September 23, 2008

Bulletin No: 2008-2

Subject: Tribal Registration of Gaming Equipment with DOJ in Compliance with the Johnson Act

It has become apparent that a number of tribal gaming operations may not be aware of the Johnson Act requirement that they must register with the Department of Justice (DOJ) pursuant to 15 U.S.C. § 1173 (Johnson Act) in connection with their use of certain gaming equipment.

It is widely known that the Indian Gaming Regulatory Act (IGRA) contains a Johnson Act exemption, 25 U.S.C. § 2710(d)(6), but this exemption applies only to one section of the Johnson Act, 15 U.S.C. § 1175, relative to the manufacture, reconditioning, repair, sale, transportation, possession or use of gambling devices in Indian country. Further, this limited exemption is conditioned on the requirement that the tribe must have a compact with the state that is in effect.

The above cited exemption is not an exemption from the Johnson Act in its entirety. Specifically, the requirement to register with the U.S. Attorney General pursuant to 15 U.S.C. § 1173 (a) still applies to tribes that use gambling devices under IGRA and a tribal-state compact. In addition, the requirements to ship or possess only properly marked or numbered devices pursuant to 15 U.S.C. § 1173(c)-(e) and § 1174 also apply.

The registration process is relatively simple and must be completed in December of the year preceding the desired year of registration.

The U.S. Department of Justice has recently published two documents addressing the registration requirements (attachment "A" to this bulletin) and a form letter preferred for use in registering (attachment "B" to this bulletin). The signed registration letter may be submitted via the mail, via fax, or via e-mail. Further information is available at www.usdoj.gov/criminal/oeo/links/gambling.

We strongly urge all tribes using gambling devices to properly register with the U.S. DOJ. Such registration will avoid violating the Johnson Act and can avoid potential violations of state gambling statutes where included in compacts.

U.S. Department of Justice

Criminal Division

Office of Enforcement Operations *Washington, D.C. 20530*

Frequently Asked Questions About Registering Under the Gambling Devices Act of 1962

Should I contact the Department of Justice to find out whether or not I need to register?

No, Department of Justice staff cannot give legal advice to private citizens. We therefore cannot tell you whether you should register, whether a particular device is considered to be a gambling device, or whether a particular component of a gambling device is covered by the statute. The applicable statute, 15 U.S.C. Sections 1171-1178, is available on our website, www.usdoj.gov/criminal/oeo/links/gambling. If you have questions of legal interpretation, you may choose to consult with a private attorney.

Is registering with the Department of Justice the same thing as obtaining a gambling license?

No, registration is not a license, and does not authorize you to do anything that is not in accord with federal, state, or local laws. You may need to obtain other licenses in addition to registering.

Can I contact the Department of Justice to find out what gambling devices or activities are legal in my state, or what licenses I need?

The Department of Justice cannot advise you on state laws or regulations. You may research the state laws, contact your state's gaming commission, and/or consult with a private attorney.

When do I register?

You should register prior to engaging in any activity covered by the statute. Registration is by calendar year. Always specify the year for which you wish to register. You cannot register for more than one year in a registration request.

At what point is it too late to register for the current year?

It is never too late to register. You can register at any time during the year, up to and including December 31st for a particular calendar year. If you were unaware that you should have registered prior to engaging in business or otherwise inadvertently did not register, you should register as soon as possible. Your registration is effective on the date we receive all the required information; it is not possible to make your registration retroactive.

How long is my registration good for?

Your registration always expires on December 31st of the current year.

When and how do I re-register?

If you intend to be engaged in business on January 1st of the upcoming year, you should send in your request in December of the current year. You must submit all the required information, as if it were a new registration. It is not sufficient to simply ask us to "renew" your registration.

What is the fastest way to register?

The quickest way to register is to complete the *Request for Registration* form on our website, www.usdoj.gov/criminal/oeo/links/gambling, and fax it to 202-353-7675. The form is available as a PDF file, which will allow you to type in your responses before printing it out. Be sure to sign the form before sending it to us. (You will need Adobe Reader to open the PDF form, which can be downloaded for free from their website, www.adobe.com. Unless you have purchased Adobe Professional, you will not be able to save the PDF form to your computer.)

