

## NAGRA NEWS

Fall 2009

# A Message From the President

As we get well into the fall season, Board members and Committee chairs are actively planning the breakout and plenary sessions that will make NAGRA's 2010 Conference in Vancouver, British Columbia the best ever. Relevant to both regulator and trade affiliate members, NAGRA will present topical and insightful sessions related to Canadian legal internet gaming and the inherent regulatory challenges, new concerns for state and provincial lottery regulators, cyber crime, charitable gaming and responsible gaming, to name but a few. Be sure to mark your calendar for June 27-30, 2010. The conference has returned to the Sunday through Wednesday format for this event, with the preconference training session scheduled for Saturday, June 26, 2010. Our conference site, the Marriott Renaissance Hotel, is beautifully situated adjacent to the downtown Vancouver waterfront. After the conference, I hope you will take a few extra days to see all that British Columbia and our host city, Vancouver, have to offer.



Rick Saville  
NAGRA President  
2009-2010

NAGRA's committee chairs, who you will find listed on Page 2, play a most important role in putting together a successful event. These individuals from across the United States and Canada take on the responsibility of planning, organizing and moderating the breakout sessions that form the foundation of the conference. Ensuring that there are relevant sessions for regulators and the industry contributes to a better understanding of the operational and technological challenges in today's world of gaming, where anything is possible.

Canadian regulators should also note that the Canadian Gaming

Regulators Association (CAGRA), an association of provincial and territorial gaming regulatory bodies, will hold its 2010 conference, hosted by the British Columbia Gaming Policy and Enforcement Branch, in the Vancouver suburb of Richmond, BC from June 24-25 inclusive, immediately preceding NAGRA's conference. This presents an excellent opportunity for Canadian regulators, who have

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Join NAGRA in Vancouver!



**Save the Date**  
**for NAGRA's 2010 Annual Conference**  
 June 27 through June 30, 2010  
 Renaissance Harbourside Hotel | Vancouver, BC, Canada

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not had the opportunity to attend NAGRA previously, to do so at reasonable cost.

Last, but not least, I'm pleased to advise that Joseph Koss of Alaska has been appointed to the position of Treasurer. Joe, who has been an active contributor to NAGRA for many years, fills the vacancy created when Leah Cooper Boggs of Kentucky was appointed to the position of Vice-President.

Rick Saville  
 NAGRA President ■

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# BCLC and the Global Business of Online Gaming

**British Columbia** — BCLC is planning to offer British Columbians legal online gaming options such as blackjack, roulette, and poker on BCLC's secure and regulated PlayNow.com website by March 31, 2010.

In the five years PlayNow.com has operated, it has offered established and secure online games which are a trustworthy alternative to private, unregulated online games. Currently, PlayNow.com offers online versions of lottery products sold through traditional retail channels: 649, LOTTO MAX, Keno and interactive games.

"No longer a marginal activity, online gaming has entered the mainstream and has become a major global business. The Internet has changed everything, including the way people gamble, so this is a natural progression for BCLC to take," explained Michael Graydon, BCLC President and CEO. "BCLC's evolving online knowledge and expertise in applying best practices within a secure and regulated online gaming site will allow us to offer a fun and entertaining product to British Columbians."

PlayNow.com offers a gaming environment adhering to internationally recognized responsible gambling standards. Games feature a session log displaying the amount of time players have spent online, responsible gambling reminders on screen, a set transfer in limit pre-determined by the player, factual information about the odds of winning and a Voluntary Self-Exclusion program for players who want to exclude themselves from the site.

In addition to the onsite software acceptance and technical testing, BCLC utilizes internationally respected Technical Systems Testing (TST), to ensure the PlayNow.com site meets all standards regarding technical integ-

rity, quality assurance and security controls. The eLottery Gaming System has passed rigorous testing for technical integrity and, as a result, has been certified by BCLC's regulator, the Gaming Policy and Enforcement Branch (GPEB).

"The games and services offered on PlayNow.com are examples of the proactive and innovative work BCLC is doing to develop high quality gaming entertainment choices for British Columbians," added Graydon.

