

Helpful to the question at hand – whether the Classic II Pull Tab System is a technological aid or an electronic facsimile – is a review of court decisions that have set forth the distinguishing characteristics of both categories.

A. Pull-Tab Games Found To Be Electronic Facsimiles

Two Circuit Courts of Appeals have addressed whether particular video pull-tab games are Class III “electronic facsimiles.” See *Cabazon Band of Mission Indians*, 14 F.3d at 635-37; *Sycuan Band of Mission Indians v. Roache*, 54 F.3d 535 (9th Cir. 1994). The District of Columbia Circuit Court of Appeals affirmed a lower court’s conclusion that the video version of pull-tabs at issue was an “electronic facsimile” because it exactly replicated the paper version of the game. See *Cabazon Band of Mission Indians*, 14 F.3d at 636. Specifically, the D.C. Circuit court described the computerized pull-tab game as follows:

The computer randomly selects a card for the gambler, pulls the tab at the gambler’s direction, and displays the result on the screen. The computer version, like the paper version, has a fixed number of winning cards in each deal. The computers may be interconnected so that each gambler simultaneously plays against other gamblers in ‘pods’ or ‘banks’ of as many as forty machines.

⁹ This definition applies “except when, for bingo, lotto, and other games similar to bingo, the electronic or electromechanical format broadens participation by allowing multiple players to play with or against each other rather than with or against a machine.” See 25 C.F.R. § 502.8. This exception, however, does not apply to pull-tabs, because it is not a game “similar to bingo.” See NIGC Guidance Memorandum, No. 03-3 “Guidance on Classifying Games with Pre-Drawn Numbers” (finding “games with pre-drawn numbers cannot be said to be games similar to bingo.”). “[I]n order to constitute a game similar to bingo, numbers must . . . be drawn after play of the game begins.” *Id.* This is not the case with pull-tabs and, therefore, it is not a game similar to bingo.

Id. at 635. In its analysis, the court noted that “[t]he Tribes concede that the video version of pull-tabs is the same game as the paper version[, and] [b]ecause class II gaming does not include ‘electronic or electromechanical facsimiles of any game of chance’, this concession alone demonstrates that the video game is not in the class II category.” *Id.* at 636. Thus, the court concluded that IGRA’s “exclusion of electronic facsimiles removes games from the class II category when those games are wholly incorporated into an electronic or electromechanical version.” *Id.*

The Ninth Circuit Court of Appeals reviewed a district court’s determination that the “Autotab Model 101 electronic pull-tab dispenser” was a Class III gaming device, because it was an electronic facsimile of pull-tabs. *See Sycuan Band of Mission Indians v. Roache*, 54 F.3d 535 (9th Cir. 1994). The court described the Autotab Model 101 as:

a self-contained unit containing a computer linked to a video monitor and a printer. The player inserts money and sees a video reproduction of a paper pull-tab ticket. The player electronically reveals concealed numbers to determine whether he or she is a winner. If a winner, the player may cause the machine to print out a winning ticket for redemption by a cashier or may add the winning amount to a credit balance for further play.

Sycuan Band of Mission Indians, 54 F.3d at 541. In concluding that the Autotab Model 101 was an electronic facsimile of pull-tabs, the court found that “[t]he pull-tab machines present self-contained computer games copying the pull-tab principle, and they are played electronically.” *Id.* at 542. In particular, the court determined that “[t]he game retains the fundamental characteristics of the paper version of pull-tab: the video pull-tab machine is supplied with a computer-chip cartridge that insures a predetermined and known number of winning tickets from a finite pool of tickets with known prizes; when all tickets have been played, all prizes will have been awarded.” Thus, if a computerized pull-tab game preserves the fundamental characteristics of the paper version of pull-tabs, it is an electronic facsimile and, therefore, a Class III game.

