



SEP 19 2002

To: Region Chief, Region IV
From: Acting General Counsel
Subject: White Earth – Quick Shot Bingo/Pull-tab Operations

We understand that Quick Shot Bingo is being played at several facilities within the exterior boundaries of the White Earth Reservation and that Quick Shot is being used as the basis for authorizing the sale of pull-tabs. I have determined that Quick Shot Bingo is not bingo pursuant to the Indian Gaming Regulatory (IGRA). Therefore, it cannot justify the sale of pull-tabs as Class II.

DESCRIPTION OF QUICK SHOT BINGO

Quick Shot Bingo is played as follows:

Once a week, a person at Gold Eagle Hall draws five "B" numbers, five "I" numbers, five "N" numbers, five "G" numbers, and five "O" numbers from a bingo blower. The numbers are then posted on bingo number boards located at several individually owned facilities located on the reservation. To play the game, a customer purchases a Quick Shot Bingo card for \$.50 each. The customer compares the numbers on the card to the numbers that have been drawn, covering those numbers on the card that correspond to the posted numbers. If the covered numbers form a previously designated arrangement of numbers, the customer receives a predetermined monetary prize.

DESCRIPTION OF CLASS II GAMING UNDER IGRA

The NIGC regulations, at 25 C.F.R. § 502.3, define bingo as follows:

Class II gaming means:

- (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, punchboards, tip jars, instant bingo, and other games similar to bingo;

25 C.F.R. § 502.3.

ANALYSIS

As described, the Quick Shot Bingo game does not meet the regulatory definition of bingo for several reasons. First, the players do not cover the numbers when objects similarly numbered are drawn. Instead, all the winning numbers are drawn and posted on the boards before the players buy their cards. The players then compare and cover the numbers on their cards with the posted numbers to see if they won. Also, as it is being played in some instances, the game is not won by the first person to cover a previously designated arrangement. Rather the game may be played for a set period of time, such as a week. The possible impact of such variations is that in the first instance, no one would win the game, and in the later instance, people could continue to play after someone else had already won the larger prize. Therefore, Quick Shot bingo is not bingo under 25 C.F.R. § 502.3.

Moreover, pull-tabs, punchboards, tip jars, instant bingo, and other games similar to bingo can be played only where bingo is played. Because Quick Shot does not meet the definition of bingo, it cannot be used as a basis for playing the Class II pull-tabs.

I apologize for the significant delay in responding to your request for our views on this matter.



Penny J. Coleman