The goal of PlayNow.com is to meet all the online gaming needs for British Columbians. ■

# NIGC Postpones Effective Date of Class II MICS

**Washington, DC, October 7, 2009** — Today the National Indian Gaming Commission (NIGC or Commission) announced the extension of the effective date of the final rule for Minimum Internal Control Standards (MICS) for Class II gaming. The Commission published new Class II MICS in the Federal Register on October 10, 2008, which were codified under 25 CFR part 543. Under these regulations, tribal gaming regulatory agencies were required to set a deadline of October 13, 2009, for tribal gaming operations to comply with the new MICS. Additionally, this date would mark the removal of certain sections of part 543. The Commission has decided to extend the date for the removal of certain sections of part 542 and the effective date for operators to comply with part 543 to October 13, 2010.

Currently, MICS for both Class II and Class III gaming are contained in 25 CFR part 542. As there are some essential differences between Class II and Class

III gaming, the Commission decided that there should be separate MICS for Class II and Class III gaming. Therefore, in 2008, the Commission adopted a new part 543 that was limited to Class II gaming. During the drafting of these regulations the Commission decided it should migrate sections of part 542 into part 543 in phases. The most immediate concern was the controls related to bingo and other games similar to bingo. The plan was to continue work on the other Class II controls and have them in place before part 543 became effective. Unfortunately, work on the remaining Class II controls has not yet been completed. Therefore, to avoid confusion as well as gaps in regulation, the Commission decided to extend the effective date for the new part 543 as well as the date for the removal of sections from part 542.

The extension of the regulation's effective date was expected to be published in the Federal Register Friday, October 9, 2009. ■

## NIGC Extends the Effective Date of Updated Regulations

**Washington, DC, August 25, 2009** — Today the National Indian Gaming Commission (NIGC) extended the effective date of its updated final housekeeping regulations. The intent of the rule changes published in the Federal Register on July 27, 2009, are to reduce the fee reporting burdens on tribes, remove obsolete provisions, clarify existing appellate procedures, update and clarify management contract procedures, clarify various definitions, simplify audit requirements, and add gaming on ineligible lands to the class of substantial violations warranting immediate closure.

The rule's effective date was scheduled for August 26, 2009, but the Commission is extending that effective date to December 31, 2009, to aid the transition. A copy of the notice published in the Federal Register can be viewed by visiting our website, [www.nigc.gov](http://www.nigc.gov).

*The NIGC is an independent regulatory agency established within the Department of the Interior pursuant to the Indian Gaming Regulatory Act of 1988.*

■

# Phil Hogen, an Oglala Sioux from South Dakota, Completes Service as Longest Serving Chairman of the National Indian Gaming Commission



**Washington DC, October 2, 2009** — National Indian Gaming Commission Chairman Phil Hogen, 64, who was born in Kadoka, South Dakota and lives outside Black Hawk, was appointed as the Chairman of the National Indian Gaming Commission by President George W. Bush in November 2002,

and finished his service in that position in early October 2009.

During his tenure, which is the longest for any Chair of the agency that provides Federal oversight of the \$27 billion Indian Gaming industry, the industry has experienced dramatic growth. Indian gaming operates at over 400 tribal locations in 28 states.

“Indian gaming is the most effective and dramatic economic development that ever came to Indian Country,” Hogen stated, “although it is, of course, market based, and those tribes located in urban areas have gained more than those in rural, sparsely populated places like the Dakotas. Nevertheless, it’s worked where so many other things have failed, and I firmly believe that the strong regulation which the National Indian Gaming Commission supports, gives gaming customers justifiable confidence that tribal

gaming will be fair, and ensures that the proceeds of the games are appropriately utilized by tribes and their members.”

“I’m proud of the team we have built at NIGC,” Hogen said, “and am confident that as I walk out the door, tribal gaming, under strong tribal regulation, together with the Commission’s oversight and support, will continue to grow and prosper, and bring the economic development to Indian Country which was intended when Congress enacted the Indian Gaming Regulatory Act in 1988.”

President Obama has named George Skibine of the Department of the Interior to serve as the Acting Chair of the Commission on Hogen’s departure. A permanent Chair must be nominated by the President and confirmed the United States Senate.

Hogen, who has traveled from Washington back to his log home near Black Hawk, South Dakota as frequently as he could, will now return and reside there. He says that he plans to spend more time with his mother, Florence, who lives in the home he grew up in Kadoka, and that his wife Marty, who retired from teaching at Rapid Central High School a couple of years ago, has a number of projects for him to attend to when they get home, and that will keep him busy. He said he expects that once re-settled, he’s likely to keep his hand in the practice of Indian gaming law, but that he’s looking forward to a break for a while.