If you prefer, instead of faxing it, you may sign, scan and e-mail the completed *Request for Registration* form to Gambling.Registration@usdoj.gov. We can also fax or mail you a paper copy of the form, or e-mail you the form in Microsoft Word or WordPerfect format. Please request this by e-mailing us at Gambling.Registration@usdoj.gov, or by calling 202-353-0888.

Do I have to use the Request for Registration?

No, you may prepare your own letter, as long as it contains the same information.

Is there a fee to register?

No.

If I fax or e-mail my request, do I need to mail it as well?

No. Please submit your request to us by either fax, e-mail or U.S. mail.

If I prefer to mail my registration request instead of faxing or e-mailing it, what is the current mailing address I should use?

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Criminal Division, OEO
Gambling Device Registration Unit
JCK Building, Room 1048
Washington, D.C. 20530-0001

Please do not use any other address at the Department of Justice as it delays the delivery of mail to our Unit.

Can I use a third party (such as a business partner or management company) to register on my behalf?

You may use a non-attorney third party to register on your behalf only if you submit a notarized letter of authorization, signed by you (include your contact information), giving the other party permission to do so on your behalf. This document must be submitted to us with the registration request. If you would like more information about this process, please send an e-mail to Gambling.Registration@usdoj.gov.

If you choose to have an attorney register you on your behalf, the attorney's signed registration request must state that he or she represents you.

How do I know that you received my request?

If you send your request by facsimile, you should keep the facsimile transmittal sheet that indicates the transmission was successful. (Please be sure that you use your facsimile machine correctly so that you do not transmit blank sheets of paper.) If you send your request via U.S. mail, you should send it certified or registered so that you will receive a delivery receipt once your letter arrives at the Department of Justice. If you chose to scan and e-mail your signed request, please retain an electronic record showing the date the e-mail and attached request was delivered. Please choose only one method (facsimile, U.S. mail or e-mail) to submit your request.

Can I engage in business if I've sent in my request, but haven't received my confirmation letter yet?

You are considered to be registered once your request with all the required information arrives at the Department of Justice. The statute itself does not require that you wait until you have the confirmation letter before engaging in business, but it is only once you receive the confirmation letter that you can be sure that you provided us with all the required information.

How and when will I receive the confirmation letter?

If you submit your request in December or January, it will take approximately three weeks for us to process your request. December and January are our busiest months. Requests submitted at other times of the year are processed more quickly.

All confirmation letters are sent by U.S. mail. Due to the volume of requests we process, we cannot fax or e-mail you the original confirmation letter.

What if I don't receive my confirmation letter?

If it has been more than four weeks since you submitted your request, you should send us an e-mail at Gambling.Registration@usdoj.gov and we will e-mail you a copy of your confirmation letter in response. If you do not have e-mail, please call 202-353-0888.

Should I keep the confirmation letter?

Yes. You may need a copy for your state license, U.S. Customs or other law enforcement agencies.

What if I lose my confirmation letter?

You may request another copy by sending us an e-mail at Gambling.Registration@usdoj.gov or by calling 202-353-0888.

What if any of my information changes after I register?

If your information changes during the calendar year, please mail or fax us a letter indicating that you wish to amend your registration. Include both the old information and the new information in your letter. We will send you a response letter confirming that we have made the change.

Where do I find information about the gambling device records that I am required to keep?

You can find the information in subsections (c) and (d) of 15 U.S.C. Section 1173, which are posted on our website, www.usdoj.gov/criminal/oeo/links/gambling. You may also send an e-mail requesting a copy of the statute to Gambling.Registration@usdoj.gov.

Is there a criminal penalty for failing to register?

Yes. You can be fined (no more than $5,000) and/or imprisoned (no more than two years) and your gambling devices can be seized. Please refer to 15 U.S.C. Sections 1176 - 1177, posted on our website, www.usdoj.gov/criminal/oeo/links/gambling, for more details.

Are gambling device records public records?

