

§ 542.23 What are the minimum internal control standards for surveillance for Tier A gaming operations?

(a) Tier A gaming operations must, at a minimum, maintain and operate an unstaffed surveillance system in a secured location whereby the areas under surveillance are continually recorded.

Comment (January): Require staffing of the secured location.

Response: Disagree. Requiring surveillance staffing could be financially burdensome for many Tier A operations.

(b) The entrance to the secured location shall be located so that it is not readily accessible by either gaming operation employees who work primarily on the casino floor, or the general public.

Note (January): Consider removing remainder of the paragraph after accessible.

Comment (January): Location is irrelevant to accessibility, provided the entrance is properly secured against unauthorized entry.

Response: Agree. See below revision.

Revised proposal based on January comments:

(b) The entrance to the secured location shall be **appropriately secured to prevent unauthorized access.** ~~located so that it is not readily accessible by either gaming operation employees who work primarily on the casino floor, or the general public.~~

(c) Access to the secured location shall be limited to surveillance personnel, designated employees, and other persons authorized in accordance with the surveillance department policy. ~~Such policy shall be approved by the Tribal gaming regulatory authority.~~

Justification: See 542.3 Compliance Section for general standard.

Comment (January): Remove (c), redundant to (b).

Response: Disagree. Paragraph (b) pertains to physical access; whereas, paragraph (c) pertains to the policy of determining who has the authority to access the room and certain documentation requirements.

(d) The surveillance system shall include date and time generators that possess the capability to display the date and time of recorded events on video and/or digital recordings. The displayed date and time shall not significantly obstruct the recorded view.

(e) ~~The surveillance department shall strive to ensure staff is trained in the use of the equipment, knowledge of the games, and house rules.~~ Surveillance department personnel shall be trained in the use of the equipment, knowledge of the games, and house rules. There must be at least one person on the property at all times with a working knowledge of and the ability to operate the surveillance equipment.

Justification: The revision is intended to add clarity and to ensure that knowledgeable staff are available at all times.

Comment (January): Remove or revise the first sentence. Operations with an unstaffed surveillance system allowed by paragraph (a) may not have designated surveillance department personnel.

Response: Disagree. The standard does not require that an operation have a surveillance department, only that department personnel must be sufficiently trained if the operation does have a surveillance department.

Comment (January): Second sentence requirement that a person must be on the property is unreasonable. Tribes with multiple facilities might have a person available that would not necessarily be on property.

Response: Agree. See below revision to the proposed regulation.

Comment (January): Replace “on the property” with “available”.

Response: Disagree in favor of the following alternative comment.

Comment (January): Replace “on the property” with “readily available”.

Response: Agree. See below revision to the proposed regulation.

Revised proposal based on January comments:

(e) ~~The~~ Surveillance department personnel shall ~~strive to ensure staff is~~ be trained in the use of the equipment, knowledge of the games, and house rules. **There must be at least one person readily available at all times with a working knowledge of and the ability to operate the surveillance equipment.**

(f) Each camera required by the standards in this section shall be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled by customers or employees.

(g) Where a PTZ camera is used to observe gaming and gaming-related activities, the camera must be placed behind a smoked dome, one-way mirror, or similar materials that conceal the camera from view.

Justification: The revision is intended to establish the standard requiring PTZ cameras to be concealed, thereby precluding employees and customers from being able to detect the area being observed/recorded.

Comment (December): Could be interpreted as a PTZ camera requirement. Replace “observe gaming and gaming-related activities” with “satisfy requirements of this part”.

Response: Disagree with regard to interpretation. The standard is sufficiently clear that it does not require PTZ cameras to be used. Agree with regard to suggested replacement language, as modified.

Revised proposal:

(g) Where a PTZ camera is used to satisfy coverage requirements of this part, the camera must be placed behind a smoked dome, one-way mirror, or similar materials that conceal the camera from view.

Comment (December): A smoked dome can reduce clarity in low-light areas.

Response: Disagree. The objective of the control is to prevent patrons and employees from being able to determine the direction of the camera. A smoked dome was only one of the suggested means to satisfy the regulation.

Comment (January): Any concealing material will reduce clarity.

Comment (January): Concealing the direction of the camera plays a minimal role in reducing risk.

Comment (January): Coverage and clarity concerns greatly supersede any benefit of concealing direction.

Response: On reconsideration, agree. Proposed standard will be struck. Note: subsections (h) – (v) then become (g) – (u), corrected to (g) – (t).

