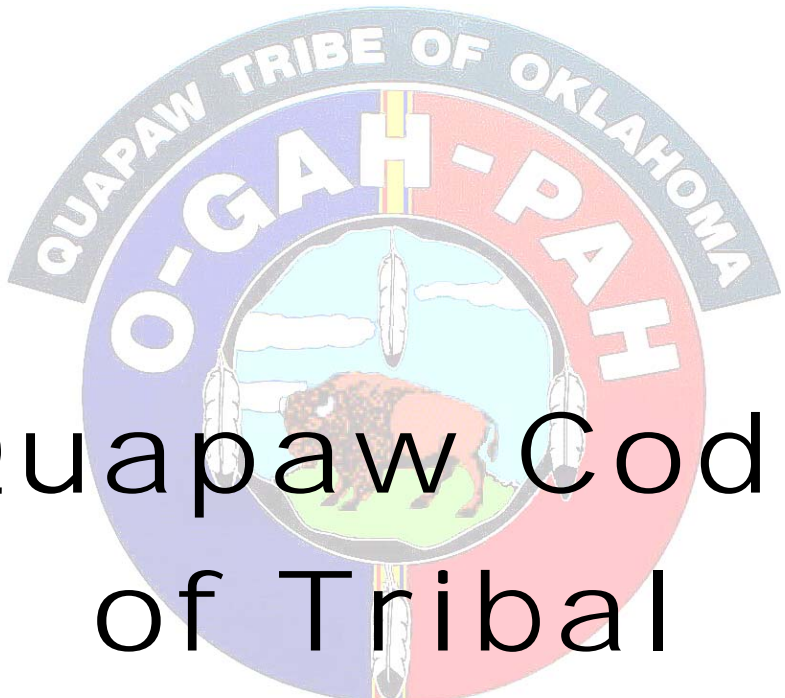
The seal of the Quapaw Tribe of Oklahoma is circular, divided into a blue left half and a red right half. The words "O-GAH-PAH" are written in white across the center. The top arc contains the text "QUAPAW TRIBE OF OKLAHOMA". The central image depicts a bison in a landscape with a sun, clouds, and two feathers hanging from the top.

# Quapaw Code of Tribal Regulations

THE OFFICIAL CODE OF REGULATIONS  
OF THE  
QUAPAW TRIBE OF OKLAHOMA  
(O-GAH-PAH)

The seal of the Quapaw Tribe of Oklahoma is a circular emblem. The outer ring is blue with the text "QUAPAW TRIBE OF OKLAHOMA" in white. Inside this ring, the words "O-GAH-PAH" are written in white on a background split into blue and red. The center of the seal depicts a bison standing in a green field under a blue sky with white clouds. Two white feathers are positioned on either side of the bison, and a yellow and red vertical bar is in the center.

# Quapaw Code of Tribal Regulations

THE OFFICIAL CODE OF REGULATIONS  
OF THE  
QUAPAW TRIBE OF OKLAHOMA  
(O-GAH-PAH)

**Revised as of March 15, 2008**

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These regulations should be cited as:  
\_\_(Title)\_\_ C.Q.R. § \_\_\_\_ (2006).

## Introduction to Interim Edition

The Quapaw Code of Tribal Regulations is a complete compilation of the administrative rules and regulations promulgated and adopted by the Quapaw Tribe of Oklahoma (O-Gah-Pah). This Code is divided into titles, which correspond with the related titles of statutes and ordinances in the Quapaw Code. Each title is divided into chapters, which are addressed to specific Tribal departments or to specific topics or areas of Tribal regulation.

This initial “interim” edition of Quapaw Tribal administrative regulations was prepared for use primarily of the Tribal Business Committee, Tribal administration, Tribal Counsel, and others with an immediate need for access to Tribal law and legal materials. An edition of the Tribe’s C.T.R. for broader public dissemination is scheduled to published in the late summer of 2006.

Inquiries about this C.T.R. should be made to Stephen R. Ward, General Counsel, Conner & Winters, LLP, 4000 One Williams Center, Tulsa, Oklahoma, 74172-0148; telephone: (918) 586-8978; e-mail: [sward@cwlaw.com](mailto:sward@cwlaw.com). As this is the first publication of the Quapaw Tribe’s administrative regulations, it is anticipated that errors and omissions may be found. Such errors should be reported to the Tribal General Counsel.



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# CHAPTER 1. TRIBAL GAMING AGENCY

## Subchapter A. Gaming Regulation and Procedures

### Part 1. Regulations for Licensing Tribal Gaming Facilities

#### Subparts

- A. Annual Gaming Facility Licenses ..... 1.1

AUTHORITY: Quapaw Bus. Comm. Res. No. 030408-A (Mar. 4, 2008).

#### SUBPART A. ANNUAL GAMING FACILITY LICENSES

##### § 1.1 Definitions

The purpose of this Subpart is to ensure the proper implementation of the terms and conditions of the Tribal-State Gaming Compact (Compact) between the Quapaw Tribe (Tribe) and the State of Oklahoma (State).

“BIA” means the Bureau of Indian Affairs.

“Commission” means the Quapaw Tribal Gaming Commission.

“Gaming facility” means any facility or location where class II or class III gaming is conducted and over which the TGRA has jurisdiction.

“IGRA” means the federal Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq.*

“NIGC” means the National Indian Gaming Commission.

“QTGO” means the Quapaw Tribal Gaming Ordinance, *Quapaw Code* tit. 17, § 1 *et seq.*

“TGA” means the Quapaw Tribal Gaming Agency.

“Tribe” means the Quapaw Tribe of Oklahoma (O-Gah-Pah), a federally recognized Indian nation.

##### § 1.2 Purpose and Scope

(a) The purpose of this part is to:

1. Establish the procedures and requirements necessary for the issuance of gaming facility licenses by the TGA;

2. Ensure that each gaming facility licensed by the TGA is constructed, maintained and operated in a manner which adequately protects the environment, public health, and safety pursuant to the QTGO and the IGRA, 25 U.S.C. § 2710(b)(2)(E);

3. Establish the standards the TGA will apply in determining whether licensed gaming facilities are constructed, maintained, and operated in a manner that adequately protects the environment, public health, and safety; and

(b) This Part applies to each gaming place, facility, or location conducting gaming pursuant to the QTGO or, as applicable, on which the Tribe intends to conduct gaming pursuant to the QTGO.

### **§ 1.3 License Requirement**

- (a) Each gaming facility owned by the Tribe or one of its subdivisions or enterprises must be separately licensed under the requirements set forth herein.
- (b) The period of each gaming facility license shall be three years, with such license to be renewable pursuant to the provisions herein and other applicable law.
- (c) No fees or costs shall be charged for the issuance of a gaming facility license hereunder.
- (d) No facility license shall be required for locations at which occasional charitable or cultural events are conducted lasting no more than one week.

### **§ 1.4 Standards Governing the Issuance of Facility Licenses**

- (a) Prior to issuing or renewing a gaming facility license, the applicant shall demonstrate that:
  - 1. The land upon which any portion of a gaming facility is located and on which gaming is to be conducted meets the definition of Indian lands, as defined under the IGRA, 25 U.S.C. § 2710(b)(2)(E).
  - 2. The building or structures housing the gaming operations is or are of sound physical structure with adequate and safe plumbing, electrical, heating, cooling and ventilation systems in place and operational;
  - 3. The facility is adequate in all respects to accommodate the gaming intended to be carried on within the structure and to physically secure the Tribe's property and financial assets;
  - 4. The facility is equipped with security and surveillance equipment meeting or exceeding provisions set forth in the QTGO and applicable regulations;
  - 5. The facility has been inspected by qualified building and fire inspectors designated by the Tribe to carry out such inspections, and determined to be in compliance with the public safety standards required by this Part and by the NIGC's regulations;
  - 6. The facility meets any and all requirements of applicable laws of the Tribe and the United States, as well as any and all requirements set forth in the Tribe's gaming compact with the State of Oklahoma;
  - 7. An emergency preparedness plan is in place with procedures for:
    - A. Evacuation of building occupants, including disabled occupants, in the event of fire and/or other emergency;
    - B. Sheltering patrons and employees in the event of severe weather and/or other emergencies;
    - C. Rendering first aid, rescue, and responding to medical emergencies;
    - D. Responding to police emergencies, including violent crimes and civil disturbances;
    - E. Shutting down critical operations in a manner that protects the Tribe's financial and property assets to the maximum extent feasible;
    - F. Responding to major releases of chemical, biological or other toxic contaminants and hazardous materials;
    - G. Responding to minor emergencies, such as power failures; and
- (b) A facility license hereunder shall issue if the requirements of this subsection are satisfied.
- (c) Notwithstanding any condition of noncompliance with the standards and requirements contained in this Part, the Director of the TGA may issue a conditional facility license if the Director determines that:

1. The condition of noncompliance does not pose imminent jeopardy to the environment, public health and safety, or security of the Tribe's property or assets;
2. The management of the gaming facility is working in good faith to cure the condition or conditions of noncompliance; and
3. Conditions that are in noncompliance may be brought into compliance within a reasonable period not to exceed six months.

