

**NATIONAL
INDIAN
GAMING
COMMISSION**

AUG 11 1999

Mr. Darin Willis
Red-Five Gaming, LLC
Suite 250
103 N. Coast Hwy 101
Encinitas, CA 92024

Re: Game Opinion -- Un-Reel Slots

Dear Mr. Willis:

This responds to your request of December 11, 1998, for a game classification opinion for the card game entitled "Un-Reel Slots." Based on the materials submitted with your letter, we conclude that the game is Class III.

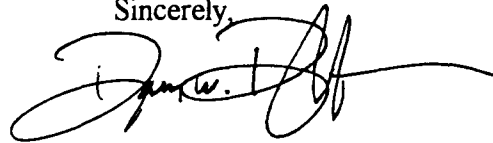
Gaming on Indian lands in the United States is subject to regulation under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701, *et. seq.*, and regulations of the National Indian Gaming Commission, 25 C.F.R. § 501, *et. seq.* The Act and regulatory scheme establish three broad types of gaming. Class I games are social games or traditional forms of Indian gaming played in connection with tribal celebrations. Class II and Class III games represent games which enjoy broad public play. Class II gaming includes bingo, games similar to bingo if played in the same location as bingo, and certain card games which are either expressly permitted in the state or are not explicitly prohibited by the laws of the state and are played in any location within the state. Specifically excluded by statute and regulation from Class II games are banked card games such as blackjack. If a particular game cannot come within the definition of Class I or Class II, the game is considered Class III. See, generally, 25 U.S.C. § 2703 and 25 C.F.R. § 502.

The game of "Un-Reel Slots," as described in the materials submitted with your letter, is a non-traditional card game using a deck of 53 specially-designed cards with each card featuring one of seven figures similar to those found on a slot machine. A wild card is also added. After the participants place an initial bet, a hand of three cards is dealt to each player. The option for a draw card and a second bet is available. The cards are all dealt face up. In order to win a player must match two or more of the figures. Some matches of three or four figures pay more than do other matches. Players do not compete against each other but against the house, much as a slot machine player plays against the slot machine. The dealer does not take a hand but merely serves as the random generator in the distribution of cards. The dealer also collects the lost wagers and pays winners. In the theoretical sense, the house wins the bet if the individual player does not obtain a match. The number of winners in a round is not limited to the high hand among the participants; any and all winning hands may be paid. The cards are shuffled after each hand resulting in a new random draw on the succeeding hand.

A key feature which precludes the game from being considered Class II is the house-banked nature of the game. The players do not compete against each other but only against the house much as in the play of a slot machine. This, of course, is exactly what the game intends to replicate. Under IGRA, as noted above, a house-banked card game may not be considered as Class II. Because "Un-Reel Slots" cannot qualify as a Class II game, we conclude that it must be characterized as Class III.

If you have questions regarding this opinion please contact Bill Grant from our staff 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

Copy to:

Wanda Crowley
Pueblo of Sandia Tribal Gaming Commission