



AUG 21 2002

Anthony Florentine
657 W. Yale
Fresno, California 93705

Dear Mr. Florentine:

This letter responds to your request, received on January 22, 2002, in which you ask the National Indian Gaming Commission (NIGC) to issue an advisory opinion on whether "Lima" is a class II or class III game as defined by the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701, et seq. Our opinion is based on a review of the game description as provided by you. For the reasons outlined below, we conclude that Lima is a Class III game and therefore may lawfully be played on Indian lands only pursuant to a Tribal-State compact.

The Indian Gaming Regulatory Act

IGRA creates three classes of gaming which differ in the degree of tribal, state, and federal oversight. Class I gaming consists of "social games [played] solely for prizes of minimal value or traditional forms of Indian gaming engages in by individuals as part of, or in connection with, tribal ceremonies or celebrations. 25 U.S.C. § 2703(6). Class II gaming includes bingo, games similar to bingo, a select group of listed games played at the same location as bingo and certain non-banking card games. 25 U.S.C. § 2703(7)(A). Class II does not include "any banking card games, including baccarat, chemin de fer, or blackjack (21)...." 25 U.S.C. § 2703(7)(B). Class III gaming is defined as "all forms of gaming that are not class I gaming or class II gaming." 25 U.S.C. § 2703(8). Class III gaming is lawful on Indian lands only if conducted in conformance with a Tribal-State compact. 25 U.S.C. § 2710(d).

Game Description

Lima is a table game. The table is designed with a representation of a large square made up of 17 smaller squares (16 small squares around the perimeter, and one larger square in the middle.) The middle square is designated with the number 5. The middle square on the bottom row is designated with the number 1; the middle square on the right-side row with the number 2; the middle square on the top with the number 3; and the middle square on the left-side row with the number 4. All the remaining squares are designed with the words, "pays 1 to 1" or "pays 2 to 1". In addition, the numbered squares also indicate payoff odds.

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Game play begins when the dealer removes the lid from the lima bowl and grabs a handful of lima beans. The dealer places these lima beans in a pile on the table and then places the lid over the pile of beans. Players then place bets on the square of the table. The dealer then uncovers the beans by lifting the lid off. Using a stick, the dealer aligns the lima beans in a straight row and sorts the beans into groups of five beans. The last group may contain less than five beans. The dealer then returns all groups of five beans to the bowl, leaving only the last group on the table.

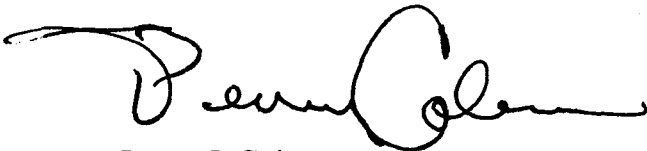
The number of beans remaining is compared to the bets on the table to determine the winner. If two beans remain, and a player placed their bet on the number two square or any square in the same row as the number two square, the player wins. The same goes for numbers one, three, four and five.

Determination

Lima is a class III game. It does not qualify as a class I game because it is not a social game played for prizes of minimal value; this game is intended as a casino game. Neither is it a class II game. It is not bingo, one of the enumerated games played in the same location as bingo, a game similar to bingo, nor a card game. It therefore does not meet the definition of a class II games. Because it does not meet either the class I or class II definition, it is a class III game. Class III gaming is defined as "all forms of gaming that are not class I gaming or class II gaming." 25 U.S.C. § 2703(8). Lima may be played on Indian lands only pursuant to a Tribal-State compact.

If you have any questions about this opinion, please contact Maria Getoff, Office of General Counsel, at (202) 632-7003.

Sincerely yours,



Penny J. Coleman
Acting General Counsel