**§ 1.5 Applications for Facility Licenses; Notice of Facility Licenses**

(a) An application for a facility license shall be sufficient for purposes of this Part if it contains the following:

1. The name and address of the facility at which gaming is to be conducted or at which gaming is proposed to be conducted, and the names of the key persons in the management of such facility.
2. A legal description of the real property, including the tract number assigned to such property by the BIA Land Title and Records Offices, if any.
3. If not maintained by the BIA, a copy of the trust or other deeds to the property, or an explanation as to why such documentation does not exist.
4. If not maintained by the BIA, documentation of the ownership of the property.
5. An identification by the Tribe of the environment and public safety laws, resolutions, codes, policies, standards, and procedures applicable to its gaming operations, and a certification that the Tribe enforces such laws.
6. A certification by the appropriate Tribal officer or other officers that the construction and maintenance of the gaming facility, and the operation of that facility, is conducted in a manner that adequately protects the public health and safety, including, a certification that any new construction has been or in being completed in conformity with applicable building, mechanical, plumbing, electrical, environmental, and fire detection and prevention standards, and, for existing facilities that the facility at issue is being maintained in accordance with such applicable standards; in the event that the facility is not in compliance with the foregoing, the applicant shall identify the areas in which it is not in compliance and submit a written plan for taking specific actions to achieve such compliance within a period not to exceed six months.
7. A certification by the appropriate Tribal or federal inspectors, as applicable, that food services and potable water systems will be or are in conformity with the applicable standards under law.
8. A certification by the appropriate Tribal or federal inspectors, as applicable, that sanitation systems (including both solid waste and wastewater) have been designed in conformity with the applicable standards under law.
9. A document that lists all laws, resolutions, codes, policies, standards, or procedures under Tribal law and identified for the specific facility applicable to the following: (i) emergency preparedness; (ii) food and potable water; (iii) construction and maintenance; (iv) hazardous materials; (v) sanitation (both solid and wastewater); and (vi) other environmental or public health and safety laws, resolutions, standards, or procedures applicable to the facility.
10. A copy of the emergency preparedness and safety plans as specifically required in this Part, or, for a new facility not yet completed, a specific statement setting forth what plans are contemplated and when such plans will be completed and submitted to the Director of the TGA.

(b) An application for a facility license or renewal of such license shall approved if it is in substantial compliance with the requirements set forth in this subsection, although such approval may be

conditioned upon the completion of specified requirements to bring the facility in conformity with this Part and other requirements of applicable law.

(c) The Tribe shall provide notice to the NIGC that a facility license is under consideration at least one hundred twenty (120) days before the opening of any new gaming facility, which notice shall conform with the requirements of 25 C.F.R. § 559.2.

(d) The Director of the TGA shall submit to the NIGC a copy of each newly issued facility license within thirty (30) days of issuance.

#### **§ 1.6 Gaming Facility Mandatory Policies and Procedures**

(a) The management or managing body of each gaming facility shall ensure that a set of policies and procedures are developed, updated, and implemented to protect the environment and public health and safety in conformity with Tribal law and this regulation. Such policies and procedures shall address areas including, but not limited to, the following:

1. Emergency preparedness;
2. Public health, including food and water sanitation and safety;
3. Safety relating to new construction and maintenance;
4. Handling and clean-up of hazardous materials and substances;
5. Public sanitation;
6. Law enforcement and security; and
7. Any other environmental or public health and safety standards hereafter adopted by the Tribe applicable to such facilities.

(b) A copy of the policies and procedures implemented hereunder shall be maintained by the management of each gaming facility for inspection at all times by the TGA or the NIGC.

#### **§ 1.7 Safety Planning and Training**

(a) The management of each gaming facility shall establish and implement an emergency preparedness plan, which shall include a designated person or persons to monitor and evaluate the effectiveness of the facility's emergency preparedness plan and all other policies and procedures set forth in this part. Such designated person or persons will be responsible to implement and oversee an emergency communications plan, including a list of contact points for fire, police, and medical emergency service providers.

(b) The management of each gaming facility shall be responsible for ensuring that all management staff and employees are (i) properly trained, as appropriate, to respond to emergency situations in conformity with applicable safety and emergency plans and (ii) are assigned specific roles and responsibilities, as necessary, to respond to emergencies, including but not limited to roles and responsibilities to facilitate evacuation and sheltering as well as securing property and assets.

(c) The management of each gaming facility shall develop and implement a schedule of drills and tests of emergency equipment, as appropriate.

#### **§ 1.8 Compliance with Applicable Public Health and Safety Standards**

(a) Each gaming facility licensed hereunder shall be constructed, operated, and maintained in conformity with the applicable public health and safety laws and codes as adopted by the Tribe and as otherwise applicable, including but not limited to codes and standards relating to building and construction, electrical systems, plumbing, mechanical systems, fire detection and prevention, food preparation and handling, public water safety, and handling, containment and removal of toxic and hazardous substances.

(b) As a condition to obtaining a license for a new gaming facility, or as a condition to a renewal of an existing license, an applicant shall present to the TGA satisfactory verification that such facility is in current compliance with the applicable Tribal and other laws and codes relating to building and construction, electrical systems, plumbing, mechanical systems, fire detection and prevention, food preparation and handling, containment and removal of toxic and hazardous substances, and others areas.

(c) In the event the Director of the TGA determines that the Tribe has not adopted codes and standards, including provisions for the inspection and enforcement of such standards, adequate for the public health and safety in any area, the Director shall make recommendations to the Tribal Business Committee concerning the adoption and implementation of such standards and procedures.

#### **§ 1.9 Monitoring Compliance and Inspections**

(a) During the term of a license, the TGA shall conduct periodic inspections of each licensed gaming facility, as necessary and appropriate, to access the licensee's compliance with the requirements set forth hereunder. Such inspections may be without advance notice to the management of the facility. The TGA shall have the right of entry into any and all areas of a facility, including all interior areas and all exterior areas adjacent to such facility, for the purpose of conducting inspections and monitoring compliance with Tribal and other laws.

(b) In the event the TGA determines or believes a gaming facility is out of compliance with any public health and safety law or any of the requirements hereunder, the Director of the TGA shall promptly notify the Tribal code inspection officer or other responsible officer or department of the Tribe of such circumstance, and shall request that action be taken on such matter as appropriate under the circumstances.

(c) Prior to the opening of any new gaming facility to the public, the TGA shall conduct an inspection of the premises and review relevant records and take other appropriate actions to ensure that such facility is in substantial compliance with the provisions of this Part.

#### **§ 1.10 Required Reporting**

(a) The management of each gaming facility or its general manager or other officer designated for such purpose shall, promptly upon their happening, report to the TGA the occurrence of any of the following events on the premises:

1. Any fire or explosion or release of toxic or hazardous substances;
2. The evacuation or partial evacuation of the facility for any cause;
3. Any serious crime or other event implicating or affecting the public safety, including any burglary, robbery, sexual assault, serious assault on any person or property, or serious vandalism;
4. Any death or potentially mortal injury of any person;
5. Any serious illness or outbreak of serious illness, including suspected outbreak of food or water borne illnesses; and
6. Any catastrophic occurrence.

(b) The reporting requirements contained in this section shall be included in the policies and procedures required by this Part, along with contact numbers for TGA personnel.

#### **§ 1.11 Enforcement**

(a) In the event of a finding of noncompliance with the requirements of this Part, the Director of the TGA shall notify the management of the licensee for such facility. Such notice shall specify:

1. The nature of any noncompliance;
2. The corrective actions contemplated or to be required;

3. The period the licensee is to be afforded to cure the noncompliance; and
4. The proposed sanction for failure to comply with the requirements specified in the notice.

(b) If the TGA determines that a condition of noncompliance creates a threat of imminent jeopardy to the environment, the public health or safety, or the security of persons or the Tribe's property and assets, the TGRA may initiate or direct any emergency action necessary to eliminate the condition, including the issuance of an order of closure of all or any part of the gaming facility or such other order as the circumstances may warrant.