The NIGC has previously applied the principles set forth in *Cabazon Band of Mission Indians v. NIGC*, 14 F.3d 633 (D.C. Cir. 1994), to a electronic pull-tab system known as “Break the Bank.” *See* NIGC Game Classification Opinion, “Break the Bank,” May 31, 2001. The primary method of play of “Break the Bank” was set forth as follows:

[U]se of an EVS terminal . . . allows the player to access the game. The EVS does not contain a storage file of electronic pull-tabs. The terminal merely transforms into visual characteristics the electronic file that it receives from the central computer through the network. The electronic game tickets are stored remotely in a central computer,

or server, which is not accessible to the player. However, the game is one wholly contained—electronically—in the networked game system.

See NIGC Game Classification Opinion, “Break the Bank,” May 31, 2001. The NIGC found that “‘Break the Bank’ is played with networked equipment that is not substantially different from the device at issue in *Cabazon II*.” *Id.* Further, the NIGC decided that “[w]hen the game is played with a central computer holding cartridges of electronic tickets, delivered to players through a network of electronic viewing stations, and even with the possibility of a player receiving a form of a paper pull tab that is delivered electronically to an attended station and printed for the player, we conclude that ‘Break the Bank’ does wholly incorporate the paper game of pull-tabs, rendering it an electronic facsimile of the game and, therefore, a class III gaming device.” *Id.*

B. Pull-Tab Devices Held To Be Technological Aids

On the other hand, technologic aids are not electronic facsimiles. See 25 C.F.R. § 502.7(a). Several Circuit Courts of Appeals have held that particular pull-tab devices are technologic aids to the play of the game, not electronic facsimiles of the game. For example, the D.C. Circuit Court of Appeals addressed the issue of whether a gambling machine, known as the Lucky Tab II, should be classified as a Class II aid or a Class III facsimile. See *Diamond Game Enter., Inc. v. Reno*, 230 F.3d 365, 366 (D.C. Cir. 2000). The Lucky Tab II machine was described by the court as follows:

The machine dispenses pull-tabs from a roll containing approximately 7500 tabs. About 100 rolls comprise a deal, within which winning pulltabs are randomly distributed. The machine cuts the pull-tab from the roll and drops it in a tray. A bar code scanner inside the machine automatically reads the tab and then displays its contents on a video screen. A placard on the machine informs players that “video images may vary from actual images on pull tabs. Each tab must be opened to verify.” To collect prizes, players must present the actual winning tab to a clerk.

Id. at 367-68.

In determining that the Lucky Tab II machine was a technological aid, the court found that the machine was not a “computerized version” of pull-tabs, because the game was in the paper rolls, not in the computer. *Id.* at 370. Specifically, the court noted that although the machine had a video screen, the screen merely displayed the contents of a paper pull-tab and the machine actually cut paper pull-tabs from paper rolls and dispensed them to players. *Id.* (emphasis added). Unlike a computerized version of pull-tabs which is generated by an internal computer or server, plays the game of pull-tabs in its entirety, and dispenses receipts for players to redeem winnings, the court found that the Lucky Tab II dispensed actual paper

pull-tabs that players must peel and display to a clerk before they can obtain prizes. *Id.* Thus, the court concluded that “the machine functions as an aid – it ‘helps or supports,’ or ‘assists’ the paper game of pull-tabs.” *Id.* Consequently, the court ruled that the game played with Lucky Tab II is not a facsimile of paper pull-tabs, but it is paper pull-tabs. *Id.*

The Eighth Circuit Court of Appeals has also held that Lucky Tab II¹⁰ was a Class II technological aid. *United States v. Santee Sioux Tribe*, 324 F.3d 607 (8th Cir. 2003), *cert. denied*, 2004 U.S. Lexis 1807 (U.S. Mar. 1, 2004). The court’s analysis was that:

operation of the Lucky Tab II machines does not change the fundamental fact that the player receives a traditional paper pull-tab from a machine, and whether he or she decides to pull the tab or not, must present that card to the cashier to redeem winnings. . . . the machines do not replicate pull-tabs; rather, the player using the machines *is playing* pull-tabs.

Id. at 615.

