



AUG - 9 1999

Bertram E. Hirsch, Esq.
81-33 258th Street
Floral Park, NY 11004

Dear Mr. Hirsch:

This letter responds to your request for a game classification opinion of National Indian Bingo on behalf of your client, Parker Gaming, Inc. Based on the written information provided by Parker Gaming and your oral representations to the National Indian Gaming Commission, the NIGC has concluded that National Indian Bingo is a Class III game.

National Indian Bingo is a game that utilizes machines that dispense bingo cards, record the time and location where the bingo card was purchase, record the pattern of the card, and transmit that information to a central computer. These machines would be located at several Indian gaming facilities and would be linked to a central computer which will be located on Indian lands. The bingo game will be played once a week. A player must buy the bingo card at an Indian gaming facility one hour prior to the weekly bingo draw. Each player must fill out a form providing his or her name and telephone number. Each bingo card sold will be also designate the Indian gaming facility where the bingo card is sold as the designated agent (proxy) of the player regardless of whether the player intends to be present for the game.

National Indian Bingo will conduct a live bingo game once a week at one of the Indian gaming facility. As the balls are drawn by a bingo blower, the central computer will relay that information to another type of machine, the digital reader board, which will display the prize amount, the progressive prize amount, and the numbers that are drawn. Digital reader boards will also be located at the Indian gaming facilities that are participating in the game.

The central computer will stop the game when a bingo card wins and will identify the location where the bingo card was sold. The player has up to 30 days to claim the prize. The player may verify whether he or she won by calling a toll-free number. National Bingo or the gaming facility would also try to locate the winner. If the player fails to claim the prize within 30 days, the prize amount would be added to the progressive prize amount.

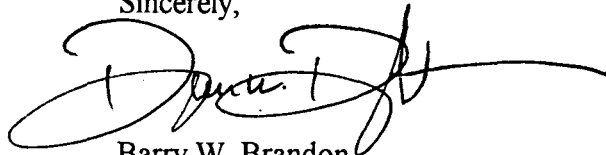
National Indian Bingo does not meet the statutory criteria for "the game of chance commonly known as bingo," and is therefore a Class III game. First, the Indian Gaming Regulatory Act (IGRA, 25 U.S.C. § 2701, et seq. (1988), describes the play of bingo as a game in

which the card holders are covering the numbers during the draw of the numbers.¹ In contrast to this statutory process, National Indian Bingo allows winners to be absent during the draw and to cover the numbers retroactively. Second, IGRA contemplates that each game will have a winner.² Because the game is stopped by a machine if it appears that a card in play has won, a National Indian Bingo game may end without a winner. It is reasonably foreseeable that the purchaser of a winning card could fail to return to a game site within the thirty day period to cover the card and claim the prize, and, in that situation, the game would not be won.

The difference between the play of bingo as described in IGRA and the play of National Indian Bingo are not simply cosmetic. The player in a National Indian Bingo game who purchases a ticket, then returns to the gaming site to collect winnings, does not experience the real time player interaction which characterizes bingo. Such an individual is, in fact, playing a game which resembles a Class III lottery (purchasing a chance, then cashing in the winning ticket) far more than it resembles "the game commonly known as bingo."

If you have any questions concerning this letter, please call Mai Dinh at 202-632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry W. Brandon", with a long horizontal flourish extending to the right.

Barry W. Brandon
General Counsel

¹"...the holder of the card covers such numbers or designation *when* objects...are drawn..."
25 U.S.C. § 2703(7)(A)(i)(II), emphasis added.

²"...the game is won by the first person..." 25 U.S.C. § 2703(a)(i)(III).