December 23, 2004

Jack Saltiel
Chief Technical Officer
Cadillac Jack, Inc.
2420 Meadowbrook Parkway
Duluth, GA 30096

Re: Cadillac Jack "Triple Threat Bingo" Advisory Game Classification Opinion

Dear Mr. Saltiel:

This letter responds to your request for an advisory opinion on whether "Triple Threat Bingo," developed by Cadillac Jack, Inc., may be played as a Class II gaming activity as that term is defined in the Indian Gaming Regulatory Act (IGRA) and in regulations of the National Indian Gaming Commission (NIGC).

Based on our review, we conclude that "Triple Threat Bingo" qualifies as bingo as the term is used in IGRA and defined by Commission regulations, and is a Class II game. The particular version of the game to which this opinion applies is V2.22.3[1]. This opinion does not apply if the game is modified with additional features or if the game is played in a manner inconsistent with the manner described in this opinion. The features discussed in this opinion, along with the manner and sequence of events in game play, are integral to our opinion.

The Commission is developing a regulation on game classification that will provide specific criteria for a determination by an independent testing laboratory that a game of bingo, lotto, or an other game similar to bingo, when played primarily through an "electronic computer or other technologic aid," is Class II gaming. If the Commission issues a final rule, it may be necessary to reevaluate the "Triple Threat Bingo" game under the criteria of the regulation. This may change the classification determination.

Cadillac Jack provided a report from Gaming Laboratories International (GLI) confirming that the "Triple Threat Bingo" game, Version V2.22.3, operates in the manner described in this opinion. The report also contains a signature for the key files so that

[1] Cadillac Jack assigned Build #1111121141 to the version of the game they presented to GLI. This build number contains unique features of the game. Another "build number" might not contain these features, although labeled Version 2.23.3.

verification may be obtained that the game in play in a gaming facility is the game considered in this classification opinion.[2]

Description of Triple Threat Bingo

Cadillac Jack offers "Triple Threat Bingo" as a linked bingo system using technological aids. Participation at the player level is accomplished through the use of multiple player stations. These may be established at multiple locations and the game linked between these locations. These Electronic Players Stations (EPS) communicate with a central server that provides a number of different services in order to create a game. These include a Linked Game Service (LGS) and a Game Management and Control System (GMCS). The LGS acts as a host for the bingo games and allows games to start and run independently from each other as players enter and play the games. The EPS are connected to the LGS and GMCS through an Ethernet LAN switch.

The game is played on player stations that offer bingo games in a variety of different formats. The version that is the subject of this advisory opinion is played with only one card.[3]

Game play is viewed on a video screen at the player terminal. It is a standard size video screen measuring approximately 19 inches along the diagonal. The game as presented to us is played using a 25 spot bingo card, in a five by five grid, displayed electronically on the video screen.[4] Numbers or designations in the card spaces are not repeated on the same card. The game uses a non-replaceable pool of 75 numbered "balls" from which the numbers necessary to achieve designated prize patterns are randomly determined and used in the sequence they are selected.

The screen can also display spinning reel graphic icons, at the player's discretion. Cadillac Jack intends to offer the player an alternative of playing the game on a traditional bingo card that is the central feature of the video screen or in a version that would allow the player to switch back and forth between the traditional bingo card view and the spinning reels. The spinning reels do not affect the outcome of the game. When

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[2] The GLI CDCK signature for GameServer.exc, Version 1.0.0.1, is BD22. The GLI CDCK signature for the Player file, Version 2.22.3, Build # 1111121141, is FA19. These signatures may be used to compare a version of the game in play in gaming facility to the version considered in this advisory game opinion.

[3] We will review games that have the option of more than one bingo card in play when presented with an actual game containing a graphics screen showing the other cards in play; however such a version is not covered by this advisory opinion.

[4] Cadillac Jack has indicated in the future that they would like to offer versions of the game using as few as 10 spots and as many as 30 spots. However, this advisory opinion is limited to the game as presented which played on a 25 spot card.

the spinning reels are displayed, a smaller bingo card, described below, will always be visible to the player during game play.