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Hogen's retirement concludes 25 years of Federal Service, which began when he served as the first Administrative Assistant to then Congressman Jim Abdnor in 1973, and thereafter he was appointed by President Reagan to serve as South Dakota's United States Attorney, serving from 1981 to 1991. Before being named as NIGC's Chair, Hogen had served as an Associate Commissioner on the Commission from 1995–1999. Before re-joining the NIGC as its Chair, he served as

the Associate Solicitor for Indian Affairs in the U.S. Department of the Interior.

The Hogens have two grown children, son Herb who lives in Missoula, MT, and daughter Vanya who lives in St. Paul, MN, together with Phil and Marty's only grandchild, granddaughter Cora, whom the Hogens will be visiting often. ■

## NIGC Offers New Database for Background Information

**Washington, DC, September 9, 2009** — The National Indian Gaming Commission (NIGC) announces new technology available to tribes to obtain background information on prospective license applicants. Through a new system called Tribal Access Portal (TAP), tribal gaming regulators who are engaged in issuing gaming licenses will be able to check whether a license applicant has a history with any other gaming tribe. Along with information provided by the NIGC/FBI fingerprint submission service, the TAP results will help tribes complete a comprehensive background investigation of prospective license applicants.

The TAP system is a secure web-based, user-friendly system that will be available 24 hours a day, seven days a week. Tribes that apply for and are granted authorized access credentials to the system will be able to go to the special NIGC TAP website and submit a search request to the NIGC database by providing the applicant's first name, last name and Social Security number. Displayed within seconds will be a list of tribes that should be contacted for the applicant's licensing history. Telephone and other

contact information for those tribes will also be displayed. Instructions for obtaining access credentials can be found at TAP website.

"As the Indian gaming industry matures, more and more frequently licenses will be sought by individuals who have applied for or been granted licenses by other tribes engaged in Indian gaming," said NIGC Chairman Phil Hogen in a letter addressed to tribal leaders and regulators. "Verifying applicants' licensing history with other gaming tribes is challenging, and the National Indian Gaming Commission is extremely pleased to announce a new tool to expedite that process and help ensure that it is comprehensive."

**Please visit [www.nigc.gov](http://www.nigc.gov) for further information.** ■

# NIGC Issues NOV to Yakama Nation for RAP Violation

**Washington, DC, September 1, 2009** — National Indian Gaming Commission (NIGC) Chairman Phil Hogen has issued a Notice of Violation (NOV) to the Yakama Nation of Washington (Nation) for distributing per capita payments of net gaming revenue to its tribal members without an approved Revenue Allocation Plan (RAP).

The Indian Gaming Regulatory Act (IGRA) allows tribes to distribute per capita payments—that is, payments to individuals based solely on their membership in the tribe—only after a RAP has been approved by the Secretary of the Department of the Interior (DOI). In December 2008 the Yakama Nation submitted a RAP to the DOI for approval. That same December, the Nation distributed money to each of its 10,000 members. DOI did not approve the RAP until February 2009.

When a tribe does not have an approved revenue allocation plan, gaming proceeds may only be used to fund tribal government operations and programs; to provide for the general welfare of the tribe and its members; to promote tribal economic development; to donate to charitable organizations or to help local government agencies. By distributing payments to each tribal member in December 2008, the Yakama Nation violated IGRA's prohibition against per capita payments of net gaming revenue in the absence of an approved RAP.

Per capita distribution of net gaming revenues without benefit of a RAP is a serious violation. Hogen said, "The Yakama Nation has been resourceful and productive in its economic development efforts through their gaming operations, and it knows best how to identify and meet tribal needs. "However, when gaming revenues are utilized, IGRA specifies the process to be complied with. Despite cautionary advice, the Nation's December distribution to the tribal membership did not comply with this process. There are con-

sequences to such non-compliance, and the overall integrity of the regulation of Indian gaming dictates that we address such non-compliance." To view a copy of the NOV, please visit the NIGC website at [www.nigc.gov](http://www.nigc.gov). ■

# Proposal Unveiled to Reduce Burdensome Paperwork for Charitable Gaming

*Bar code software to do financial reporting for charities*

**Frankfort, KY, Aug. 24, 2009** — The Kentucky Department of Charitable Gaming (DCG) announced a proposal that will help charities licensed to conduct charitable gaming activities raise more money for their charitable works, provide enhanced security to charitable gaming activities, and drastically reduce the paperwork filed with DCG.