Revised proposal based on December and January comments:

~~**(g) Where a PTZ camera is used to satisfy coverage requirements of this part, the camera must be placed behind a smoked dome, one-way mirror, or similar materials that conceal the camera from view.**~~

(g) Each camera required by the standards in this section shall possess the capability of having its picture recorded. The surveillance system shall include sufficient numbers of recorders to simultaneously record multiple gaming and count room activities, and **shall** record the views of all dedicated cameras and motion activated dedicated cameras.

(h) Reasonable effort shall be made to repair each malfunction of surveillance system equipment required by the standards in this section within seventy-two (72) hours after the malfunction is discovered. ~~**The Tribal gaming regulatory authority shall be notified of any camera(s) that has malfunctioned for more than twenty-four (24) hours.**~~

Justification: The standard was moved to (h) (2).

(1) In the event of a dedicated camera malfunction, the gaming operation and/or the surveillance department shall, upon identification of the malfunction, provide alternative

camera coverage or other security measures, such as additional supervisory or security personnel, to protect the subject activity.

(2) **The Tribal gaming regulatory authority shall be notified of any camera(s) that has malfunctioned for more than twenty-four (24) hours.**

Comment (December): The notification threshold should be determined by the TGRA. Replace “for more than twenty-four (24) hours” with “in accordance with a time schedule established by the TGRA”.

Response: Disagree. The MICS should be specific and, to the extent possible, incorporate objective criteria for determining compliance. To ensure that notification is made to the TGRA in a timely manner when a camera cannot be repaired, the regulation needs to specify a time period.

Comment (December): Insert “required” to clarify that the standard applies only to cameras required by the standards in this section.

Response: Agree. Proposed revision is as follows:

Revised proposal based on December comment:

(2) **The Tribal gaming regulatory authority shall be notified of any required camera(s) that has malfunctioned for more than twenty-four (24) hours.**

Comment (January): Include alternative shorter period as determined by the TGRA.

Response: Agree. See below revision to the proposed regulation.

Comment (January): Standard does not specify when notification is to occur.

Response: Agree. See below revision to the proposed regulation.

Comment (January): Insert “within twenty-four (24) hours” after notified.

Response: Disagree. See below revision that is intended to add clarity.

Comment (January): Limit notification requirement to malfunctions resulting in inadequate coverage and clarity.

Response: Agree. See below revision to the proposed regulation.

Comment (January): Insert “immediately” after notified.

Response: Agree. See below revision to the proposed regulation.

Revised proposal based on January comments:

(2) The Tribal gaming regulatory authority shall be notified immediately of any required camera(s) that has malfunctioned for more than twenty-four (24) hours (or a shorter period as determined by the Tribal gaming regulatory authority), resulting in coverage or clarity that does not meet the requirements of this part.

(i) ~~Bingo.~~ The surveillance system shall record the bingo ball drawing device, the game board, and the activities of the employees responsible for drawing, calling, and entering the balls drawn or numbers selected.

Justification: Surveillance standards for Bingo will be addressed in 543.

(i) ~~(j)~~ Card games. The surveillance system shall record the general activities in each card room **with sufficient clarity to view customers, dealers and activities on the card table surfaces.** **and be capable of identifying the employees performing the different functions.**

Justification: The revisions are intended to clarify that the requirement extends to customers and the table surfaces.

(j) ~~(k)~~ Keno. (1) A dedicated or motion-activated dedicated camera shall be utilized to monitor and record the following both prior to and subsequent to the calling of a game:

(A) Empty rabbit ears or wheel;

(B) Date and time;

(C) Game number; and

(D) Full rabbit ears or wheel;

(2) The recording of the rabbit ears or wheel during the course of the draw shall provide a legible identification of the numbers on the balls drawn.

(3) The surveillance system shall record ~~the keno ball drawing device~~, the general activities in each keno game area ~~and be capable of identifying~~ **with sufficient clarity to identify** the employees performing the different functions..

(k) ~~(j)~~ Pari-mutuel. The surveillance system shall monitor and record general activities in the pari-mutuel area, to include the ticket writer and cashier areas, with sufficient clarity to identify the employees performing the different functions.

Comment (January): Replace “with sufficient clarity to identify” with “and be capable of identifying”, to reflect paragraph (j).

Response: Agree. See below revision to the proposed regulation.