Bingo cards are distributed in micro-decks of up to 256 cards. The bingo cards are assigned by the LGS in such a manner as to insure that the cards that are distributed to the players are not duplicated for another player in the game. A player may select a new card before any game begins.

Game Prizes

Participants are playing to achieve designated patterns on the bingo card based on the balls drawn for the game. Prizes in the form of game credits are awarded if a player covers, or daubs, the numbers on the card after the numbers are called and the numbers form one or more of the designated patterns. Credits translate to monetary value. The game will end when a player achieves a designated game-ending pattern and daubs this winning pattern. The game as submitted has a game-ending pattern comprised of a three-spot "V" pattern fixed at the center of the card. The game-ending pattern is always defined and designated in advance, and is never less than three spots. The prize for the game-ending pattern is structured so that the earlier the prize is awarded, the higher the prize may be for the player. In other words, the fewer the balls drawn to obtain the game-ending pattern, the higher the prize may be for the player. In the game proposed for this advisory game classification opinion, the prize awarded for the game-ending pattern is illustrated in the table shown below:

Number of Balls Called To Cover Game Ending Pattern	Prize Award (in credits)
3	1500
4	750
5	375
6	187
7	93
8	46
9	23
10	11
11	5
12	2
13 or more	1

The prize may be expressed and awarded in either credits or specific currency value. The specific values in the prize table associated with the game ending pattern may vary based on:

a. The number of credits wagered; and

b. The target payout for the game which may be changed by the game operator.

These values will always be disclosed to the player in advance through the games help and pay table screens.

Bonus Prizes

Triple Threat Bingo will also award other prizes in the game in addition to the game-winning prize. The game presented to the NIGC offered interim and consolation prizes. These prizes can be of a higher value than the prize for obtaining the game-ending pattern. Except for the progressive prize, described elsewhere, a player may win only one prize in a game. The player will be awarded the larger of the prizes for achieving the game-ending pattern or the interim/consolation prize, but not both. Players may win interim or consolation prizes as follows:

a. Interim prizes, which are prizes awarded to a player up until the game-winning (game-ending) prize is awarded, will be based on the player covering a specific pattern in a certain number of balls (or less) drawn and released before the last ball needed to complete the game-ending pattern for the game-winning player is released. (The "last ball" may also be last ball for the interim prize pattern.) For example, if player #1 were to cover the top line in 30 balls or less and the game-winning pattern was not obtained by any player before the top line pattern was achieved, player #1 would be awarded a prize of two or more credits depending on the amount bet per line.

b. Consolation prizes, which may be awarded after the game-winning (game-ending) prize is awarded, will be based on the player covering a specific pattern in a certain predefined number of balls drawn and released including balls called and released after the game-winning pattern is covered. Consolation prizes require at least one additional release of balls beyond r1 + r2 (first release plus second release). For example if the game-winning pattern is obtained and claimed in fewer than 30 balls in r1 + r2, additional balls will be released for all other players, up to 30 balls total, and consolation prizes will be awarded based on player covering specific predetermined patterns in those 30 balls.

Each bonus prize-winning pattern will contain at least two spaces. A player will be able to determine what the prize will be if he reaches the pattern in a certain number of balls by viewing the pay table.

Progressive Prizes

The game as demonstrated at NIGC does not contain an ancillary, or progressive, prize feature, although Cadillac Jack has plans to include a progressive prize feature with the game in the future. A progressive prize may be awarded if a designated pattern is covered in the first few balls called. According to information provided by Cadillac Jack, the ancillary prize may be awarded for covering 4 corners in the first four balls called. "Triple Threat" may have one or more such progressive prize pools in the game and all progressive prizes are paid from these pools. As an example, Pool A would be awarded to the player covering the game-ending pattern in the fewest number of balls possible to achieve that pattern, which in a three-spot pattern would be the first three balls. Pool B would be awarded to the winner of a bonus prize awarded in the fewest number of balls to achieve the designated pattern for that prize. In the "Triple Threat" progressive prize scheme, a percentage of the buy-in amount paid by each player for each game is contributed to the prize pool. Contributions are made to these pools from the play of the game, i.e., a direct contribution is taken from each play and added to the progressive pool. In addition, a contribution is made for every prize awarded but slept by the player with the exception of the game-ending prize that, under the rules of the game, will always be awarded and cannot be slept.[5] The "slept prize" contribution may go into Pool A or Pool B depending upon how the game is configured. The house retains no portion of the amounts contributed by the players to the Progressive Prize Pool.