(c) For purposes of this Part, imminent jeopardy exists if conditions are present that pose a serious and immediate threat to the:

1. Public health and safety which, if left uncorrected, would result in (i) serious harm to human health and well-being, or (ii) illness, serious bodily injury, or death; or
2. Safety or security of persons or the Tribe's property or assets which, if left uncorrected, would result in (i) serious damage to or loss of the Tribe's property or assets, or certain and demonstrable harm to the Tribe's economic interests.

(d) The TGA shall not issue any closure order hereunder if less drastic means or alternatives are reasonably available for ensuring the public health and safety. Any closure order issued hereunder shall not affect any area of the facility greater than is necessary to prevent imminent jeopardy.

(e) Before issuing a closure order hereunder, the Director of the TGA shall notify the management of the facility to be closed and the Chairman of the Tribal Business Committee, and shall specify the portion of the facility to be closed. Any facility closure order issued hereunder shall be immediately reviewable *de novo* by the Commission, which shall hear such matters on an expedited basis, and which shall dissolve such order, or limit its duration or scope, if it is found to have been entered without sufficient justification.

#### **§ 1.12 Penalties; Hearing and Appeals**

(a) To remedy and correct violations of this Part, the Director of the TGA shall have the power to issue orders imposing specific corrective conditions for the issuance or renewal of a license issued hereunder, and, further, the Director of the TGA may take actions relating to the gaming licenses of individuals found to have engaged in repeated violations of this Part, including actions up to and including revocation of said licenses, and the Director of the TGA may also issue orders prohibiting individuals from engaging in certain conduct or directing them to take certain actions as a prerequisite for their continuing to participation in the operation of a licensed facility.

(b) A facility license issued hereunder may be suspended or revoked, in whole or part, for only the following grounds and no other: (i) if it is finally determined that gaming is not being conducted on Indian lands for purposes of the IGRA; (ii) if the facility is closed by the Tribe for financial reasons or other reasons, in which case the facility shall require a new facility license before reopening; and (iii) if the NIGC issues a final, non-appealable order requiring that such facility be closed, in which case the facility shall require a new license before reopening.

(c) Any willful or intentional failure by any individual licensed for the management or operation of a gaming facility to substantially comply with the requirements of this Part shall be deemed to be a violation, and may result in the imposition of a civil fine of up to \$2,500 for any single violation, and a fine of up to \$5,000 for a second or subsequent violation.

(d) Any enforcement actions taken or penalties imposed by the TGA shall be appealable to the Commission pursuant to the procedures set forth under the QTGO and other applicable law.





## Subchapter B. Tribal-State Gaming Compacts

### Part 2. Regulations Implementing the Terms and Conditions of the Tribal-State Gaming Compact Between the Quapaw Tribe of Oklahoma (O-Gah-Pah) and the State of Oklahoma

#### Subparts

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AUTHORITY: Quapaw Bus. Comm. Res. No. 021405-B (Feb. 14, 2005).

#### SUBPART A. PURPOSE, SCOPE, AND RESERVATIONS

##### § 200.1 Purpose

The purpose of this Subpart is to ensure the proper implementation of the terms and conditions of the Tribal-State Gaming Compact (Compact) between the Quapaw Tribe (Tribe) and the State of Oklahoma (State).

##### § 200.2 Scope

This Subpart applies to gaming activities within any of the Tribe's gaming operations located within the State of Oklahoma to the extent that such gaming activities consist of the play of games authorized in the Compact. This Subpart does not apply to Class II games as defined in accordance with the provisions of the Indian Gaming Regulatory Act (IGRA) or to any areas of the Tribe's gaming operations in which gaming activities are restricted to the play of Class II games.

##### § 200.3 Reservations

The Quapaw Tribal Business Committee reserves the right to amend this Subpart from time to time as need provided that any such amendments will be in conformity with the terms and conditions as set forth in the Compact. In the event that the State Compliance Agency (SCA) proposes additional rules and regulations related to implementation of the Compact to the Quapaw Tribe, will accord good faith consideration to such suggestions and will notify the SCA of its response or action with respect thereto.

## SUBPART B. SUBSTANTIVE PROVISIONS

### § 201.1 Internal Control Standards.

§ 201.1.1 Federal Standards. All Tribal gaming Enterprises and facilities shall comply with tribal internal control standards that provide a level of control that equals or exceeds those set forth in the National Indian Gaming Commission's Minimum Internal Control Standards (25 C.F.R., Part 542).

§ 201.1.2 Records. The following records related to implementation of the Compact must be maintained in permanent form and as written or entered, whether manually or by compute for a minimum of three (3) years from the date generated and will be made available for inspection by the SCA upon request.

§ 201.1.3 Surveillance Log. A log recording all surveillance activities in the monitoring room of the facility, including, but not limited to, surveillance records kept in the normal course of Enterprise operations and in accordance with industry standards; provided, notwithstanding anything to the contrary herein, surveillance records may, at the discretion of the Enterprise, be destroyed if no incident has been reported within one (1) year following the date such records were made. Records, as used in the Compact, shall include video tapes and any other storage media;

§ 201.1.4 Payout Log. Payout logs from the conduct of all covered games;

§ 201.1.5 Maintenance Log. Maintenance logs for all covered games gaming equipment used by the Enterprise;

§ 201.1.6 Security Logs. Security logs as kept in the normal course of conducting and maintaining security at the facility, which at a minimum shall conform to industry practices for such reports. The security logs shall document any unusual or nonstandard activities, occurrences or events at or related to the facility or in connection with the Enterprise. Each incident, without regard to materiality, shall be assigned a sequential number for each such report and recorded in a reasonable fashion noting:

§ 201.1.6.1 the assigned number of the incident,

§ 201.1.6.2 the date of the incident,

§ 201.1.6.3 the time of the incident,

§ 201.1.6.4 the location of the incident,

§ 201.1.6.5 the nature of the incident,

§ 201.1.6.6 the identity, including identification information, of any persons involved in the incident and any known witnesses to the incident, and

§ 201.1.6.7 the tribal compliance officer making the report and any other persons contributing to its preparation;

§ 201.1.7 Generally Accepted Accounting Standards. Books and records on all covered game activities of the Enterprise shall be maintained in accordance with generally accepted accounting principles (GAAP); and

### § 201.2 Use of Net Revenues.

The use of Net Revenues shall be governed by the provisions of the Gaming Ordinance and in accordance with IGRA.

### **§ 201.3 Problem Gaming.**

§ 201.3.1 Excluded Persons. Persons whose prior conduct at the facility or who, because of their criminal history or association with criminal offenders, pose a threat to the integrity of the conduct of covered games shall be excluded from the gaming premises. It shall be the responsibility of management to report the names of any persons meeting the criteria contained in this subsection to the Director of the TGA for inclusion on the list of excluded persons.

§ 201.3.2 Excluded Person List. The TGA shall make a determination as to whether an individual's name will be included on the list of persons barred from the facility which shall be established and maintained by the TGA and shall determine whether circumstances warrant permanent exclusion, provided that a person aggrieved by the decision of the TGA under this subsection may appeal such determination to the Tribal Gaming Commission in accordance with the appeals provisions set forth in the Gaming Ordinance.

§ 201.3.3 Voluntary Exclusions. Patrons wishing to voluntarily place themselves on the excluded persons list may direct such request to management on a form to be prescribed by the TGA, which shall forward such form to the Director of the TGA.

§ 201.3.4. Best Efforts of Management. Management must employ its best efforts to exclude persons on such list from entry into its facility; provided, neither persons who are barred but gain access to the facility, nor any other person, shall have any claim against the State, the Tribe or the Enterprise or any other person for failing to enforce such bar.

§ 201.3.5 Training. Management shall ensure that all covered game employees receive training on identifying players who have a problem with compulsive playing and shall be instructed to ask such persons to leave. Management will post signs and make other materials readily available to direct such compulsive players to agencies where they may receive counseling.

### **§ 201.4 Financial Accountability.**

§ 201.4.1 Audits. Consistent with 25 C.F.R. § 571.12, Audit Standards, the Tribe shall ensure that an annual independent financial audit of the Enterprise's conduct of covered games subject to the Compact is secured. The audit shall, at a minimum, examine revenues and expenses in connection with the conduct of covered games in accordance with generally accepted auditing standards and shall include, but not be limited to, those matters necessary to verify the determination of adjusted gross revenues and the basis of the payments made to the State pursuant to Part 11 of the Compact.

§ 201.4.2 Auditor. The auditor selected by the Tribe shall be a firm of known and demonstrable experience, expertise and stature in conducting audits of this kind and scope.

§ 201.4.3 Audit Completion Date. The audit shall be concluded within five (5) months following the close of each calendar year, provided that extensions may be requested by the Tribe and shall not be refused by the State where the circumstances justifying the extension request are beyond the Tribe's control.

