



May 18, 2005

*Via electronic mail*

Mr. Monte Bowman  
aivrasinc@yahoo.com

Re: Keno

Dear Mr. Bowman:

John Peterson forwarded your May 12, 2005, letter to me for reply.

The National Indian Gaming Commission, not the Nebraska Attorney General, determined that Keno is a Class III game. The Commission adopted a regulation to that effect in 1992, and the courts upheld the regulation against subsequent legal challenge. *Shakopee Mdewakanton Sioux Community v. Hope*, 16 F.3d 261 (8<sup>th</sup> Cir. 1994). The regulation reads, in relevant part:

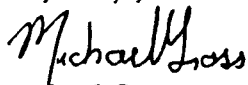
Class III gaming means all forms of gaming that are not Class I or Class II gaming, including, but not limited to:

- (a) Any house banking game, including but not limited to - ...
- (2) Casino games such as roulette, craps, and keno....

25 C.F.R. § 502.4(a)(2).

I trust that this answers your questions about Keno's classification, but please feel free to contact me if it does not.

Very truly yours,

  
Michael Gross  
Staff Attorney

cc: John Peterson