

Date: August 26, 2013

To: Ms. Tracie L. Stevens, Chairperson

Mr. Dan Little, Commissioner

National Indian Gaming Commission

1441 L. Street NW, Suite 9100

Washington, D.C. 20005

Subject: Comments on "ONE TOUCH BINGO PROPOSAL- 25 CFR-502"

Dear Chairperson and Commissioner,

I was in attendance at the NIGC Consultation in Oklahoma City as a guest of an Oklahoma Tribe and addressed some issues to the Commission and other attendee's. As time was limited I will further address the Points concerning this critical proposal to the Play of Bingo under Technological Aids as allowed by the Circuit Courts the 9th and 10th!

This proposal requires me as a Regulator to examine the contents with great interest, as the Game of Bingo has a long history and the Algorithms that the Technological Aids has afforded Tribes to play the Game in Electronic format. Bingo in America was developed in 1930's by Lowe and the 6,000 expansion by Lester as to various versions! As you have stated the two key Player's to begin a Bingo Game in Paper Bingo are a Caller and a Player! The Games mentioned under 103 and 162 Mega Mania were a Live Ball draw by Humans and Transmitted to the Players to cover! I fully Support the NIGC Counsel Opinion on Wild Ball Bingo that allowed the RNG to replace the Blower to further aid Tribes and Player's in the process! The Commission fails to realize that to be True Class II Human intervention is a Key to Class II as even now your 543 Regulations concerning KISOKS to cash tickets minimize the Human Element! Of the Game of Bingo further as it eliminates Humans. The NIGC needs to focus itself as to IGRA as this was a beautifully written piece of Legislation while not perfect but has afforded Tribes opportunities to close the lose of revenue by Federal systems. IGRA is a Whole Document that has to be read as a Whole and interrupted to its contents!

As you state a One Touch Game under proposal is a Legal Form of a Class II technological aid and so state the factors! The Two Players are Critical for Competition as No Caller but this is an interruption as other factors also exist to that Factor! We mentioned one such factor in play of Paper Bingo to sleep a number! This Factor has been a constant question by Vendors over the years and with Card Games introduced to Play under Class II format this is another Human Element factor in Class II. I ask that you fully consider this factor! The NIGC publishes Bulletin and one that Stands out is 93-03 which is older but relevant to this discussion as to your proposal of this one touch bingo! As games similar was not a

Regulation but a disputed factor between Chairman and Commission. This has caused Vendors to address Games and Independent Test Labs to see how they describe games to meet the Games Similar to Bingo! The Lotto Games have concerned me for sometime as they are grandfathered under your 547 regulations as Class II but are really an Instant Game as it requires no competition by two players to initiate the Game to get chance, consideration or Prize! I raised Section 2721 of IGRA and recommended that the NIGC has redone its Facsimile Definition, three times and needs to consider the Final Clarity needed to further define a Class III Lottery in Electronic Format, as this is Final Change to fully Define Class II and settle this question once in for all. As I also Stated BINGO is an acceptable Class II game but as History of it reflects it is a Lottery Game! My read of this Bulletin reflects the Lucky Tab II and Magical Irish Games as readers and reflect that Pull-Tabbs are acceptable Game as long as Houses have a BINGO Game but if you don't have a Bingo Game it is a Class III Game disregarding Santee Sioux advice and court case! As Lucky Tab II was only Game installed!

The Key Fact is to Civil-Regulatory Laws adopted as to fully enjoying the benefits of IGRA. Indian Tribes and Gaming has increased in value as the NIGC publishes Revenue Reports and shows Dollar Figures by regions and you covered this factor with us in opening remarks at Consultation! We raised the Exclusivity currently enjoyed by Tribes with Electronic Technological Aids but hope States will not amend their Charity Game anointed statues to fully adapt to unlevel field created by IGRA. We are fully hopeful that you have fully thought out this impact as we pray not all will become the State of UTAH! Where No Civil-Regulatory Laws for Charity Games or as you sought out State Comments some dramatic changes to them! As this limited Regulation if fully adopted will meet Vendors needs as More Charities then Indian Tribes in the various States or 28 States we occupy!

The Final factor to me is most troubling as IGRA is very clear about NIGC duties and Grants Chairman/Chairperson specific duties, your proposal reflects the "Metlakatia Indian Community" Gaming Ordinance denied by Former Chairman Hogen but this proposal lacks any information to see what it says or ability to read! As it appears to be internal documents not shared with other's to see how it was rejected and reasoning facts stated! But as IGRA goes it is apparent that the Chair position is granted full authority to Approve or Disapprove Gaming Ordinances currently! You further mention other Members of regulated Communities have inquired regarding this very factor but I fail to see any current submissions by Tribes to read the thought process! As I have said IGRA is to be read as a Whole but the Commission is short on its history and most research can be found in your documents published! The Clarity to Class II has always been missing, I hope it is not planned as I am a student of the game and it appears lately at close of leadership factors occur that reflect on the Independent regulator function granted by IGRA! I truly hope not as I have said IGRA was a well thought out process that has helped Tribes! As a long time Regulator and student I hope that I see technological aids continue but reflect all laws both the true regulators of Gaming, the Tribes and adherence to Federal and State Laws are achieved during the thought process as Gaming is a complex issue but so is the thoughts that make it work for our benefits as Tribes!

In Conclusion to the Thought process for you the NIGC to consider I close with these Two Points for your Study and thoughts!

1. What distinguishes a Class II Game from a Class III Lottery, is the Human Element which requires Human procedures to a Class II Lottery Game Pieces, (In this case Bingo, Pull-Tabs, Instant Bingo, Tip Jars, Punch Boards and Games Similar to Bingo) in order to make these type of lottery pieces valuable. That is why a Class III Lottery game does not have a requirement that the Human Element be applied as a procedure to making the Class III Lottery Game piece Valuable!
2. The Loophole was created under the 2002 Regulation preamble Games Similar to Bingo was interpreted as a variant constituting some but not all the Characteristics of Bingo. Some Characteristics of Bingo is a hole to engulf a Stand Alone "Slingo" Slot Machine commonly played in Las Vegas and Commercial Gambling venues. Effectively the 2002 Regulation converted a Game Similar to Bingo into a Class III Lottery. The New Definition or this proposal of Instant Bingo or One Touch will complete the circle by eliminating any Characteristics of Bingo. The Loophole has been used by vendors to make the argument that some clearly Class III Games are Class II and in turn has robbed some States out of over 50% of their bargaining rights under Compacts. I do not believe this situation will last and the NIGC doing this proposal will hasten the day the Entire Regulatory process to Date Writing Class II will be thrown out including Aids to the Sub games of Pull-Tabs and the Tribes will be back to Mega-Mania with Live Ball Draw!

As a Student of IGRA, I hope we do not go back to the Dark Days that brought on the 103 and 162 Mega-Mania Cases and our other Federal Partners are not awakened! For the sake of Class II.

Sincerely yours, Steve York, Jr. Regulator/Student of IGRA/ Consultant

(S) Mr. Steve York Jr.

120 E. Country Club Rd.

Chickasha Okla. 73018

Phone: 405-779-3154

E-Mail: styork@earthlink.net