The award of "Triple Threat" progressive prizes is accomplished in a manner similar to the award of the regular game prize and is based on a pre-designated pattern achieved in the minimum number of balls that could yield that pattern. For example, a progressive prize based on achieving a four-corner pattern would be awarded if the player achieved the pattern in the first four balls drawn. The balls are drawn in real time and the player must daub the card in the same manner as the player would for the regular game. The primary game is still being "won by the first player to cover a predetermined pattern."

Video Display Graphics

The game may be displayed in two formats. One is a traditional bingo format where the cards are displayed, the balls selected are displayed on the screen and the numbers are daubed, winners and consolation prizes are determined, prizes are claimed and credits are issued. The second format uses alternative displays to illustrate amounts

[5] To "sleep" or to "sleep a bingo" means that a player fails, within the time allowed by the game: (i) cover a previously designated pattern that, if covered, would entitle the player to a prize, or (ii) to claim the prize to which the player is entitled, having covered a previously designated pattern, if the rules of the game require a separate action to claim the prize.

won in the bingo game. In this format the main area of the screen may contain a video simulation of spinning reels that start when the player joins the game by touching the "play" button. A smaller version of the Bingo card will always be visible when the alternative display appears, except during a graphical display that appears when bonus prizes of a certain value are being awarded. (In the version shown for this advisory opinion, the graphic featured mushrooms that when "opened" revealed a prize expressed in credits. This feature has no impact on the actual amount won and is for entertainment only.) In this second format, the Triple Threat Bingo card has an exterior dimension of 2 inches by 2 inches and an interior of just larger than 1 7/8 inches. The card is placed in the upper center of the screen. Play stops when the bingo card has been appropriately daubed and the prizes are awarded. The alternate spinning-wheel graphics do not affect the outcome of the game and are offered only as entertainment.

The paytable screens may illustrate game payouts in two different fashions, one relating to the bingo patterns and one relating to the alternative display, but the paytables will always indicate the number of credits won based on bingo patterns.

Participation at Player Terminals

Participation in any particular "Triple Threat Bingo" game is limited, in theory, only by the number of player stations available on the network and on which another game is not already in play. Through its operating system, "Triple Threat Bingo" assembles players for individual games based on receipt of player requests for play. "Triple Threat Bingo" requires a minimum of two players for a game to begin. Additional players enter the game if they request participation within a set time period. The amount of time available for entry of additional players is a configurable aspect of the software. The version shown at the NIGC allowed 3 or more seconds for players to enter the game.

Game Play

To begin play, a player inserts currency or a ticket into the player terminal and receives credits. The player is assigned a card. The player has the option of accepting the card offered or selecting an alternative prior to pressing the "play" button. A player selects a new card by touching the graphic of the card on the screen. A new card appears for each touch. In no event can a bingo card be distributed or changed after a game has commenced.[6]

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[6] Cadillac Jack also indicated an intention to play the game with players having the option of using multiple cards. However, this feature was not incorporated into the version demonstrated at the NIGC and is not part of the game description considered in this advisory opinion.

Players are grouped into games each with a minimum of two players. All players in a game play for prizes based on the same common set of predetermined patterns. These patterns correspond to "lines" on an alternative visual display for the game. In the version presented to GLI to which this advisory opinion applies, the game is a 21 line game and cannot be changed. The game could be played using another pre-determined and fixed number of lines, so long as the game met the other conditions and criteria described in this opinion.

