



**San Manuel Band of Mission Indians
Tribal Gaming Commission
OFFICE OF THE COMMISSION**

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April 9, 2012

Ms. Tracie Stevens, Chairwoman
Ms. Stephanie Cochran, Vice Chairwoman
Mr. Daniel Little, Associate Commissioner
National Indian Gaming Commission
1441 L St. N.W., Suite 9100
Washington, D.C. 20005

Dear Commissioners,

In response to your request for comments on draft technical specifications for Class II games (Part 547), with a submission deadline of April 16, 2012, we respectfully offer the following.

While we have submitted more comprehensive comments on both, Part 543 (MICS) and Part 547 (Class II technical specifications) dated March 30, 2012, we wish to make one final plea relative to several provisions of Part 547. Specifically those provisions are §547.4 (a) "fairness", §547.8 (d) (2) and (4) (vi) (e) "Last Game Recall", and § 547.16 (c) "odds".

Generally speaking, in the conduct of any gaming activity, regardless of Class II or Class III, there are three primary stakeholders. They are manufacturers, operators, and players. It is without question, the obligation and responsibility of the regulatory community (Federal, State and Tribal) to aggressively strike a balance in equally protecting the interests of each of those stakeholders. Unfortunately, the above cited provisions weigh heavily in protecting the interests of the manufacturer or operator, however they do nothing to protect the interests or rights of the player. We hope that the following comments clearly illustrate the disparity.

§ 547.4 (a) "Fairness": The existing regulation establishes a minimum mathematical probability (odds) for hitting an advertised jackpot.

The proposed revision eliminates any required minimum odds, and simply requires the test lab to calculate what the manufacturer has programmed for "probability" and inform the TGRA.

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It is an undisputed fact that the complexity of “bingo math” is so vast that it could/would allow for programming a mathematical probability that an advertised jackpot could never (or virtually never) be won. This would not be “fair” to the public.

§ 547.16 (c) “odds” appears to be a new provision. This provision essentially states that if the odds of winning the top advertised prize that the player must be notified by a continual display that the odds of winning the top prize “exceed 100 million to one”. This tells the player virtually nothing. Are the odds one in a billion? One in a trillion? This information is so meaningless that it begs the question of why even display it?

Players have the right to expect that an advertised jackpot is winnable. The regulatory community has an obligation to protect the player’s “right of expectation” by establishing some minimum guaranteed threshold. Failure to do so would require a regulator to inform the public, media, or anyone else inquiring, that the “odds” in Class II games are “unregulated”.

§ 547.8 (d) (2) The existing regulation sets forth parameters for what should be displayed as part of the “last game recall” capabilities. Specifically, it states that the last game recall function shall “display the results of recalled games as originally displayed or in text representation, including entertaining display results implemented in video, rather than electro-mechanical form, if any”.

The proposed revision eliminates any requirement to be able to recall the “entertaining display results”.

We strongly object to this revision for the following reasons.

First, when a payable on a player interface indicates that certain combinations of symbols will result in certain prizes, a player has a reasonable right to expect that if that combination of symbols appear on the pay line of the “entertainment only” display, that they have won a prize.

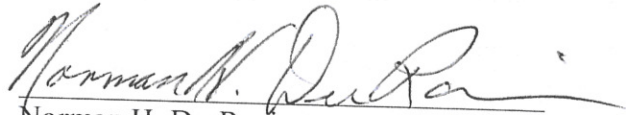
We understand that there are disclaimers on the player interface advising that the reels and symbols are for “entertainment only” and that the outcome of the game is determined by the game of bingo. However if posted prize paying combinations of symbols appear in the “entertainment display” and no prizes are awarded, the integrity of the gaming system and reputation of the Tribe may be called into question by the playing public.

Secondly, in most jurisdictions the regulatory authority is responsible for investigating player disputes and rendering final rulings. Consequently, the regulatory investigator has the right and need to know what the player actually saw, giving rise to the dispute. The regulator’s investigatory abilities are seriously hindered without access to what was publically displayed in the last game.

Likewise § 547.8 (d) (4) (vi) (e) should have language to the effect “... including entertainment display”.

Thank you once again for the opportunity to submit these comments and we trust that you will give them due consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman H. DesRosiers". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Norman H. DesRosiers
Gaming Commissioner

cc: Rita Homa

Nimish Purohit