Revised proposal based on January comment:

(k) ~~(j)~~ Pari-mutuel. The surveillance system shall monitor and record general activities in the pari-mutuel area, to include the ticket writer and cashier areas and be capable of identifying the employees performing the different functions.

Justification: The MICS is currently silent regarding surveillance of pari-mutuel in a Tier A gaming operation. The proposed revision adds a needed control.

(l) ~~(m)~~ Table games (1) Operations with ~~four (4)~~ **three (3)** or more table games **shall monitor and record the following:** ~~Except as otherwise provided in paragraphs (l)(3), (l)(4), and (l)(5) of this section, the surveillance system of gaming operations operating four (4) or more table games shall provide at a minimum one (1) pan-tilt-zoom camera per two (2) tables and surveillance must be capable of taping:~~

(i) **Each table game area** ~~W~~**with** sufficient clarity to identify customers and dealers; and

(ii) **Each table game surface**, with sufficient coverage and clarity to simultaneously view the table bank and determine the configuration of wagers, card values, and game outcome.

Comment (December): Strike “simultaneously”. As written the standard could be interpreted to require a single high performance camera.

Response: Disagree. Although the coverage requirement is typically satisfied with one overhead camera, the following is an amended proposed revision intended to add clarity:

Revised proposal:

(ii) **Each table game surface** with sufficient coverage and clarity to simultaneously view the table bank and determine the configuration of wagers, card values, and game outcome. **Satisfaction of the coverage requirement may require multiple cameras of different types.**

~~(iii) One (1) dedicated camera per table and one (1) pan-tilt-zoom camera per four (4) tables may be an acceptable alternative procedure to satisfy the requirements of this paragraph.~~

~~(2) Operations with three (3) or fewer table games. The surveillance system of gaming operations operating three (3) or fewer table games shall:~~

~~(i) Comply with the requirements of paragraph (1) (1) of this section; or~~

~~(ii) Have one (1) overhead camera at each table.~~

~~(3) Craps. All craps tables shall have two (2) dedicated cross view cameras covering both ends of the table.~~

~~(4) *Roulette.* All roulette areas shall have one (1) overhead dedicated camera covering the roulette wheel and shall also have one (1) dedicated camera covering the play of the table.~~

~~(5) *Big wheel.* All big wheel games shall have one (1) dedicated camera viewing the wheel.~~

Justification: The proposed standards are intended to provide greater latitude to gaming operations regarding the number, type and placement of surveillance cameras needed to provide sufficient coverage and clarity over the bank and table wagering activity.

(m) *Progressive table games.* (1) **Each** ~~**P**~~progressive table games with a progressive jackpot of \$25,000 or more shall be recorded by dedicated cameras that provide coverage of:

Comment (December): Reconsider the reasonability of the \$25,000 threshold.

Response: Disagree. The threshold is derived from a similar standard in the Nevada MICS.

(i) The table surface, sufficient that the card values and card suits can be clearly identified;

(ii) An overall view of the entire table with sufficient clarity to identify customers and dealer; and

(iii) A view of the progressive meter jackpot amount. If several tables are linked to the same progressive jackpot meter, only one meter need be recorded.

(2) [Reserved]

(n) *Gaming machines.* (1) ~~**Except as otherwise provided in paragraphs (n)(2) and (n)(3) of this section,**~~ **Each** gaming machine offering a payout of more than \$250,000 shall be monitored and recorded by a dedicated camera(s) to provide coverage of:

Comment (December): Strike “Each”, make “Gaming machine” plural.

Response: Agree. Proposed revision amended as follows.

Revised proposal based on December comment:

(1) ~~Except as otherwise provided in paragraphs (n)(2) and (n)(3) of this section,~~
gaming machine **Gaming machines** offering a payout of more than \$250,000 shall be
monitored and recorded by a dedicated camera(s) to provide coverage of:

(i) All customers and employees at the gaming machine, and
(ii) The face of the gaming machine, with sufficient clarity to identify the payout line(s)
of the gaming machine.

**(iii) The above requirements do not apply to wide area progressive gaming machines
offering a payout of less than \$3,000,000 and monitored by an independent vendor
utilizing a linked, on-line progressive computer system.**

Comment (December): By this language every machine that pays above \$3 million requires the dedicated cameras. The problem is that most machines with low base payouts of say \$50k can still progress to well over \$3 million. This exception would only apply to machines that ONLY pay up to and not beyond \$2,999,999. All the machines that progress higher than that would require the additional coverage and that is a whole lot of machines!! See the next comment below for more clarity. Does the NIGC mean a BASE payout of \$3 million? If so, that will work still because most machines’ base amount is less than \$3 million.