The player can increase her card value by increasing the amount "bet" on each line played in the game. As shown to GLI, a player could increase the "bet" per line by selecting 1, 2, 5, 10, or 15 credits per line. Regardless of the number of credits bet in the game by any individual player, all of the players are playing for the identical game-ending pattern and for the same common set of pre-determined patterns by which a player can win other prizes in the game. The value of the prize won increases with the number of credits that were wagered.

When players are ready to play they press the "Play" button on the screen or the "Play" button on the machine console. A group of players is collected from those waiting to play. The grouping starts when the first player, after selecting the amount to be "Bet" per line, presses the "Play" button. The LGS will then wait until the minimum number of players has joined the game before a game may be called. A minimum of two players is required. The grouping of players continues until either the maximum number of players has been reached or the predetermined wait time, three seconds, has been reached.

The LGS sends to all EPS the first release (r1) of balls. This release will be fewer than the number of balls required for a game ending pattern in all cases. Balls are shown to the players in the order they are drawn. No game winning prize or interim prize may be awarded after the first release of balls, although eligibility for an interim prize may be established based on the balls in the first release if the player obtains the associated interim pattern with the balls in the first release. The rules of the game do not allow award of any of these prizes to occur until at least two releases of balls has occurred. All players obtaining a winning pattern in the first release will stay in the game until a player obtains a game-winning pattern and daubs that game-winning pattern following the second release.

All of the balls available for the game are drawn (electronically determined) and placed in a sequential order based on the order drawn. The first release of balls (r1) will be set to release at least 2 balls on that first release but not enough balls to establish the game-ending (game-winning) pattern.

The balls that have been released in r1 are displayed in the ball collection area of the screen in the order they are called. The "Play" button changes to a lit "Daub" button, indicating to the players that they must daub their respective cards with the balls that

have been released. Once the "Daub" button has been pressed, any spots on the card that have been daubed will be indicated with a red circle and the number of the spot inset in white.

After a player in the game has daubed for the balls called in r1, or after a minimum predetermined time limit of at least 2 seconds has passed, a second release of balls (r2) is given to the EPS. Combined, the ball release r1 + r2 will have as many balls as are required for at least one player enrolled in the game to have the game ending pattern. In addition, r1 + r2 may be sufficient to meet the number of balls required for all interim prizes. If the total of r1 + r2 is less than 30, consolation prizes may still be awarded based on an additional release of balls necessary to give the player at least 30 balls.

While balls are being called for any release, they may be depicted on the bingo card as small yellow dots in the corner of each square before they are daubed. Once the player has daubed, the balls that have been called are marked with transparent red circles. After sufficient balls are called to qualify the player for any of the prizes, the qualifying numbers on the card will blink to indicate the winning pattern. Before they are daubed the player may be prompted that he has a winning pattern by either: a blinking "Daub & Claim" button, a message in the message display area, a series of little yellow prompt dots, or any combination of the three methods.

One or more potential winners with a game-ending pattern will now exist. For any card in play in the game where a prize now exists the "Daub" button on the screen will change to "Daub & Claim" and will start blinking.

On any card where the game-ending pattern is completed, the player has the opportunity to claim that prize and end the bingo game by daubing that card. If that player does not daub the pattern in the allotted time, the game-ending prize will be slept and the prize will be forfeited by that player and made available to be won following a subsequent ball release (r3) and so on. If a player sleeps a game-ending pattern he is still eligible to win prizes in the game based on other winning patterns, specifically, interim, consolation and/or progressive prizes.

"Daub & Claim" are one action of a single button. When it is time to "Daub & Claim," the "Daub & Claim" button will blink prominently on the screen to make it clear to the player that he must take action to be able to win a prize. If not done within a specified number of seconds the bingo will be declared a sleeper and the game will continue with more balls called. Enough additional balls will be called so that at least one player will have a game ending pattern. In order to claim the prize for the game-ending pattern, the other player must "Daub & Claim" within the allotted time.