§ 201.4.4 Audit Report. The audit of the conduct of covered games may be conducted as part of or in conjunction with the audit of the Enterprise, but if so conducted shall be separately stated for the reporting purposes required herein.

§ 201.4.5 Generally Accepted Auditing Standards. The audit shall conform to generally accepted auditing standards. As part of the audit report, the auditor shall state that, in the course of the audit, the auditor discovered no matters within the scope of the audit which were determined or believed to be in violation of any provision of the Compact.

§ 201.4.6 Audit Expense. The Enterprise shall assume all costs in connection with the audit.

§ 201.4.7 Submission to State. The audit report for the conduct of covered games shall be submitted to the SCA within thirty (30) days of completion. The auditor's work papers concerning covered games shall be made available to the SCA upon request.

§ 201.4.8 Authority of SCA. Representatives of the SCA may, upon approval of its request, meet with the Tribe's auditors to discuss the work papers, the audit or any matters in connection therewith; provided, such discussions are limited to covered games information and pursue legitimate State covered games interests. The SCA shall make all requests for such meetings through the Director of the TGA which shall not be withheld unreasonably provided that the SCA provides a written request setting forth in particular the nature and purpose of such request. The auditor shall be informed that no such request by the SCA is authorized until such time as the Director of the TGA authorizes such communications.

§ 201.4.9 Rules for Play of and Prizes for Covered Games. Summaries of the rules for playing covered games and winning prizes shall be visibly displayed in the facility. Complete sets of rules shall be available in pamphlet form in the facility.

§ 201.4.10 Supervisory Line of Authority. The Enterprise shall provide the TGA and SCA with a chart of the supervisory lines of authority with respect to those directly responsible for the conduct of covered games, and shall promptly notify those agencies of any material changes thereto.

§ 201.4.11 Sale of Alcoholic Beverages. The sale and service of alcoholic beverages in a facility shall be in compliance with State, federal, and tribal law in regard to the licensing and sale of such beverages.

§ 201.4.12 Age Restrictions. No person who would not be eligible to be a patron of a pari-mutuel system of wagering pursuant to the provisions of subsection B of Section 208.4 of Title 3A of the Oklahoma Statutes shall be admitted into any area in a facility where covered games are played, nor be permitted to operate, or obtain a prize from or in connection with the operation of, any covered game, directly or indirectly.

§ 201.4.13 Destruction of Documents. Enterprise books, records and other materials documenting the conduct of covered games shall be destroyed only in accordance with the following provisions:

§ 201.4.13.1 Material that might be utilized in connection with a potential tort claim pursuant to Part 6 of the Compact, including, but not limited to, incident reports, surveillance records, statements, and the like, shall be maintained at least one (1) year beyond the time which a claim can be made under Part 6 of the Compact or, if a tort claim is made, beyond the final disposition of such claim;

§ 201.4.13.2 Material that might be utilized in connection with a prize claim, including but not limited to incident reports, surveillance records, statements, and the like, shall be maintained at least one hundred eighty (180) days beyond the time which a claim can be made under Part 6 of the Compact or, if a prize claim is made, beyond the final disposition of such claim; and

§ 201.4.13.3 Notwithstanding anything herein to the contrary, all Enterprise books and records with respect to the conduct of covered games or the operation of the Enterprise, including, but not limited to, all interim and final financial and audit reports and materials related thereto which have been generated in the ordinary course of business, shall be maintained for the minimum period of three (3) years.

§ 201.4.14 Location. The Tribe may establish and operate Enterprises and facilities that operate covered games only on its Indian lands as defined by IGRA. The Tribe shall notify the SCA of the operation of any new facility following the effective date of the Compact. Nothing herein shall be construed as expanding or otherwise altering the term "Indian lands", as that term is defined in the

IGRA, nor shall anything herein be construed as altering the federal process governing the tribal acquisition of “Indian lands” for gaming purposes.

§ 201.4.15 Records of Covered Games. The TGA shall keep a record of, and shall report at least quarterly to the SCA, the number of covered games in each facility, by the name or type of each and its identifying number.

### SUBPART C. TORT CLAIMS

§ 202.1 **Tort Claims**. The Enterprise shall ensure that patrons of a facility are afforded due process in seeking and receiving just and reasonable compensation for a tort claim for personal injury or property damage against the Enterprise arising out of incidents occurring at a facility, hereinafter “tort claim,” as follows:

§ 202.1.1 Public Liability Insurance. During the term of the Compact, the Enterprise shall ensure that public liability insurance is maintained on the facility for the express purposes of covering and satisfying tort claims. The insurance shall have liability limits of not less than Two Hundred Fifty Thousand Dollars (\$250,000.00) for any one person and Two Million Dollars (\$2,000,000.00) for any one occurrence for personal injury, and One Million Dollars (\$1,000,000.00) for any one occurrence for property damage, hereinafter the “limit of liability”, or the corresponding limits under the Governmental Tort Claims Act, whichever is greater. No tort claim shall be paid, or be the subject of any award, in excess of the limit of liability.

§ 202.1.2 Sovereign Immunity. The Enterprise’s insurance policy shall include an endorsement providing that the insurer may not invoke tribal sovereign immunity in connection with any claim made within the limit of liability if the claim complies with the limited consent provisions of subsection C of Part 6 of the Compact. Copies of all such insurance policies shall be forwarded to the SCA.

§ 202.1.3 Notice of Claims. Any patron having a tort claim shall file a written tort claim notice by delivery to the Enterprise or the TGA. The date the tort claim notice is filed with the Enterprise or the TGA shall be deemed the official date of filing the tort claim notice. The tort claim notice shall be filed within one (1) year of the date of the event which allegedly caused the claimed loss. Failure to file the tort claim notice during such period of time shall forever bar such tort claim; provided that a tort claim notice the event shall be deemed to be timely filed, but any judgment thereon shall be reduced by ten percent (10%).

§ 202.1.4 Content of Notice. The tort claim notice shall state the date, time, place and circumstances of the incident upon which the tort claim is based, the identity of any persons known to have information regarding the incident, including employees or others involved in or who witnessed the incident, the amount of compensation and the basis for said relief; the name, address and telephone number of the claimant, and the name, address and telephone number of any representative authorized to act or settle the claim on behalf of the claimant.

§ 202.1.5 Signature of Claimant. All tort claim notices shall be signed by the claimant under oath and witnessed by a Notary Public.

§ 202.1.6 Procedure Upon Notice. If the tort claim notice is filed with the TGA, the TGA shall forward a copy of the tort claim to the Enterprise, Enterprise and the SCA within forty-eight (48) hours of filing, and if the tort claim notice is filed with the Enterprise, the Enterprise shall forward a copy of the tort claim to the TGA, Enterprise, and the SCA within forty-eight (48) hours of filing.

§ 202.1.7 Consent to Interview. The claimant shall appear to be interviewed or deposed at least once under reasonable circumstances, and shall be entitled to have legal counsel present if so desired, if requested; provided that the Enterprise shall afford claimant at least thirty (30) days’ written notice of

the interview or deposition; and provided further that the claimant's failure to appear without cause for any interview or deposition properly noticed pursuant to this paragraph shall be deemed a voluntary withdrawal of the tort claim.

**§ 202.1.8 Investigation of Claim.** The Enterprise shall promptly review, investigate, and make a determination regarding the validity of, and resolve tort claims filed in accordance with this Subpart. Any portion of a tort claim which is unresolved shall be deemed denied if the Enterprise fails to notify the claimant in writing of its approval within ninety (90) days of the filing date, unless the parties by written agreement extend the date by which a denial shall be deemed issued if no other action is taken. Each extension shall be for no more than ninety (90) days, but there shall be no limit on the number of written agreements for extensions, provided that no written agreement for extension shall be valid unless signed by the claimant and an authorized representative of the Enterprise. The claimant and the Enterprise may continue attempts to settle a claim beyond an extended date; provided, settlement negotiations shall not extend the date of denial in the absence of a written agreement for extension as required by this paragraph.

## **§ 202.2 Legal Proceedings**

**§ 202.2.1 Alternative Dispute Resolution.** Prior to the filing of any legal claim in a court of competent jurisdiction, a claimant may seek leave from the Enterprise to have the matter resolved through informal mediation. Consent to submit to informal mediation may be granted in the sole discretion of the Enterprise. The timeframes set forth in this Subpart for the filing of tort claims shall be tolled for the period of time that proceedings under this subsection are pending.

