

**NATIONAL
INDIAN
GAMING
COMMISSION**

MAR 23 1995

Mr. Robert Ollington
Managing Director
Ollington Gaming Pty. Ltd.
338 Howe Parade
Garden City, Melbourne, Australia

Dear Mr. Ollington:

Thank you for your letters of March 10, and March 20, 1995, asking whether a nonbanking dice game would fall within class II gaming under the Indian Gaming Regulatory Act (IGRA).

The IGRA divides gaming into three classes. Class I gaming is social gaming for minimal prizes or traditional Indian games offered as part of tribal ceremonies or celebrations. Class I gaming is regulated exclusively by the tribes. Class II gaming consists of bingo, other games similar to bingo (if played at the same location as bingo), and nonbanking card games. Class II gaming is regulated by the Indian tribes with regulatory oversight by the National Indian Gaming Commission (NIGC).

Class III gaming is all gaming that does not fall within class I or class II, and includes, for example, slot machines, banking card games, casino games, horse racing, dog racing, and lotteries. Class III gaming is lawful only if it is: (1) authorized by a tribal ordinance that is approved by the Chairman of the NIGC; (2) located in a state that permits such gaming; and (3) conducted in a conformance with a compact (agreement) between the Indian tribe and the state.

Because nonbanking (or banking) dice games do not fall within class I or class II gaming, such games fall within class III gaming. Therefore, a nonbanking dice game can lawfully be conducted by an Indian tribe only if that game is permitted under the laws of the state in which the tribe is located and the tribe and the state have entered into a compact authorizing the game.

I hope this responds to your question.

Sincerely,



Michael D. Cox
General Counsel

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