The last person who achieves the game-ending pattern never sleeps the game-winning prize because that player's game station never times out. In this case, the player station waits indefinitely for the player to "Daub and Claim" the prize. This player must "Daub and Claim" the prize before exiting the game and beginning a new game. Otherwise, a player who fails to daub a game-winning (game-ending) pattern on her card within a configurable time "sleeps" the bingo and forfeits the prize. Under rules of the game, all players continue in the game, and one or more additional bingo-numbers are drawn until a player obtains another game-ending pattern. However, since the game-ending pattern is set to a specific space on the card, a player who remains having slept that pattern is no longer eligible to win the game with the game-ending pattern but may compete for other winning patterns. The same "winning-prize" is awarded to a subsequent winning player who "Daubs and Claims" the game-ending pattern within the time permitted by the rules of the game.

A player who "slept" a winning pattern other than the game-ending pattern remains eligible to win but must obtain another winning pattern. An interim prize that is won based on the player achieving a specific pattern, but which is slept, is forfeited. The value of the prize may be contributed to the progressive prize pool if that feature is incorporated. Otherwise, the prize is merely forfeited to the house.

Under rules for the game, any player who fails to daub within the allotted time after a release of balls will stay in the game. As in paper bingo, players may daub their cards later to catch up. However, a player who obtains the game-ending pattern must be daub before the next ball is called in order for that player to end the game and be awarded the game-winning prize.

The game does not incorporate a feature [auto-daub] that allows the player station to perform the daub function without further action by the individual player following each release.

Applicable Law and Regulation

IGRA defines Class II gaming in relevant part to include:

(i) the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) --

(I) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations:

(II) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and

(III) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if

> played in the same location) pull tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo[.]

25 U.S.C. §2703(7)(A). Games that are not within the definition of Class II are Class III. See 25 U.S.C. § 2703(8).[7]

NIGC regulations similarly define Class II gaming to include, in relevant part:

> (a) Bingo or lotto (whether or not electronic, computer, or other technologic aids are used) when players:
>
> (1) Play for prizes with cards bearing numbers or other designations:
>
> (2) Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
>
> (3) Win the game by being the first person to cover a designated pattern on such cards.
>
> (b) If played in the same location as bingo or lotto, pull tabs, punch boards, tip jars, instant bingo, and other games similar to bingo.

25 C.F.R. § 502.3.

In addition, if technological aids are used, the following definition applies:

> (a) Electronic, computer or other technologic aid means any machine or device that:
>
> (1) Assists a player or the playing of a game;
>
> (2) Is not an electronic or electromechanical facsimile; and
>
> (3) Is operated in accordance with applicable Federal communications law.
>
> (b) Electronic, computer, or other technologic aids include, but are not limited to, machines or devices that:
>
> (1) Broaden the participation in a common game;
>
> (2) Facilitate communication between and among gaming sites; or
>
> (3) Allow a player to play a game with or against other players rather than with or against a machine.
>
> (c) Examples of electronic, computer, or other technologic aids include pull-tab dispensers and/or readers, telephones, cables, televisions, screens, satellites, bingo blowers, electronic player stations, or electronic cards for participants in bingo games.

25 C.F.R. § 502.7.

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[7] A separate category of games known as Class I, not at issue here, involve social games played for prizes of minimal value and traditional forms of Indian gaming at tribal ceremonies or celebrations. See 25 U.S.C. § 2703(6).

Class II gaming specifically does not include "(ii) electronic or electromechanical facsimiles of any game of chance or slot machine of any kind." 25 U.S.C. § 2703(7)(B)(ii).

Commission regulations define the term "Electronic or electromechanical facsimile" as--

> a game played in an electronic or electromechanical format that replicates a game of chance by incorporating all of the characteristics of the game, except when, for bingo, lotto, and other games similar to bingo, the electronic or electromechanical format broadens participation by allowing multiple players to play with or against each other rather than with or against a machine.

25 C.F.R. § 502.8.

Analysis of the Statutory Criteria

The first statutory criterion for bingo is that the game must be played for prizes on cards bearing numbers or other designations.