**§ 202.2.2 Judicial Proceedings.** A judicial proceeding before the Tribal Gaming Commission for any cause arising from a tort claim may be maintained in accordance with and subject to the limitations of contained in this Subpart only if the following requirements have been met:

**§ 202.2.2.1** the claimant has followed all procedures required by this Subpart, including, without limitation, the delivery of a valid and timely written tort claim notice to the Enterprise, TGA, and the Tribal Gaming Commission;

**§ 202.2.2.2** the Enterprise has denied the tort claim; and

**§ 202.2.2.3** the claimant has filed the judicial proceeding before the Tribal Gaming Commission no later than the one-hundred-eightieth (180th) day after denial of the claim by the Enterprise; provided, that neither the claimant nor the Enterprise may agree to extend the time to commence a judicial proceeding.

**§ 202.2.3 Publication of Tort Claim Procedures.** Notices explaining the procedure and time limitations with respect to making a tort claim shall be prominently posted in the facility. Such notices shall explain the method and places for making a tort claim, that this procedure is the exclusive method of making a tort claim, and that claims that do not follow these procedures shall be forever barred. The Enterprise shall make pamphlets containing the requirements in this subsection readily available to all patrons of the facility and shall provide such pamphlets to a claimant within five (5) days of the filing of a claim.

## **SUBPART D. PRIZE CLAIMS**

The Enterprise shall ensure that patrons of a facility are afforded due process in seeking and receiving just and reasonable compensation arising from a patron's dispute, in connection with his or her play of any covered game, the amount of any prize which has been awarded, the failure to be awarded a prize, or the right to receive a refund or other compensation, hereafter "prize claim," as follows:

**§ 203.1 Notice.** Any patron having a prize claim shall file a written prize claim notice by delivery to the Enterprise or the TGA. The date the prize claim is filed with the Enterprise or the TGA shall be deemed the official date of filing the prize claim notice. The prize claim notice shall be filed within ten (10) days of the event which is the basis of the claim. Failure to file the prize claim notice during such period of time shall forever bar such prize claim.

**§ 203.2 Limits on Claim.** The maximum amount of any prize claim shall be the amount of the prize which the claimant establishes he or she was entitled to be awarded, hereafter “prize limit.”

**§ 203.3 Procedure upon Notice.** If the prize claim notice is filed with the TGA, the TGA shall forward a copy of the prize claim to the Enterprise and the SCA within forty-eight (48) hours of its filing; and if the prize claim notice is filed with the Enterprise, the Enterprise shall forward a copy of the tort claim to the TGA and the SCA within forty-eight (48) hours of filing.

**§ 203.4 Content of Notice.** The written prize claim notice shall state the date, time, place and circumstances of the incident upon which the prize claim is based, the identity of any persons known to have information regarding the incident, including employees or others involved in or who witnessed the incident, the amount demanded and the basis for said amount, the name, address and telephone number of the claimant, and the name, address and telephone number of any representative authorized to act or settle the claim on behalf of the claimant.

**§ 203.5 Signature of Claimant.** All notices of prize claims shall be signed by the claimant. The rules and regulations may additionally require that the prize claim notices be signed under oath.

**§ 203.6 Investigation.** The Enterprise shall promptly review, investigate and make a determination regarding the prize claim or it may refer the matter for investigation by the TGA. Claimants shall cooperate in providing information, including personal sworn statements and agreeing to be interviewed, as the Enterprise, the TGC, or the TGA shall reasonably request. The claimant is permitted to have counsel present during any such interview.

**§ 203.7 Failure to Resolve.** If the prize claim is not resolved within seventy-two (72) hours from the time of filing the claim in accordance with above paragraph 203.4, the TGA shall immediately notify the SCA in writing that the claim has not been resolved.

**§ 203.8 Procedure if Resolved.** In the event the claim is resolved, the TGA shall not be obligated to report that fact to the SCA, but shall make TGA reports available for review upon request.

**§ 203.9 Constructive Denial of Claim.** Any portion of a prize claim which is unresolved shall be deemed denied if the Enterprise or the TGA fails to notify the claimant in writing of its approval within thirty (30) days of the filing date, unless the parties agree by written agreement to extend the date. Each extension shall be for no more than thirty (30) days, but there shall be no limit on the number of written agreements for extensions; provided, that no written agreements for extension shall be valid unless signed by the claimant and an authorized representative of the TGA. The claimant and the Enterprise may continue attempts to settle a claim beyond an extended date; provided, settlement negotiations shall not extend the date of denial in the absence of a written extension required by this paragraph.

**§ 203.10 Judicial Proceeding.** A judicial proceeding before the Tribal Gaming Commission for any cause arising from a prize claim may be maintained in accordance with and subject to the limitations set forth in this Subpart only if the following requirements have been met:

**§ 203.10.1** the claimant has followed all procedures required by this Subpart, including without limitation, the delivery of a valid and timely written prize claim notice to the Enterprise, the TGA, and the Tribal Gaming Commission;

**§ 203.10.2** the Enterprise has denied the prize claim; and



§ 203.10.3 the claimant has filed the judicial proceeding with the Tribal Gaming Commission no later than one-hundred-eighty (180) days after denial of the claim by the Enterprise; provided that neither the claimant nor the Enterprise may extend the time to commence a judicial proceeding before the Tribal Gaming Commission.

§ 203.11 **Posting of Prize Claim Procedures.** The TGA shall ensure that notices explaining the procedure and time limitations with respect to making a prize claim shall be prominently posted in the facility. Such notices shall explain the method and places for making claims, that this procedure is the exclusive method of making a prize claim, and that claims that do not follow this procedure shall be forever barred. The TGA shall make pamphlets containing the requirements in this subsection readily available to all patrons of the facility and shall provide such pamphlets to a claimant by the TGA within five (5) days of receipt of notice of the filing date of a claim.

## **SUBPART E. ENFORCEMENT OF COMPACT PROVISIONS**

The TGA is responsible for regulating gaming activities in accordance with the terms and conditions of the Tribal-State Gaming Compact and shall take steps to ensure that the conduct of covered games in compliance with the Compact and the Tribe's Gaming Ordinance and this regulation.

§ 204.1 **Credentials of TGA Employees.** All employees of the TGA shall be subject to the same background requirements as applicable to key employees of the gaming operation as defined in the Tribal Gaming Ordinance and, upon satisfactory completion of such investigation, shall be issued a badge identifying such person as a gaming regulatory official of the Quapaw Tribe.

§ 204.2 **Availability of TGA Official on Premises.** A TGA compliance official shall be available to the facility during all hours of operation upon reasonable notice, and shall have immediate access to any and all areas of the facility for the purpose of ensuring compliance with the provisions of the Compact.

§ 204.3 **Investigations.** The TGA shall conduct an inquiry to any suspected or reported violations of the Compact. If warranted, based on the outcome of such inquiry, the TGA shall conduct a formal investigation. If such investigation reveals a violation of the terms of the compact, the TGA shall require the Enterprise to immediately correct such violations. All formal investigations shall be formally documented and filed in the official records of the TGA. The file shall also contain a description of the action taken thereon. Within fifteen (15) days of the filing of the investigative report, the TGA shall forward copies of the report to the Business Committee, Enterprise, and the SCA.

§ 204.4 **Annual Meeting.** The Director of the TGA shall be available to meet with the SCA on no less than an annual basis, to review past practices and examine methods to improve the regulatory scheme established by the Compact. The meetings shall take place at a location mutually agreed to by the TGA and the SCA. The SCA, prior to or during such meetings, shall disclose to the TGA any concerns, suspected activities, or pending matters reasonably believed to possibly constitute violations of the Compact by any person, organization or entity, if such disclosure will not compromise the interest sought to be protected.

## **SUBPART F. STATE MONITORING OF COMPACT**

In accordance with the terms and conditions of the Compact, the Tribe has granted the SCA authority to monitor the conduct of covered games to ensure that the covered games are conducted in compliance with the provisions of the Compact in accordance with the following procedures:

§ 205.1 **Access to Premises.** Officials of the SCA shall be permitted reasonable access to the facility during normal operating hours only, to inspect the areas of the facility where covered games are conducted

and where the public is normally permitted without prior notice to Enterprise or management. SCA officials may only gain access to any non-public area of the facility upon a showing of proper credentials, including photographic identification, and if accompanied by an official of the TGA. The SCA shall provide no less than one hour notice to the TGA of any such request for access to non-public areas of the facility.

**§ 205.2 Access to Records.** The TGA shall accord the SCA the opportunity to review and copy documents of the Enterprise related to its conduct of covered games provided that the SCA shall not be permitted to remove any original files or documents from the premises nor shall the SCA be permitted to copy those portions of any documents of the Enterprise related to its conduct of covered games that contain business or marketing strategies or other proprietary and confidential information of the Enterprise, including, but not limited to, customer lists, business plans, advertising programs, marketing studies, and customer demographics or profiles. The review and copying of such documents shall be during normal business hours or hours otherwise at Tribe's discretion.