The DCG will issue Requests for Proposals (RFPs) to seek bids from manufacturers and distributors to provide gaming materials at a reduced cost and to software manufacturers to develop reporting procedures from the charities to the agency.

"This will be the first major reform of the way Kentucky regulates and oversees charitable gaming since the original laws were adopted in 1994," said DCG Commissioner Henry G. Lackey. "By putting these new procedures into place, the charities will be relieved of the current burden they are under to manually account for and report their supplies, rental costs, as well as payouts for each session. This modernization of charitable gaming could mean an actual increase in the net proceeds that many charities receive by simply having more accurate records."

Under the proposal, the DCG would use a bar code inventory system that will allow the agency to monitor in real-time the receipts, payouts and inventory of each licensed charity. The system would track inventory from manufacturers through distributors to the organizations.

RFPs will be sent to manufacturers and distributors within the next several weeks. The Public Protection

Cabinet will propose legislation to the 2010 General Assembly to change current statutes and allow DCG to become the central point for contracting, purchasing and tracking the sale of all bingo games. The contracts with manufacturers and distributors resulting from the RFPs are contingent upon passage of that legislation.

"By allowing us to become the central point of purchasing and disbursement, Kentucky charities can more accurately reflect their net receipts without having to be under enormous pressure to get manual reports to DCG," said Commissioner Lackey. "Making these changes will greatly enhance the comfort level of Kentucky charities that for years have had to worry about filing timely and accurate paperwork, paying fines for unintended record keeping violations and wondering if their inventory was accurate and up-to-date. It is important to understand that this proposal will in no way limit the number of pull tab games available to the charities. What we're talking about here is better accountability by everyone associated with charitable gaming."

The cost of implementing the new system will be funded through the sale of bingo supplies to licensed charities.

DCG oversees the licensing and regulation of charitable gaming activity in Kentucky. There are 655 charities licensed to conduct bingo and sell pull tabs in the commonwealth. Those charities reported gross receipts approaching \$500 million in 2007. ■

# From the NCAA August 2009 Newsletter

## **Hot Topic — NCAA joins professional sports leagues in lawsuit to stop Delaware from offering single-game sports wagering**

On July 24, the NCAA joined the NFL, NBA, NHL, and the MLB in filing a lawsuit seeking to overturn the new Delaware law allowing for single-game sports wagering on college and professional games. "The NCAA's strong belief that sports wagering undermines the integrity of the game and negatively impacts NCAA student-athlete well-being is the reason why the Association joined the NFL, MLB, NBA and the NHL in a suit against the state of Delaware. Delaware's plan to allow single-game wagering as part of its state lottery is not only illegal under federal law, but also has the potential to undermine collegiate competition and have a negative impact on NCAA student-athletes. The NCAA recognizes the economic challenges facing the state of Delaware; however, legalized betting on college games will provide more harm than good."

## **Guest Columnist**

Within each issue of this newsletter, the AGA department looks to have a columnist from outside our staff present his or her perspective on an issue related to sports wagering or sports wagering rules education. This month, we present an editorial written by Tom Oberweiser, the Eastern District Supervisor for the Montana Department of Justice Gambling Control Division, Gambling Investigation Bureau (GIB). He has been a sworn law enforcement officer for 26 years and a criminal gambling investigator for more than 20 years. Mr. Oberweiser sits on the Advisory Council of the Montana State University-Billings Criminal Justice Degree Program, the Board of the Montana Council on Problem Gambling, and is a guest instructor at Rocky Mountain College in Billings teaching a football officiating class. He has been a football official for over

25 years. In 1998 Oberweiser was awarded the Governor's Award for Excellence and was selected Montana Department of Justice Employee of the Year. He has spoken on the topic of organized sports bookmaking around the country and has provided training to many law enforcement agencies and professional organizations, including the North American Gambling Regulators Association (Washington, D.C., 2009) and the Midwest Gambling Investigators & Regulators Association (March, 2007).