The Magical Irish Instant Bingo Dispenser System also constitutes a technologic aid. *See Seneca-Cayuga Tribe of Okla. v. NIGC*, 327 F.3d 1019, 1042-44 (10th Cir. 2003), *cert. denied*, 2004 U.S. Lexis 1651 (U.S. Mar. 1, 2004). The Tenth Circuit Court of Appeals decided that the Magical Irish machine was a Class II aid because:

the Machine (1) cuts tabs from paper rolls and dispenses them to players, and when its “verify” feature is enabled, displays the contents of the paper pull-tab on the video screen; (2) does not use a computer to select the patterns of the pull-tabs it dispenses; and (3) requires players to peel each pull-tab to confirm the result and provide the pull-tab to a clerk for inspection prior to receiving any prize.

¹⁰ The court described the game as follows:

It . . . has a manual feed for money, a roll of paper pull-tabs, a bar code reader to read the back of each pull-tab, a rubber roller to dispense the pull-tabs, a cutter which cuts the pull-tabs from the roll, and a cash drawer. The bar code reader reads the pull-tab as it passes through the machine to the player, and based on this reading, a video screen displays the contents of the pull-tab -- whether it is a winner or a loser. . . . The machine then dispenses the paper pull-tab to the player.

United States v. Santee Sioux Tribe, 324 F.3d 607, 610 (8th Cir. 2003), *cert. denied*, 2004 U.S. Lexis 1807 (U.S. Mar. 1, 2004).

Id. at 1043. Therefore, the court concluded that the “Machine is not the game of pull-tabs; rather, the Machine facilitates the playing of pull-tabs, the game is in the paper rolls.” *Id.*

C. Classic II Pull Tab System Is A Electronic Facsimile, Not A Technological Aid

The Classic II Pull Tab System is an electronic facsimile of the paper game of pull-tabs, not a technological aid to the game. Initially, the system is an electronic facsimile because it wholly incorporates the paper game of pull-tabs into an electronic version. In other words, the fundamental characteristics of the paper version of pull-tabs are preserved in the electronic Classic II Pull Tab System, making it an “electronic facsimile.” *See, e.g., Cabazon*, 14 F.3d at 635-36.

As detailed above, the traditional paper version of pull-tabs is played in the following manner:

Players purchase a card from a deck; the set of cards (“the deal”) contains a predetermined number of winners; upon purchasing the card, the player pulls the paper tab open to find out if he is a winner. In the paper version, each player competes against all other players in the hall playing the game.

See Cabazon Band of Mission Indians, 14 F.3d at 635.

Likewise, in the Classic II Pull Tab System, the pull-tab server contains information from a finite deal of paper pull-tabs; information from actual pull-tabs is displayed on the player video terminals in the exact order that the server receives a request for such information; the video terminals in the network allow the players to compete against each other for the next available pull-tab information stored in the electronic database on the server; a player can then view the pull-tab information on the video terminal to determine if he or she won any prizes; and, when a player chooses to stop play on a video terminal, he or she can print a receipt for any prizes won and collect such prizes from an attendant.

Accordingly, the fundamental characteristics of paper pull-tabs exist in the Classic II Pull Tab system but in an electronic format: the purchase of a pull-tab card (or information from a card) from a finite deck with predetermined winners; display of the information contained on the pull-tab; and the ability to compete with all other players for the chance to purchase a pull-tab that is a winner. The game is wholly contained—electronically—in a networked game system.

Similar to “Break the Bank,” in the Classic II Pull Tab System, the player video terminal merely transforms into visual characteristics the electronic pull-tab information that it receives from the central server through the network. The pull-tab information, which is converted from paper pull-tabs to electronic pull-tab

information, is stored remotely in a central server, which is not accessible to the player. In fact, once the pull-tab information is stored on the server, each paper pull-tab is destroyed and sent to a trash container in the base of the server.¹¹ Thus, it is fundamentally the same game as paper pull-tabs, but it is entirely contained within an electronic version. “By definition a[n] [electronic] device that preserves the fundamental characteristics of a game is a facsimile of the game.” *Cabazon*, 14 F.3d at 636 (quoting *Sycuan Band of Mission Indians*, *supra*); *see also* 25 C.F.R. § 502.8 (electronic facsimiles are games played in a electronic format that replicate a game of chance by incorporating all of the characteristics of the game).

