

JUN - 9 2000

Terry Barnes, Director of Gaming
Bingo Networks
Tele-Mark, LLC
P.O. Box 5066
Shawnee, OK 74801

Dear Mr. Barnes:

This letter responds to your inquiry of October 31, 1999, and to subsequent communications concerning the classification of your organization's new version of U-PIK-EM bingo that utilizes the Internet to enable players to purchase cards and play them at home. You state that Tele-Mark, LLC, has a contract with the Sac & Fox Nation of Oklahoma and wishes to introduce Internet U-PIK-EM bingo to "reach people out of their territory," according to your telefaxed transmission of April 4, 2000. The view of the National Indian Gaming Commission (NIGC) is that the Indian Gaming Regulatory Act (IGRA) does not authorize off-reservation gaming.

In response to questions posed by Mr. Richard Schiff in his letter of March 17, 2000, your telefax of April 4 provided a description of Internet U-PIK-EM, and you provided additional clarification to Ms. Sandra Ashton in a telephone conversation of April 17, 2000. According to your description of the game, players would open an online account with the gaming center by credit card or electronic check through the Internet. You stated that the gaming center is located on tribal land.

From home computers, players would purchase the desired number of cards and choose eight numbers (between 1 and 75) in the "small picture frame" designated pattern in the center of each card. Each player would agree to elect a proxy player at the gaming center. When asked during the April 17 telephone conversation about how many proxy players would be required, you indicated that only one proxy might be necessary, as the computer identifies the winner. The proxy player would merely verify the winner. At the 8:00 P.M. game time, a mechanical ball blower would randomly select numbers, and players would daub their duplicate cards online at home. Numbers would be drawn until there is a winner, with the winnings being larger if fewer numbers are drawn before there is a winner. The computer would identify the first player whose card matched the selected numbers. Winnings could be used to support additional play or the winner could request a draw that would be mailed the following day.

The IGRA does not authorize off-reservation gaming as contemplated in the game described. The Chairman of the NIGC stated this position in the enclosed letter dated June 22, 1999, to the Chairman of the Coeur d'Alene Tribe of Idaho. The United States asserted this position in related litigation in the Court of Appeals for the Ninth Circuit. Please see the enclosed brief of the United States as amicus curiae. In addition, U-PIK-EM bingo accessed via the Internet may also run afoul of other laws that are outside the area of NIGC's expertise.

If you have any questions or concerns on this matter, please contact Sandra Ashton at 202-632-7003.

Sincerely,



Penny J. Coleman
Deputy General Counsel

Enclosure

cc w/enc: Don W. Abney, Principal Chief, Sac & Fox Nation
Route 2, Box 246, Stroud, OK 74079

Indian Gaming Management Staff, Department of the Interior