## **Stay Clear of Campus Bookies and Gamblers, Don't Give Out Information**

In 2004, the Montana Department of Justice Gambling Investigation Bureau investigated an illegal sports bookmaking operation. The case resulted in the conviction of the bookie, and agents seized computers, cell phones, recording devices and tens of thousands of dollars — all of which were forfeited to the state. While this was a large gambling enterprise by most standards, it was fairly routine in its conduct. What made it interesting is what it revealed about the lives of the individuals who wager on sporting events.

Bettors range from rank amateurs who know nothing about sports, to highly competitive ex-jocks who see sports gambling as a way to stay involved in the game, without having to get their ankles taped.

Many of those who bet have the means and the self-control not to run up large debts to their bookies or to become problem gamblers. But many more don't possess that self-control. Just as someone might become over-extended with credit cards, these individuals find themselves deep in the hole to a bookie, chasing bad

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bets and trying to win enough money to cover their losses. It's an old story that is retold all too often. And the consequences are potentially devastating.

In the 2004 Montana case, the Gambling Investigation Bureau learned of a 17-year-old high school senior who had lost nearly \$7,000 in one week gambling on NFL football games. When our investigators called this young man into the office and confronted him, he still owed the bookie around \$600. He acknowledged his losses and admitted, in front of his shocked mother, that he had blown all of his savings from his after-school job by gambling on football. The remainder of his debt was forgiven, since under Montana's legal system, gambling debts are unenforceable. This young man has since mended his ways and no longer gambles. He is in his senior year in college in another state and has a great future ahead of him. But as a gambling investigator, what remains of serious concern to me is that, at the time this kid was gambling, his bookie was anxious for him to get to college the next year so he could become a campus recruiter and help run the illegal enterprise from the campus.

Gambling on college campuses is a major concern to all of us, but when it involves student-athletes or friends of student-athletes, it becomes a much larger problem with even more serious consequences. Athletes may not know their friends are gambling when they respond to friendly questions about upcoming games – and may inadvertently provide information that filters up to someone in an organized criminal gambling operation, who then uses that information to gain an edge. Such may have been the case at the University of Toledo, where six athletes or former athletes have recently been indicted in a point-shaving scheme.

Another bettor in the 2004 Montana case, who was not much older than the 17-year-old, was re-

portedly down \$12,000 at the time we broke up the operation. He had no job and was trying to avoid a run-in with the bookie. When we finally located him and were able to take his statement and gather the additional evidence he could provide, we forgave his debt as well. He told investigators that, before we intervened, he had decided to go to his mother for the money he owed. The very thought of telling his mother he needed so much money – and why he needed it – was eating him up inside. Fortunately, he and his mom were spared that terrible ordeal.

But not all families are as lucky. Over the course of a few years, sports betting cost Sandi Snook of Dane County, Wisconsin, both of her sons. As has been widely publicized, in June 2003 student Meng-Ju "Mark" Wu was distraught over a \$15,000 sports-betting debt. As a consequence, Wu shot and killed his friend Jason McGuigan and two others in Verona, Wisconsin, including Snook's son Dustin Wilson. In January 2005, shortly before his trial was to begin, Wu hung himself in his jail cell. A law enforcement official familiar with the case attributed the triple homicide to Wu's feelings of shame and embarrassment after his parents confronted him about gambling away his tuition and expense money with an online sports book.

But the ripples did not stop there. In November 2005, Dustin Wilson's death proved to be too much for his brother and best friend, David, to bear and he committed suicide. Five deaths – each attributable in part to illegal sports betting. "My advice to kids about gambling is don't do it, don't think about it, don't even be around anybody who does it," Dustin and David's mother Sandi Snook said in USA Today.

While not all gambling nightmares rise to this level, they occur with alarming frequency on our college

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campuses and elsewhere. It is increasingly important that our student-athletes are educated, aware and constantly on the alert for situations involving sports betting. They need to understand the importance of never giving out information about themselves, their teams, or anything else that might be valuable to

someone involved in sports betting. And if our student-athletes find themselves in that situation, they need to know that they should immediately tell their coach or someone else in authority that can help them steer clear of trouble. ■

## Video King News

### Psst ...

The cat's out of the bag. Course we're talking about the TAB-e™, Video King's® newest portable gaming tablet. Boasting the same fine features of our "top dog" tablet, the Champion II™, this one's a virtual copycat – but at a reduced cost and weight.