**§ 205.3 Procedure for Resolution of Issues Related to Records.** If, in the judgment of the TGA official accompanying the SCA official, the SCA official is requesting review and copying of documents for which the SCA is not authorized access under this Subpart, the TGA official shall so inform the SCA official. The SCA official shall, however, be granted the opportunity to submit in writing a formal request for documents, including a description of the document(s) requested and the basis and need for such document. Such request shall immediately be forwarded to the Director of the TGA and/or the Gaming Commission for a decision as to whether the release of such document(s) is authorized under the Compact.

**§ 205.4 Responsibility of SCA.** Under the Compact, it is the responsibility of the SCA at the completion of any inspection or investigation to forward the TGA a written report thereof and to apprise the TGA on a timely basis of all pertinent, non-confidential information regarding any violation of federal, state, or tribal laws, the rules or regulations, or the Compact. If the SCA fails to meet either of these obligations within thirty (30) days of any site visit, the TGA shall contact the SCA agent and request such written report. If no such report is forthcoming within seven (7) from the date of such contact, the TGA shall so notify the Tribal Business Committee.

**§ 205.5 TGA Right of Interview.** In accordance with the terms of the Compact, the TGA may interview SCA inspectors upon reasonable notice and may examine work papers of the SCA in the same fashion that SCA inspectors may examine auditors' notes and make auditor inquiry unless providing such information to the TGA will compromise the interests sought to be protected. If the SCA determines that providing the information to the TGA will compromise the interests sought to be protected, then the SCA shall provide such information to the Tribe in accordance as provided in Part 13 of the Compact.

**§ 205.6 Notice of Violations.** Any suspected or claimed violations of the Compact or of law shall be directed in writing to the TGA

**§ 205.7 Duty of Non-Interference.** Under the terms of the SCA agents are prohibited from interfering with the functioning of the Enterprise or with the Tribe's selection of its governmental officers, including members of the TGA. In the event that the TGA determines that the actions or conduct of any representative of the SCA is in violation of the SCA's duties or obligations under the compact the TGA shall immediately notify the Business Committee in writing of such alleged violation.

## **SUBPART G. LICENSING MATTERS UNDER THE TRIBAL STATE GAMING COMPACT**

**§ 206.1 Tribal Employees.** The licensing standards, requirements, and procedures as set forth in Section XII of the Tribal Gaming Ordinance shall be followed in relation to all gaming employees, provided that the information required to be sent the NIGC in Section 12(E) of the Tribal Gaming

Ordinance shall also be forwarded to SCA. The names, addresses and identifying information of any covered game employees shall be forwarded to the SCA at least annually.

**§ 206.2 Vendor Licensing.** The licensing standards, requirements, and procedures as set forth in Section XII of the Tribal Gaming Ordinance shall be followed in relation to all gaming employees, provided that the information required to be sent the NIGC in Section 12(E) of the Tribal Gaming Ordinance shall also be forwarded to SCA.

**§ 206.3 Notice to SCA.** The TGA shall promptly notify the SCA upon approval of a Class F gaming license and shall be entitled to review copies of all agreements and documents in connection therewith upon written request.

**§ 206.4 Objections.** Pursuant to the terms of the Tribal-State Gaming Compact, if the SCA objects to a lender, vendor or any other person or entity, seeking to do business with the operation, or to the continued holding of a license by such person or entity, it is required to notify the TGA of its objection. Such notice must set forth the basis of the objection with sufficient particularity to enable the TGA to investigate the basis of the objection. Upon receipt of such notice, the TGA shall:

§ 206.4.1 request an interview with the SCA inspector;

§ 206.4.2 review the SCA inspector's field notes;

§ 206.4.3 conduct such other investigatory activities as may be warranted under the circumstance;

§ 206.4.4 make a determination as to whether the SCA's objection is well-founded;

§ 206.4.5 make a determination whether the Class F license should be denied, suspended, or revoked; and

§ 206.4.6 notify the SCA of the outcome of its investigation and of any action taken or decision not to take action within a reasonable time following the final resolution of the matter.

## **SUBPART H. LICENSING OF COVERED GAMES**

Pursuant to the Tribal State Gaming Compact, the Quapaw Tribe may license and offer certain electronic games for play in the Tribe's gaming operation(s) with the State of Oklahoma. This Subpart sets forth the standards and procedures that the TGA shall apply in the licensing of these covered games.

**§ 207.1 Covered Games.** The following games may be played in a wholly electronic format in the Tribe's gaming operation(s) subject to the standards and procedures set for in this Subpart:

§ 207.1.1 Electronic amusement games shall include games played in an electronic environment in which a player's performance and opportunity for success can be improved by skill;

§ 207.1.2 Electronic bonanza-style bingo shall include games played in an electronic environment in which some or all of the numbers or symbols are drawn or electronically determined before the bingo cards for that game are sold.

§ 207.1.3 Electronic instant bingo game shall include games played in an electronic environment in which a player wins if his or her electronic instant bingo card contains a combination of numbers or symbols that was designated in advance of the game as a winning combination. There may be multiple winning combinations in each game and multiple winning cards.

**§ 207.2 Licensing Required.** Prior to the introduction of any such game for play in the Tribe's gaming operation(s), the TGA shall license such game.

**§ 207.3 Licensing Procedure.** The following procedures shall be followed by the TGA before a gaming license may be issued for any covered game:

**§ 207.3.1 Application.** Manufacturers, vendors, or other persons or entities may sponsor an application for a covered game license by making application for such license to the TGA, provided that such entity possesses or is simultaneously seeking a Class C gaming license from the TGA. The application shall be supported with a certification by an independent testing laboratory that it has tested and evaluated such game and that such game meets the technical standards contained in this Subpart.

**§ 207.3.2 Supporting Documents.** Upon request of the TGA, an applicant shall submit copies of any or all supporting documents, materials, and information provided to the independent testing laboratory in support of its request for certification, including but not limited to;

**§ 207.3.2.1** game illustrations,

**§ 207.3.2.2** schematics,

**§ 207.3.2.3** block diagrams,

**§ 207.3.2.4.** circuit analyses,

**§ 207.3.2.5** technical and Enterprise manuals,

**§ 207.3.2.6** program object and source codes,

**§ 207.3.2.7** hexadecimal dumps (the compiled computer program represented in base 16 format), and

**§ 207.3.2.8** any other information requested by the TGA.

Any materials so submitted and designated by the manufacturer or vendor as proprietary shall remain confidential and shall not be subject to the disclosure by the TGA.

**§ 207.3.3 Demonstration.** Upon request of the TGA, the applicant shall provide or arrange to be provided a live demonstration of the game for which the license is sought.

**§ 207.4 Timeframe for Issuance of License.** Once the application is complete, including submission of any documents, materials, or information and completion of any live demonstrations, the TGA shall so notify the applicant in writing. Thereafter, the TGA shall have thirty (30) days from the date of such notice to grant or deny the application for the covered game license, provided that the TGA shall have authority to extend such period of deliberation by up to thirty (30) days upon written notice to the applicant prior to the expiration of the initial thirty (30) day deliberation period.

**§ 207.5 TGA Failure to Meet Licensure Deadline.** In the event that the TGA fails to grant or deny a license within the timeframes contained in Section 207.4 of this Part, the license shall be deemed not issued and no prejudice shall attach to the applicant in such event. In such case, the applicant may appeal to the Tribal Gaming Commission, which shall issue an order directing the TGA to grant or deny the covered game license. The only issue on such appeal shall be whether the covered game and its components conform to the applicable standards as contained in this Subpart.

**§ 207.6 Modifications.** Once a covered game license has been issued, no modifications affecting any aspect of the operation of the game shall be allowed without recertification by an independent testing laboratory that the game continues to conform with the applicable standards contained in this Subpart, provided that where immediate modifications are necessary to preserve the integrity of a licensed covered game, an independent testing laboratory may issue an emergency certification of the modification based on information provided to it by the licensee or obtained independently. This emergency provision shall only be invoked where there is an urgent and pressing need to make such modification to preserve the integrity

of the electronic game, and the certification would likely be issued under ordinary circumstances. Such emergency certifications shall be deemed to be temporarily approved by the TGA and only for such time as may be needed for the TGA to take final action to approve such modification.

§ 207.7 **Appeals.** An applicant may appeal a decision of the TGA denying the issuance of a covered game license in the manner provided in the Tribal Gaming Ordinance.

## **SUBPART I. COVERED GAMES**

§ 208.1 **[Reserved.]**

§ 208.2 **Testing and Certification is Required**

§ 208.2.1 Introduction.

