



STATE OF NEW MEXICO  
GAMING CONTROL BOARD

November 30, 2004

Philip N. Hogen  
Chairman  
National Indian Gaming Commission  
National Headquarters  
1441 L St. NW., Suite 9100  
Washington, DC 20005

Re: Response to Request for Comments to Proposed Class II Game Classification and Technical Standards

Dear Chairman Hogen:

I am in receipt of your letter dated November 4, 2004. Thank you for the opportunity to give input on this important topic. In evaluating your letter and attachments, there is an issue of great concern to our agency which involves the definition of an electronic electromechanical facsimile in 25 C.F.R. §502.8. That rule arguably expands the scope of Class II games beyond what is expressly permitted by the Indian Gaming Regulatory Act. However, as this issue is extremely complex and we are under certain time constraints, we would seek the opportunity to submit a detailed analysis after November 30<sup>th</sup> deadline. We would appreciate confirmation that we can submit such an analysis and that it would be considered by your Commission.

Thank you for your consideration of this matter.

Sincerely,

Brett Woods  
Executive Director

cc: Carla C. Lopez, Chair