The TAB-e is just one of the many products Video King – known worldwide for superior gaming systems – will showcase in Booth 333 at the Global Gaming Expo November 17–19 at the Las Vegas Convention Center.

Video King, an industry leader, is among the world's largest providers of electronic gaming systems, game designs and bingo hall equipment. Reaching a global market, Video King's entertainment systems can be found aboard luxury cruise liners, throughout Indian Country and in thousands of charitable, commercial and military establishments around the world.

We plan to showcase our most recent gaming products along with our universally popular line of handsets, tablets, games and Bingo hall equipment at the show.

In addition to the TAB-e and a "Best Bingo Buddy" contest with multiple prize packages, the following

is just a sampling of what we plan to feature throughout the expo:

**Crazy Quarters™:** Our newest Class II, paramutual, credit-based bingo game, guaranteeing every player a chance to win not one but three different prizes for every game, as well as a must-go accumulator jackpot.

**Pick 'N Play Bingo & Slots™:** Received Casino Journal's Top 20 Most Innovative Awards for 2008. First-of-its-kind, this combination slot machine/Bingo terminal is housed in an award-winning, Atronic Harmony slant-top console design. Delivers both Class II and Class III games simultaneously, maximizing earnings per square foot, allowing players to toggle between slots and electronic, session-based bingo.

**PowerPlay Bel Air™:** The most contemporary design of any bingo console on the market today, combined with extreme strength and durability, gives Video King's PowerPlay Bel Air a sleek look, while making it easily transportable for multi-purpose halls. Removable panels give easy access to the PC-driven components and blower motor, making routine maintenance a snap. Through the PC, this unit fully integrates with the rest of Video King's products, including handsets, the OMNI POS system, and with Video King's complete suite of games.

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Champion II™: This two-way WiFi touch-screen tablet has been deemed “leader of the pack” in portable gaming. With its Windows® CE operating system, this device is also beginning to go outside of the gaming industry for its applicability.

OMNI™ – The Total Solution: “The Bingo Hall Management System of the Future,” this multi-functional, MICS compliant POS features paper inventory, a cash vault or virtual bank, flexible accounting system, bingo session scheduler, complete integration of Video King’s POS and Player Tracking System, a gateway to Bally Casino Market Place (CMP) Player Management System, incredible discounting and training mode modules, an ability to disperse players’ points to multiple charities within one hall, and most recently, credit card payment options.

ENFloor®: Established in 2008, ENFloor Inc. is emerging as North America’s “green leader” in the access flooring industry with its all-steel and calcium-sulphate products. ENFloor’s featured product—the EFS-01 series, is an all-steel, height-adjustable system, providing quick and simple access to cabling with its channel raceway design. The all-steel design contains 20% recycled content and is 100% recyclable. With its 1.4 – 5.9 inches (35mm - 150mm) height adjustable capabilities, uneven slab conditions are eliminated, and you save valuable ceiling space. Once considered a niche product used only for computer rooms, access flooring systems are now incorporated into a myriad of applications. Benefits include: efficient cable management of voice, power and data, cost savings in time & dollars for office churn and turnovers, conservation of resources, waste reduction and portability. To learn more, call ENFloor at (877) 217-5667 or log on to [www.enfloor.com](http://www.enfloor.com).

QuickShot Games: New themes in our line of highly popular Electronic QuickShot Bonanza games include K9 Cash™ and QuickShot McDraw™. Playable on Video King’s tablets and fixed-based PowerTouch™ units, these Class II credit-based games have customizable pay tables for military bingo, charitable gaming and Indian Country casinos. These games can be played before, during and after session bingo games.

Bonanza Rewards Kiosk™: Membership has its rewards with this stand-alone, self-serve kiosk. System consists of touch-screen PC, magnetic stripe/barcode reader and receipt printer. Reward players, offer raffles, door prizes and loyalty clubs, track in-hall attendance – all the while increasing sales.

For further information on G2E, the world’s largest gaming expo of its kind, log on to [www.global-gamingexpo.com](http://www.global-gamingexpo.com). For information regarding Video King or to arrange a meeting at the show, please contact us at the numbers below. n

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