§ 208.2.1.1 *General Statement.* The Compact requires that the Tribe shall not operate an Electronic Bonanza-Style Bingo Game, an electronic Instant Ticket game or an Electronic amusement game pursuant to the Compact until such game has been certified by an Independent Testing Laboratory and the Tribal Compliance Agency (TCA). The Compact Document does not specifically list or enumerate the required items that suppliers must submit to the designated laboratory. While some or all of the required information may be in the possession of the Independent Testing Laboratory as a result of previous submissions, the information set forth below need not be submitted to the testing laboratory unless the laboratory requests it. Where the information has not been submitted or is not otherwise in the possession of the Test Laboratory, the submitting party shall be asked to supply additional information. Failure to supply the information can result in denial in whole or in part of the submission and/or lead to testing delays.

§ 208.2.2 Submission Requirements as Requested by the Test Laboratory. NOTE: The requirements within this section are not Technical Specifications but, suggested items to be submitted and that the laboratory must receive any or all of the information from the submitting party so that a determination can be made with regard to equipment compliance.

§ 208.2.2.1 *Previous Submission.* Where the testing laboratory has been previously supplied with the information on a previous submission, duplicate documentation is NOT required, provided that the submitting party refers to the previous information. Every effort shall be made to reduce the redundancy of submission information.

§ 208.2.2.2 *Prototype Submission (Full Submission).* A Prototype submission is a first time submission of a particular piece of hardware or software that has not previously been reviewed by the Test Laboratory. The following items shall be submitted with each Prototype (full submission) submission:

(a) **Submission Letter.** Each submission shall include a request letter, on company letterhead, dated within one (1) week of the date the submission is received by the Test Laboratory. The letter should include the following:

- i. The jurisdiction(s) for which you are requesting certification;
- ii. The items requested for certification. In the case of software, the submitting party shall include ID numbers and revision levels, if applicable. In the case of hardware, the submitting party shall indicate the manufacturer, supplier, and model number of the associated components of hardware; and

iii. A contact person who will serve as the main point of contact for engineering questions raised during evaluation of the submission. This may be either the person who signed the letter or another specified contact.

(b) When a Random Number Generator (RNG) Submission is Needed. In some cases, the RNG shall be submitted with the Prototype Submission request (for specific RNG Submission details, refer to Section 208.2.2.3, of this document). RNGs shall be submitted for certification where:

i. The RNG code has changed from a previously certified RNG or the implementation of the random number has changed; or

ii. Where a previously certified RNG is being implemented on a new hardware platform (i.e. change of microprocessor); or

iii. Where a previously certified RNG is generating numbers that are outside the range of numbers previously tested; or

iv. The RNG has never been certified before under these standards. In this case, the RNG will be certified as a part of the overall submission.

(c) All accompanying technical documents, manuals and schematics shall be submitted. In addition, the following items shall be provided:

i. If applicable, all UL, CSA, EC, AS3100, etc. or equivalent certification;

ii. Any other equipment that may be used in the field in conjunction with the Submission;

iii. Accompanying software;

iv. If the submitting party has specialized equipment which is needed by the Test Laboratory to test the submitted device, then the specialized equipment and all appropriate operation manuals for the equipment shall be included with the submission; and

v. If requested, extension cables for door photo-optic detectors and any other hardware should be provided, so that the Player Terminal may be tested with doors opened. In addition, where a processor board is oriented in a Player Terminal in such a way that it would be difficult to install a plug and cable from an emulator, extension cables should be provided to allow the board to be relocated. The use of such extension cables shall not adversely affect the machine's operation;

(d) Two sets of all EPROMs, CD-ROMs, or other storage media which contain identical contents. This includes all video, sound, printer, touchscreen, bill acceptor, RAM Clear, and game software. (On the program medium that is submitted, where applicable, and subsequently placed in the field, each program shall be uniquely identified, displaying the Program ID number, Manufacturer, Version number, Type and size of medium (unless located on the medium as purchased unused from the supplier), and Location of installation in Player Terminal, if potentially confusing.) NOTE: For EPROM-based games, the identification label shall be placed over the UV window to avoid erasing or alterations of the program;

(e) Percentage calculation sheets. For each game submitted, the manufacturer shall supply the calculation sheets that determine the theoretical return to the player including the base game, double-up options, free games, bonus features, etc. (This would also include where different player options (e.g., number of credits bet) vary the payable, a separate calculation for each option is required or player strategy where a game requires or allows use of a player strategy that can affect the outcome of the game and the continuing actual player return, the manufacturer shall list the

assumed player strategy used in the theoretical calculations of the player return and the source of said strategy. For games with player strategy, if available, actual game return statistics from development laboratories or field trials of the game in other jurisdictions shall be submitted. If the manufacturer fails to provide this information, the Test Laboratory will calculate the outcome prior to approval.);

(f) A written Statement of Verification that a previously certified RNG is used within the submitted software, if previously approved;

(g) A legible, color copy of the Payglass (if applicable);

(h) Source Code, a Link Map and Symbol Table. In addition, if requested, explanation of all non-volatile RAM on the device with the non-volatile RAM locations described; (All source code submitted shall be correct, complete and able to be compiled. The result of the compiled object code shall be identical to that in the storage medium submitted for evaluation. All source code submitted shall be commented in an informative and useful manner. The source code must include the Module Name, Brief description of module function; and edit history, including who modified it, when and why);

(i) A manual explaining all diagnostic tests, meters, game configurations, error conditions and how to clear them;

(j) RAM Clear procedures;

(k) A general overview of the system, describing how the software and hardware are integrated, if required;

(l) Program block diagrams and flow charts for the game program, if required; and

(m) For all software involved in control of gaming functions, provide an assembler, linker, formatter, or other computing utilities as is necessary to generate the installed gaming software from the source code supplied. This requirement may be waived where program code is written in assembler and the listing file (showing the assembled and link code) is provided. If a non-PC-based platform development system is used, the manufacturer shall supply the Test Laboratory with the necessary computer equipment and software necessary to compile and verify the final executable program.

**§ 208.2.2.3 RNG Submissions.** The Test Laboratory has developed a relatively simple program to collect data from a Player Terminal or other medium through a communications port. Adherence to the specifications below allows the submitting party to use the Test Laboratory's PC-based RNG gathering program. Use of this protocol is NOT required; however, in that case, the submitting party shall supply the software collection interface software for the test lab's use, which will be reviewed prior to implementation. The following describes the implementation of our remote protocol:

(a) The manufacturer shall supply correct settings to interface to their machine; the object of such test is that random numbers, as the player would receive them, is reviewed:

i. In Poker, the ten (10) cards (it is recommended, but not required, to send the first five (5) cards dealt; then the five (5) draw cards);

ii. In Blackjack, the top eighteen (18) cards following the shuffle;

iii. For skill-style spinning reel devices, the Player Terminal shall provide three (3) stops/symbols for a 3-reel game, five (5) stops/symbols for a 5-reel game, etc. The game should return the virtual stops/symbols selected for each reel;

iv. For Bingo games, the seventy-five (75) numbers as they are drawn;

v. For instant Bingo Games, those numbers or symbols that make up the winning combination or the game outcome designation.

vi. For any other type of game or bonus game, please contact the Test Laboratory for guidance.

vii. The test program RNG shall be identical to the RNG contained in the game software except for the following changes, which may be implemented to speed up the requirements of the test. The Test Laboratory may not allow any of the following changes where it determines such change might affect the data received from the RNG. It should be noted that production software may have a test mode that contains this imbedded RNG test mode, provided that the Player Terminal indicates clearly that it is in said test mode.

(b) The RNG test program should NOT require credits on the Player Terminal in order to play;

(c) The RNG test program should NOT award credits and NOT lock up for award pays;

(d) The RNG test program does not have to show the game play. The program can just display a message that states RNG test in progress;

(e) The manufacturer shall supply the Test Laboratory with detailed instructions on how to setup the Player Terminal for test; and

(f) The manufacturer shall supply the Test Laboratory with a detailed description of the RNG algorithm that includes a detailed description on the RNG implementation in their device, including how the initial SEED is generated. In addition, it shall provide the algorithm for reseeding or changing of the seed during game play, if applicable.

(g) The manufacturer shall submit a cable to connect from the Player Terminal to a PC-based computer. This cable will utilize serial-type communications and easily attach to a standard PC. If any special attachments or converters are necessary, the submitting party shall supply the equipment.