Moreover, the Classic II Pull Tab System is not a technological aid. A technologic aid is any machine or device that: assists a player or the playing of a game; is not an electronic or electromechanical facsimile; and is operated in accordance with applicable Federal communications law. *See* 25 C.F.R. § 502.7(a).

Courts have concluded that the Lucky Tab II and the Magical Irish machines are technological aids because these machines assist players in playing actual **paper** pull-tabs. *See, e.g., Diamond Game*, 230 F.3d at 370 (“the machine functions as an aid – it helps or supports, or assists the paper game of pull-tabs”); *Seneca-Cayuga Tribe*, 327 F.3d at 1043 (the “Machine facilitates the playing of pull-tabs, the game is in the paper rolls”). These machines do not alter the format of the game – the game remains in the actual paper pull-tabs, not in a computer or electronic format. *See, e.g., Seneca-Cayuga Tribe*, 327 F.3d at 1043; *Diamond Game*, 230 F.3d at 370; *Santee Sioux Tribe*, 324 F.3d at 615.

Specifically, if the Lucky Tab II or Magical Irish machines are used the game remains in the paper pull-tabs because both machines: (1) dispense the actual paper pull-tab to the player and (2) require the player to provide the actual paper pull-tab to a clerk to redeem the prize, if any. *Id.* Therefore, courts have found that these machines are not computerized versions of the game of pull-tabs, but are aids to the actual paper game of pull-tabs.

¹¹ This is the case unless the alternate procedure is utilized. The alternate procedure does not cut the pull-tab in half after its information has been stored in the electronic database, but keeps each pull-tab in a container with a storage capacity for 3000 pull-tabs. Therefore, under this procedure, a pull-tab may be retrieved upon the request of a player. Nevertheless, the game, even with the existence of this alternate procedure, continues to be one that is wholly contained in a networked system, because: (1) actual paper pull-tabs have been converted to electronic information contained in a central server which is viewed by the player on a video terminal and (2) actual paper pull-tabs are not dispensed to the player. Therefore, in either instance, the Classic II Pull Tab System is an electronic facsimile of paper pull-tabs, a Class III game. Furthermore, the concept that more than one player could play one pull-tab further disconnects the player from the play of the actual pull-tab.

Unlike the Lucky Tab II or Magical Irish Bingo machines, the Classic II Pull Tab System alters the format of the game – it presents the game of paper pull-tabs in a computerized or electronic version. As described above, in this system, the server collects information contained on the paper pull-tabs, puts that information on an electronic database, and supplies the pull-tab information to the player video terminals in the network. Once the pull-tab information is stored on the electronic database, each pull-tab is cut in half and sent to a trash container in the base of the server.¹² Once a player establishes credit(s) on a video terminal, the player may select pull-tab information from the electronic database and upon making a selection, the server sends the corresponding barcode along with the complete set of pull-tab information to the player video terminal. The player can then view the pull-tab information on the video terminal to determine if he or she won any prize(s). When a player chooses to stop play on a video terminal, he or she can print a voucher for any prizes won on the purchased pull-tab(s) information and collect such prizes from an attendant.

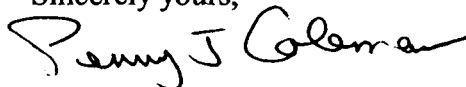
Consequently, the Classic II Pull Tab System does not assist a player in the play of paper pull-tabs, because: the paper pull-tab is **not** dispensed to the player; the player is not required to open the pull-tab to verify his or her winnings; and, finally, to redeem any prizes, the player does not provide the actual paper pull-tab, but a voucher, to an attendant. Essentially, in this system, the player is not playing paper pull-tabs, but an electronic reproduction of the paper game. The player has no contact with the paper pull-tabs, as those pull-tabs remain in a trash container after their information is input into the server. Thus, the Classic II Pull Tab System is not technological aid to the play of the paper game of pull-tabs.

IV. Conclusion

The Classic II Pull Tab System is an electronic facsimile of paper pull-tabs, because the machine replicates the game of paper pull-tabs in a computerized form, and is a Class III game under the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq.*

If you have any questions, please contact Jo-Ann Shyloski at (202) 632-7003.

Sincerely yours,



Penny J. Coleman
Acting General Counsel

¹² See Note 10.