Yes, except for registrants who are buying/using a gambling device solely for personal use in their home.

Can I contact the Department of Justice to verify if someone is registered with you?

Yes. You may e-mail the registrant's name and address to Gambling.Registration@usdoj.gov. If you do not have e-mail, you should fax the information to 202-353-7675. All verification requests must be in writing.

To whom should I report possible violations of the Gambling Devices Act?

Since this is a federal law, suspected violations should be reported to your local FBI office. You can find local office numbers at the FBI website, www.fbi.gov. Sovereign Indian tribes that may be in violation of federal gambling laws should be reported to the National Indian Gaming Commission (www.nigc.gov). Suspected violations of state gambling laws should be reported to your local police and/or your state's gaming commission. Please be aware that some states require gambling licensees to be registered with the Department of Justice, in which case you could also report a suspected violation of the Gambling Devices Act to the state gaming commission.

U.S. Department of Justice

Criminal Division

Office of Enforcement Operations *Washington, D.C. 20530*

Tips on Completing a Registration Request

Please keep in mind the following tips when preparing your registration request:

- Submit separate requests for each entity you are registering.
- Use the model *Request for Registration*, available as a form on our website, www.usdoj.gov/criminal/oeo/links/gambling. You may also prepare your own letter, but it must contain identical information to that specified in the form.
- Type or print legibly.
- Provide all necessary information. A fully completed *Request for Registration* form provides all the information needed to process your request.
- Register under the name of your business if you have any employees. Employees do not need to register separately if they are acting on behalf of the business.
- If you have changed your business name or address since you last registered, provide both the former name and/or address as well as the current one.
- If you are the owner of a business, please include "Owner" by your name under "Names and titles of the officer(s) and owner(s)."
- If you are registering a limited liability company, partnership, or joint venture, and there are no appointed officers, provide the names of the officers of the companies that comprise the limited liability company, partnership, or joint venture.
- If you do not have mail service at your business and desire a confirmation letter, provide an alternate mailing address.
- Specifically state where you keep your gambling device records. We do not assume that you keep all records at your place of business.

- Place a checkmark by all gambling activities that apply. Check "Leasing" if you lease devices to or from another entity. Check "Making available for use by others" if you allow people to play gambling devices on your premises for money. Check "Using" if you use gambling devices for non-gambling purposes, such as training, demonstration, testing, display, etc. Check "Personal home use only" if you keep a gambling device at your residence for your personal use.

- Provide the name, telephone number or e-mail address of a contact should we have questions about your request.

- Keep a copy of your registration request.

OMB No. 1123-0010 (02/28/2011)

REQUEST FOR REGISTRATION
UNDER THE GAMBLING DEVICES ACT OF 1962
(Please type or print legibly responses to all items.)

Date: _____

US Department of Justice
950 Pennsylvania Avenue, NW
Criminal Division, OEO
Gambling Device Registration Unit
JCK Building, Room 1048
Washington, DC 20530-0001
Fax: (202) 353-7675

Attention: Sandra A. Holland

Dear Mrs. Holland:

I am requesting registration under the Gambling Devices Act of 1962 (15 U.S.C. 1171-1178) for Calendar Year _____.

1. Registrant's name (name of business, company, organization, or individual):

2. Trade name(s)/other name(s) registrant is doing business as (dba):

3. Names and titles of the officer(s) or owner(s):

4. Street address of registrant's business location(s) or registrant's home address, if not engaged in business:

5. Address registration confirmation letter should be mailed to:

6. Street address in a state or possession of the United States where required gambling device records can be viewed:

7. Activities involving gambling devices which require registration under the statute (a check mark indicates which activities registrant intends to engage in):

_____ Manufacturing _____ Repairing _____ Reconditioning

_____ Buying _____ Selling _____ Leasing

_____ Using _____ Making available for use by others

_____ Personal home use only

Sincerely,

_____
(Signature)

_____
(Printed name)

Contact telephone number or email address: _____

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. The information we are collecting is mandated by 15 U.S.C. 1173. We estimate that it will take five minutes to complete this form. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please contact us at the address given above.