In our opinion this says is that if a machine pays less than \$3 million the enhancements are not required but if the machine pays \$3 million or more they are required. Well, this does not suit the industry at all. The machines start at a number much lower than \$3 million and are able to progress to much more than \$3 million. Thus, the Surveillance departments are not going to watch the progressive meters and install cameras when they reach \$3 million, they must install cameras on ALL machines that can possibly progress to \$3 million or more. That means two cameras for virtually every progressive machine in the every casino. It does not seem probable that a facility would install a camera when the threshold is met or only begin recording when it reaches the threshold. Either it is hung and recording or it is not.

Response: Agree. The following amended revision is intended more clearly define when the enhanced coverage would be applicable to a wide area progressive machine.

Whenever the probability of the payout exceeding the threshold is 25% or greater, the surveillance coverage will apply. Utilizing the formula that the Agency will provide, management will be able to determine at the time the device is put into service.

Revised proposal based on December comments:

(n) Gaming machines. (1) ~~Except as provided in paragraphs (n)(2) and (n)(3) of this section,~~ g Gaming machines offering a payout of \$250,000 or more shall be monitored and recorded by a dedicated camera(s) to provide coverage of:

- (i) All customers and employees at the gaming machine, and
- (ii) The face of the gaming machine, with sufficient clarity to identify the payout line(s) of the gaming machine.

Justification: The revision is to reduce the surveillance requirements specific to in-house gaming machines without regard to whether the devices are linked to a wide area network. Specifically, the required dedicated camera coverage for large gaming machine payouts is being increased from \$100,000 to \$250,000, which is more consistent with other jurisdictions.

Additionally, to clarify the exemption relevant to wide area progressive systems, the enhanced surveillance requirements are not applicable to actual payouts of less than \$3,000,000 if the device is monitored by an independent vendor utilizing a linked, on-line progressive computer system.

It is noteworthy that under the proposed standards for progressives, no enhanced monitoring or recording is required until such time as the progressive payout amount reaches the specified threshold.

Comment (January): Clarify that the standard is not necessarily a one camera/one machine requirement.

Response: Agree. See below additional standard.

Comment (January): Remove “by a dedicated camera(s)”. The coverage and clarity standards in the subsequent paragraphs are sufficient.

Response: Disagree. Dedicated cameras ensure that a video record of the activity being observed will always be created.

Comment (January): Machine electronic records and verification procedures greatly reduce the relevance of large payout surveillance controls.

Response: Disagree. The control is common to the established gaming jurisdictions and recognizes that a corresponding relationship exist between the risk of compromise and the potential reward. Because of the size of the payouts in question, additional controls are warranted.

Comment (January): Add paragraph (n)(1)(iii): “The coverage required in paragraphs (n)(1)(i) and (n)(1)(ii) does not require one dedicated camera per gaming machine if one dedicated camera is able to provide the required coverage for more than one gaming machine”.

Response: Agree. The following standard is proposed to be added to the proposed revisions to section (n) (1):

(iii) The above requirements do not apply to wide area progressive gaming machines offering a payout of less than \$3,000,000 and monitored by an independent vendor utilizing a linked, on-line progressive computer system.

(iii) The coverage required in paragraphs (n)(1)(i) and (n)(1)(ii) does not require one dedicated camera per gaming machine if one dedicated camera is able to provide the required coverage for more than one gaming machine.

(2) The requirements in paragraph (n)(1) do not apply to wide area progressive gaming machines that are monitored by an independent vendor utilizing a linked on-line progressive computer system that have less than a 25% probability for a payout of \$3,000,000 or more.

Comment (January): Standard appears to reduce risk for the vendor rather than the gaming operation.

Response: Disagree. The controls are relevant to the gaming operation, which, notwithstanding any agreements that may exist between the gaming operation and a vendor, is ultimately responsible for making all wagering payouts to patrons.

(3) The requirements in paragraph (n)(1) do not apply to in-house progressive gaming machines that have less than a 25% probability for a payout of \$250,000 or more.

(4) Probability calculations for paragraphs (n) (2) and (n) (3) shall be performed using a formula provided by the Commission.

Comment (December): The risk associated wide area progressive machines belongs to the vendor, but compliance responsibility and costs are the responsibility of the gaming operation.