"Triple Threat Bingo" is a game played for prizes on cards bearing numbers. The "cards" in "Triple Threat Bingo" do not exist in a tangible medium but on a computer graphic at individual player stations. The game does not require paper cards. IGRA specifically permits the use of "technologic aids" in the play of bingo. The Commission's recent change to its definition of "technological aids" incorporated "electronic cards for participants in bingo games" as an example of a permitted technologic aid. 25 C.F.R. § 502.7(c).

The electronic cards in "Triple Threat Bingo" are provided to the player before actual game play begins. A player can change his card before entering a game. Card changes are not permitted once a game begins. Thus a player is actually playing the card and hoping to achieve a winning bingo pattern on the card when the numbers are drawn rather than buying a card with winning numbers pre-selected and hoping his purchase yielded a card containing a winning pattern.

The second statutory criterion from Section 2703(7)(A)(i) is that the holder of the card covers numbers or designations on the bingo card when objects, similarly numbered or designated, are drawn or electronically determined. Based on the game description, the "Triple Threat Bingo" game, as presented to the NIGC, meets the second requirement. A player "daubs" or covers the numbers on the player's card when the numbers are electronically determined. The numbers are determined in real time by a random number generator. The numbers are drawn in sets. When selected, the set of

numbers is instantly conveyed to the EPS video screen. The selected numbers are indicated on the player's card by a small yellow dot. Once the player daubs, the yellow dot turns into a transparent red circle. The player is not relying on the machine itself to "daub" or cover the number. Rather, the player is actually performing some act to be involved in the play of the game of bingo.

The final element specified by Section 2703(7(A)(i) requires that players who enter bingo games compete to win by being the first person to cover a previously designated arrangement of numbers or designations on the card. As previously noted, in "Triple Threat Bingo," this previously designated arrangement, or winning pattern, is a three spot "V" pattern.

In evaluating the statutory criteria of Section 2703(7)(A)(i), we conclude that a basic premise of bingo is play and competition among others. The language, "won by the first person," set forth in 25 U.S.C. §2703(7)(A)(i)(III), describes a contest or race among players to be the first to win. Numbers are drawn, players cover those numbers on their cards, more numbers are drawn, and so on until there is a winner. If all the balls necessary to produce a game-winning pattern are drawn and released at once, the game will likely end and someone will win with only one release of balls, thereby removing the contest element. In evaluating other electronic bingo games for advisory game classification opinion, we concluded that the method of play of the game of "bingo," as defined in IGRA, required that the game not be won in a single release of balls in the ball draw. There must be at least two ball draws or releases of electronically determined numbers before a player can win the game or any consolation or interim game. "Triple Threat Bingo" satisfies the requirement by providing multiple ball draws (electronic determinations) and releasing numbers in at least two sets as players compete for the prize won by the first player to obtain the designated game-ending bingo pattern. There are also corresponding daub opportunities or requirements following each set of balls released.

Because bingo is a game "won by being the first player to cover a previously designated arrangement of numbers" a player not attending to the game may "sleep" a bingo.[8] This is an important aspect of the "game of chance commonly known as bingo" and also to variations of that game. See 25 U.S.C. § 2703(7)(A)(i). "Triple Threat Bingo" provides this required feature. A player who fails to "daub" the game-winning (game-ending) pattern on his card within a configurable time "sleeps" the bingo and forfeits the prize. In "Triple Threat Bingo" all players continue in the game, and one or more additional bingo-numbers are drawn until another player obtains the game-winning (game-ending) pattern. A player who "slept" an earlier game-winning (game-ending) bingo pattern remains eligible to win a prize based on another pattern, but cannot win the

[8] A "sleeper" is a bingo discovered after the caller has gone on to the next number. Snowden, Gambling Times Guide to Bingo (1986), p. 33.

game-ending prize because that pattern is assigned to a particular place on the card. The prize that is won by subsequent winning player is the same prize that would have been awarded to the player who obtained but slept the first winning bingo pattern. An interim or consolation prize that is won based on the player achieving a specific pattern, but which is slept, is forfeited.

