

JUL 26 1995

Larry Montgomery
President and COO
Multimedia Games, Inc.
7335 S. Lewis, Suite 302
Tulsa, Oklahoma 74316

Dear Mr. Montgomery:

Thank you for your letter of May 4, 1995, requesting the National Indian Gaming Commission (NIGC) to advise Multimedia Games, Inc. on the legality of using agents to play bingo cards for players who are not physically present at an Indian bingo facility.

Specifically, Multimedia Games, Inc. has requested the NIGC to determine whether the game as presented below is consistent with the definition of "Bingo" as a form of Class II gaming. As you know, the game of bingo is defined in the Indian Gaming Regulatory Act (IGRA). In addition, IGRA requires that all Class II gaming be conducted on Indian lands. 25 U.S.C. §2710 (b) (1).

The definition of "Bingo" is contained within the definition of "Class II gaming."

(A) The term "class II gaming" means-

(i) The game of chance commonly known as bingo (whether or not electronic, computer, or other technological aids are used in connection therewith)-

(I) Which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

(II) In which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

(III) In which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards.
25 U.S.C. §2703 (7) (A) (i).

As we understand the proposal, Multimedia Games, Inc. intends to offer home viewers the opportunity to participate in MegaBingo by purchasing a proxy service from agents located at participating Indian bingo facilities. MegaBingo is a class II game conducted on a daily basis with over 50 Indian tribes, linked by closed circuit

telephone lines and satellite television. Agents charge the purchaser of the proxy service a fee for purchasing a bingo card(s) at the Indian bingo hall and playing that bingo card(s) on their behalf. The agent is not an employee of any licensed class II establishment, but rather functions as an employee of Multimedia Games, Inc. Multimedia Games, Inc. is responsible for the payment of all prizes won by the purchaser of the proxy service. The agents will be located on Indian lands. Agents will then play the card for their principal, the purchaser. This concept is known as "proxy play." "Proxy play" involves the use of computer aided technology to assist the agent or, "proxy player," to track the bingo cards for a number of proxy play purchasers.

MegaBingo is played and videotaped during a regularly scheduled class II bingo game at a tribal bingo hall. The game is played by all holders of bingo cards present in the hall including those holding their own cards as well as agents holding cards for those purchasers of the proxy service. The computers will allow agents to play more than one card at a time. As the numbers are called, the cards are appropriately marked and the first person covering the previously designated arrangements of the numbers is the winner when yells "bingo!" Play continues until there is bingo on every game.

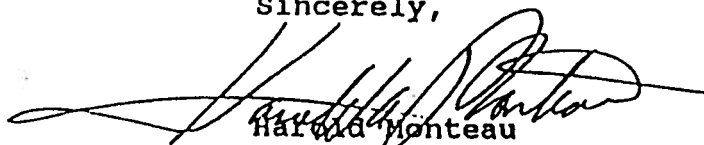
The game as described by Multimedia Games, Inc., complies with the statutory definitions of bingo in that 1) the game is being played for prizes with cards bearing numbers or other designations; 2) the holder of the card (i.e. the player, or proxy player) must cover a card bearing numbers or other designation; and 3) the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards.

The NIGC has considered the question of whether this game is actually being played on Indian lands. There is no statutory prohibition against the use of agents for the conduct of bingo. Accordingly, the acts of the agent, which occur on Indian lands, are deemed to be the acts of the principal.

Therefore, in the opinion of the Commission, the conduct of the game described herein falls within the definition of bingo as defined by 25 U.S.C. §2703 (7) (A) (i) and within the definition of Indian lands as defined by 25 U.S.C. §2703 (4) (4) (A) (B). If MegaBingo is played with the parameters described above, the NIGC is of the opinion that the games complies with IGRA.

I trust this addresses your concerns.

Sincerely,


Harold Monteau
Chairman