Response: Disagree. The vendor has a contractual relationship with the gaming operation. Likewise, the patron enters into a wager with the gaming operation. Should the vendor fail to honor its commitment to the casino to pay a progressive jackpot, the casino is still obligated to make good the payout to the patron.

Except for tribal gaming, the state gaming regulatory authorities typically require strict conditions are satisfied by the wide area progressive vendors, such as a minimum liquidity standard.

~~(2) In-house progressive machine. In-house progressive gaming machines offering a base payout amount (jackpot reset amount) of more than \$100,000 shall be monitored and recorded by a dedicated camera(s) to provide coverage of:~~

- ~~(i) All customers and employees at the gaming machine; and~~
- ~~(ii) The face of the gaming machine, with sufficient clarity to identify the payout line(s) of the gaming machine.~~

~~(3) Wide-area progressive machine. Wide-area progressive gaming machines offering a base payout amount of \$1 million or more and monitored by an independent vendor utilizing an on-line progressive computer system shall be recorded by a dedicated camera(s) to provide coverage of: (Revised August 12, 2005)~~

- ~~(i) All customers and employees at the gaming machine; and~~
- ~~(ii) The face of the gaming machine, with sufficient clarity to identify the payout line(s) of the gaming machine.~~

~~(4) Notwithstanding paragraph (n)(1) of this section, if the gaming machine is a multi-game machine, the Tribal gaming regulatory authority, or the gaming operation subject to the approval of the Tribal gaming regulatory authority, may develop and implement alternative procedures to verify payouts.~~

Justification: It is proposed that the standard be struck due to its ambiguity.

(o) (P) Cage and vault. (1) The surveillance system shall monitor and record a general overview of activities occurring in each cage and vault area with sufficient clarity to identify employees within the cage and customers and employees at the counter areas.

Justification: The MICS is currently silent regarding surveillance of the cage and vault in a Tier A gaming operation. The proposed revision adds a needed control.

Comment (December): Add identification of currency denominations to the sufficient clarity requirement.

Comment (December): Add verification of transactions to the sufficient clarity requirement.

Response: Agree

Revised proposal based on December comments:

(o) (P) Cage and vault. (1) The surveillance system shall monitor and record a general overview of activities occurring in each cage and vault area with sufficient clarity to identify employees within the cage and customers and employees at the counter areas **and to confirm cash transactions occurring between employees and between employees and customers.**

Note (May): In the course of a discussion of another section, it became apparent that there was some confusion as to the meaning of the proposed addition to (o) (1). The standard has been revised to improve clarity.

Revision based on May note:

(1) The surveillance system shall monitor and record a general overview of activities occurring in each cage and vault area with sufficient clarity to identify employees within the cage and customers and employees at the counter areas **and to confirm the amount of each cash transactions occurring between employees and between employees and customers.**

(2) Each cashier station shall be equipped with one (1) dedicated overhead camera covering the transaction area.

(3) The cage or vault area in which fills and credits are transacted shall be monitored and recorded by a dedicated camera or motion activated dedicated camera that provides coverage with sufficient clarity to identify the chip values and the amounts on the fill and credit slips. Controls provided by a computerized fill and credit system may constitute an adequate alternative to viewing the amounts on the fill and credit slips.

(p) (e) Currency and coin. Count rooms. The surveillance system shall record a general overview of all areas where currency or coin may be stored or counted.

Justification: The title has been changed to provide clarity.

(q) (e) Video recording and/or digital record retention. (1) All video recordings and/or digital records of coverage provided by ~~the~~ dedicated cameras or motion-activated dedicated cameras required by the standards in this section shall be retained for a minimum of seven (7) days.

Comment (December): Add “or such longer period as required by the TGRA”.

Response: Agree.

Revised proposal based on December comment:

(g) (p) *Video recording and/or digital record retention.* (1) All video recordings and/or digital records of coverage provided by ~~the~~ dedicated cameras or motion-activated dedicated cameras required by the standards in this section shall be retained for a minimum of seven (7) days, **or such longer period that may be required by the Tribal gaming regulatory authority.**

(2) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or detentions by security personnel, must be retained for a minimum of thirty (30) days.

Comment (December): Add “or such longer period as required by the TGRA”.

Response: Agree.

Revised proposal based on December comment:

(2) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or detentions by security personnel must be retained for a minimum of thirty (30) days, **or such longer period that may be required by the Tribal gaming regulatory authority.**

(3) Duly authenticated copies of video recordings and/or digital records shall be provided to the Commission upon request.