Interim or Consolation prizes

The game presented to the NIGC offers interim and consolation prizes. These prizes can be of a higher value than the prize for obtaining the game ending pattern. Our previous advisory game classification opinions have accepted these prizes as part of the game provided the award of these prizes is based on the play of the bingo game. The interim and consolation prizes in "Triple Threat Bingo" satisfy this requirement.

Video display graphics

The game will be displayed in two formats. One is a traditional bingo format where the cards are displayed, the balls selected are displayed on the screen and the numbers are daubed, winners and consolation prizes are determined, prizes are claimed and credits are issued.

A second format uses alternative displays to illustrate amounts won in the bingo game but also has a prominently displayed card. The main area of the screen may contain a video simulation of spinning reels that start when the player joins the game by pressing "Play" and the stops when the bingo card has been daubed and the prizes are awarded. However, these graphics do not affect the outcome of the game and are important to the game only as entertainment.

The paytable screens may illustrate game payouts in two different fashions, one relating to the bingo patterns and one relating to the alternative display.

Card requirements

We noted that in a previous advisory game classification opinion that while technical standards for electronic Class II bingo games and technologic aids may be developed in the future by the Commission, the current goal was to establish card size and visibility factors that made it easy for a bingo player to use and apparent that a player was actually engaged in the play of bingo. The Triple Threat Bingo card has an exterior dimension of 2 inches by 2 inches and an interior of just larger then 1 7/8 inches. The card is placed in the upper center of the screen. While not the dominant screen activity, a player is able to distinguish the card from other activity on the screen.

Electronic Aid

We also evaluated whether the player station terminal components for "Triple Threat Bingo" can be considered an "electronic, computer, or other technologic aid" to the play of bingo, a term defined in NIGC regulations, 25 C.F.R. § 502.7. The player station assists a player in the play of the common game. The electronic format of the "Triple Threat Bingo" game broadens participation in a common game and allows players to compete against one another. As such, the electronic characteristics of "Triple Threat Bingo" offered through its player stations are those of an "electronic, computer or other technologic aid."

First, to meet the requirements of the Commission definitions, the electronic format of the game must contain sufficient parameters to "allow" multiple players into the game.[9] Conversely, we believe the format may not seek to limit player participation unnecessarily or in an overly restrictive manner. The fundamental idea is that the equipment and the electronic format "broaden" participation, not limit it. Second, in using the player terminal, the players must be playing with or against each other, in a contest of the game commonly known as bingo or a variant on that game.

As previously noted, participation in any particular "Triple Threat Bingo" game is limited, in theory, only by the number of player stations available on the network and on which another game is not already in play. "Triple Threat Bingo" requires a minimum of two players for a game to begin. Additional players enter the game if they request participation within a set time period. The version shown at the NIGC allowed three (3) or more seconds for players to join. This meets our understanding of the minimum time for other players to join; however, a period less than two (2) seconds would not meet the minimum time. Our opinion is that the electronic format for "Triple Threat Bingo" does broaden participation among multiple players because the game format allows three seconds for additional players to enter after the first player enters the game. This time frame is a critical part of our overall opinion of the game.

Conclusion

"Triple Threat Bingo" (Version V2.23.3)[10] in the form presented and described above, satisfies the criteria for a Class II game as that term is defined in IGRA and NIGC regulations.

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[9] See 25 C.F.R. § 502.8. "Multiple" means "having, relating to, or consisting of more than one individual, element, component or part: manifold." Webster's II New College Dictionary (1995).

[10] See footnote 1.

Please address any questions about this opinion to the undersigned or to John Hay or William Grant in the NIGC Office of General Counsel.

Sincerely yours,

Penny J. Coleman

Penny J. Coleman
Acting General Counsel

Cc: Lewis Weiner, Esq.
Nancy McAlister, Gaming Commissioner, Eastern Shawnee Tribe of Oklahoma
NIGC Regional Directors