(r) (q) *Video library log.* A video library log, or comparable alternative procedure approved by the Tribal gaming regulatory authority, shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

Note (January): Remove TGRA approval requirement for consistency with Tier B and Tier C.

Revised proposal incorporating note:

(r) (¶) *Video library log.* A video library log or comparable alternative procedure ~~approved by the Tribal gaming regulatory authority~~ shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

(s) (¶) *Malfunction and repair log.* (1) Surveillance personnel shall maintain a log or alternative procedure ~~approved by the Tribal gaming regulatory authority~~ that documents each malfunction and repair of the surveillance system as defined in this section.

Justification: Above revision is relevant to the general recommendation proposed for 542.3.

(2) The log shall state the time, date, and nature of each malfunction, the efforts expended to repair the malfunction, and the date of each effort, the reasons for any delays in repairing the malfunction, the date the malfunction is repaired, and where applicable, any alternative security measures that were taken.

(3) The log must be retained for a minimum of 1 year after the date of the last entry in it.

Justification: The MICS is currently silent regarding the retention period for surveillance equipment malfunction logs. The above standard is intended to establish a one year retention period.

(t) (¶) *Digital Surveillance System Standards (1) The digital surveillance equipment used to satisfy the surveillance standards in this Section must:*

Comment (December): Replace “must” with “shall”.

Response: Agree.

Revised proposal based on December comment:

(t) ~~(h)~~ Digital Surveillance System Standards (1) The digital surveillance equipment used to satisfy the surveillance standards in this section shall:

(i) Record and play back video at a minimum of 30 frames per second (FPS), full screen (4 common intermediate format CIF), in real time.

(ii) Produce visual resolution that is adequate to satisfy the sufficient clarity standards in this section.

(iii) Have adequate storage capacity to maintain for a period of not less than seven (7) days, all images obtained from the video cameras.

(iv) Have a failure notification system that provides audible and visual notification of any failure in the surveillance system or the Digital Video Recording (DVR) media storage system.

Comment (December): Camera failures are not always tied to alarms and this requirement might require major system installations. Provide an alternative such as daily verification of camera and DVR operation.

Response: Disagree. The requirement is not inconsistent with gaming regulatory standards and the capability is common to most digital surveillance systems. Essentially involves the activation or deactivation of a parameter option. The standard should not impose an undue hardship on tribes with digital surveillance systems.

Comment (January): The response does not adequately address the concerns expressed in the comment from the December meeting. Camera failures are not always tied to alarms and this requirement might require major system installations. Provide an alternative such as daily verification of camera and DVR operation.

Response: Agree. Proposed regulation has been amended as follows:

Revised proposal based on January comment:

(iv) Have a failure notification system that provides audible and visual notification of any failure in the surveillance system or the Digital Video Recording (DVR)

media storage system. Alternatively, daily verification of the effective operation of surveillance system and the DVR media storage system components is acceptable.

(v) Have a media storage system that is configured so that a failure of any single component will result in no loss of data from the media storage system.

(2) Access, or the ability to access, a digital surveillance system from any location outside of the surveillance operation room, must be approved by the Tribal gaming regulatory authority. Such transmissions must be effectively encrypted, firewalled on both ends, and password protected.

Note (January): Replace “surveillance operation room” with “secure surveillance location” for Tier A only.

Comment (January): Replace “must” with “shall”.

Response: Agree. Proposed regulation is amended as follows:

Revised proposal based on January comments:

(2) Access, or the ability to access, a digital surveillance system from any location outside of the secure surveillance location, shall be approved by the Tribal gaming regulatory authority. Such transmissions shall be effectively encrypted, firewalled on both ends, and password protected.

(3) All digital video disks or other storage media produced from the DVR system must contain the data with the time and date it was recorded superimposed, the media player and the software necessary to view the DVR images, as well as a video verification encryption code (also known as a watermark).

Comment (January): Replace “must” with “shall”.

Response: Agree. Proposed regulation is amended as follows:

Revised proposal based on January comment:

(3) All digital video disks or other storage media produced from the DVR system shall contain the data with the time and date it was recorded superimposed, the media player and the software necessary to view the DVR images, as well as a video verification encryption code (also known as a watermark).

(4) In the event of a failure of a DVR storage media system (total system failure), the gaming operation should strive to repair or replace the equipment within 8 hours of the failure.

(5) All DVR equipment must be located in a secure surveillance location(s).