(h) The Test Laboratory may employ the use of various recognized tests to determine whether or not the random values produced by the RNG pass the desired confidence level of 95%. These tests may include, but are not limited to:

i. Chi-square test;

ii. Equi-distribution (frequency) test;

iii. Gap test;

iv. Overlaps test;

v. Poker test;

vi. Coupon collector's test;

vii. Permutation test;

viii. Kolmogorov-Smirnov test;

ix. Adjacency criterion tests;

x. Order statistic test;

xi. Runs tests (patterns of occurrences should not be recurrent);

xiv. Interplay correlation test;



xv. Serial correlation test potency and degree of serial correlation (outcomes should be independent of the previous game); and

xvi. Tests on subsequences.

(i) Mechanical-Based RNG games must meet the following rules:

i. The Test Laboratory will test via PC communications multiple iterations to gather enough data to verify the randomness. In addition, the manufacturer may supply live data to assist in this evaluation;

ii. The mechanical components that have an impact on the determination of the random outcome must not deteriorate over time;

iii. The properties of physical items used to choose the selection shall not be altered; and

iv. The player shall not have the ability to physically interact or come into physical contact or manipulate the Player Terminal physically with the mechanical portion of the game.

**§ 208.2.2.4** *Submitting Modifications to a Previously Certified Item.* For any update submission, the following information shall be required to process the submission in addition to the requirements set forth in Section 208.2.2.2(a), ‘Submission Letter.’ This process is intended to speed up the administrative burden of modification submissions. All modifications require re-testing, examination, and re-certification by the Test Laboratory:

(a) Each hardware submission shall:

i. Identify the individual items being submitted (including part number);

ii. Supply a complete set of schematics, diagrams, data sheets, etc. describing the modification along with the reason for the change(s); and

iii. Provide the updated or new device, a description and the method of connection to the original Player Terminal or hardware.

(b) Each software submission shall:

i. Use the same requirements as in Section 208.2.2.2, ‘Prototype Submission,’ except where the documentation has not changed. In this case, a resubmission of identical documentation is not required. (e.g., if the payable and mathematics of the game are not changed, the submitting party may refer to previous documentation); and

ii. the submission must include a description of the software change(s), modules affected and new source code for the entire program. Source code is required for the entire program to check compile and source code integrity.

**§ 208.2.2.5** *Joint Venture Submissions.* A Player Terminal is considered a joint venture when two or more companies are involved in the manufacturing of one platform. Due to the increasing amount of joint venture submissions (more than one supplier involved in a product submission) and to alleviate any confusion to the suppliers, the regulator and the Test Laboratory, the following procedures for such submissions must be met:

(a) One company will prepare and submit the entire submission, even if they are using parts from other suppliers, and must identify the part numbers of all components. This company will be the primary contact for the submission.

(b) The company submitting an approval request should do so on their letterhead. The laboratory will delegate an internal file number in this company’s name and will bill this company

for all costs incurred throughout the approval process.

(c) The primary contact will be called when questions arise. However, Test Engineers will work with all parties involved in order to complete the review.

(d) All suppliers who are part of the submission “group” may need to be licensed in the jurisdiction(s) where the submission is being approved. As a courtesy to the supplier, the laboratory may inquire as to whom does not need to be licensed from the regulator client. It should be noted that licensing questions should be handled directly with the jurisdiction.

(e) Upon completion, it is the primary contact company that will receive the approval letter, provided the submission meets the jurisdictional requirements. The primary contact company may then release copies of the approval letter to the associated manufacturer(s).

### **§ 208.3 Authorized Games as Outlined by the Compact Document**

#### **§ 208.3.1 Introduction**

**§ 208.3.1.1 *General Statement.*** The following games are authorized pursuant to the Compact Document. (No other games may be played on Player Terminals, which do not meet the requirements of the Tribal State Compact):

- (a) Electronic Amusement Games;
- (b) Electronic Style Bonanza Bingo Games;
- (c) Electronic Instant Bingo.

#### **§ 208.3.2 Electronic Amusement Games**

**§ 208.3.2.1 *General Statement.*** Electronic amusement games shall be played through the employment of Player Terminals which, following the payment of a fee, present games in which the player can win prizes in a format in which a player’s performance can be improved by skill. Electronic amusement games are games in which a player’s performance can be improved by skill. Consistent with this intent, each Player Terminal employed in an electronic amusement game shall only offer games that meet the following minimum standards:

- (a) **Payment to Begin Play.** Player may purchase an opportunity to play using:
  - i. Coins or currency;
  - ii. Cash Voucher (such as a ticket);
  - iii. A cashless transaction system;
  - iv. Credits on the machine.

(b) **Available Games and Game Rules.** The available games are displayed on the Player Terminal’s video screen or otherwise prominently displayed on the terminal. The rules of the game are also displayed either prominently on the terminal or on a help screen, and include sufficient information to alert novice players on the concept of the game so that a novice player can understand how to improve his or her performance. Depending on the game selected, the player must physically interact with the screen (through touch screen technology) or by depressing or activating buttons or other input devices, to cause an intended result.

(c) **Amusement Game Specifications.** Electronic amusement games are games in which a player’s performance can be improved by skill. Consistent with this intent, each Player Terminal employed in an electronic amusement game shall only offer games that meet the following minimum standards:

i. Each electronic amusement game must require decisions or actions by players that could affect the result of the game;

ii. No auto-hold, “smart-hold,” or similar feature shall be employed which permits the Player Terminal to automatically determine optimum play or make decisions for players;

iii. Each Player Terminal must prominently display either on the terminal or on a help screen:

(1) The rules of the game and instructions and other information regarding the concept of the game so that a novice player can understand how to improve his or her performance, and

(2) Possible winning combinations based on the amounts paid to play the game and the other information required in this section. Such information may not be incomplete, confusing or misleading;

(3) In electronic amusement games in which players are competing against others, the players shall be informed about whether and how winning prizes will be shared; and

(4) No electronic amusement game shall base its outcome on the number or ratio of prior wins to prior losses or any other factor relating to the profit or revenues retained by the operator from prior plays of the game.

(d) **Payment Following Play.** Following play on a Player Terminal, the result shall be displayed and prizes awarded. Prizes may be dispensed in the form of cash, coin, cash voucher, merchandise or through a cashless transaction system or through the placing of additional credits onto the machines “credit meter.”

(e) **Accountability Following Play.** Following any play on a Player Terminal, data shall be maintained electronically and shall be viewable either electronically or by printed report. Such data shall provide basic information regarding the amount paid in, the game played, the result, and the prize awarded, if any.

(f) **Accountability of Every Play.** Every play of the game shall be recorded, monitored and regulated to ensure full accountability and integrity of play, in accordance with the provisions of this Act.

(g) **Auditability of Software.** For auditing and security purposes, any electronic amusement game shall include and have available a secure software tool to audit the software of each electronic amusement game. Such tool shall be used only during authorized audits of electronic amusement games, or in cases of player disputes.

### § 208.3.3 Electronic Bonanza—Style Bingo

§ 208.3.3.1 *General Statement.* Electronic Bonanza-Style Bingo games authorized by this Act shall only be conducted using a system that utilizes linked Player Terminals that allow players to purchase and play Electronic Bonanza-Style Bingo cards. Players compete, following the payment of a fee, to be the first player to cover a previously designated bingo pattern using a set of numbers or symbols, at least some of which were drawn or electronically determined before the sale of bingo cards began. The first player to cover the game-winning pattern wins the game-winning prize. Interim and consolation prizes also may be awarded. Consistent with this intent, each Player Terminal employed in an Electronic Bonanza-Style Bingo game shall meet the following minimum standards:

(a) **Payment to Begin Play.** A player may purchase an opportunity to play an Electronic Bonanza-Style Bingo game at a Player Terminal, either through the insertion of:

- i. Coins or currency;
- ii. Cash Voucher (such as a ticket);
- iii. Credits on the credit meter; or
- iv. Through the use of a cashless transaction system.

(b) Available Games and Game Rules. The available games are displayed on the Player Terminal's video screen or otherwise prominently displayed on the terminal. The rules of the game are also displayed either prominently on the terminal or a help screen.

(c) Display of Game Results. Although the results of the bingo game may be shown using entertaining video and/or mechanical displays, the player may have the option to view the electronic bingo card and current ball draw on the video screen of the Player Terminal.

(d) Accountability Following Play. Following play on a Player Terminal, the result shall be displayed and prizes awarded. Prizes may be dispensed in the form of cash, coin, cash voucher, credits placed on the Player Terminal's credit meter, merchandise or through a cashless transaction system.

**§ 208.3.3.2 General Operating Procedures.** The following are general rules that govern the conduct of Bingo games using Player Terminals:

(a) Electronic Player Terminals must be designed to comply with the standards defined in Sections 3, 4 and 5 of the Compact, where applicable; and

(b) If the electronic equipment uses a bar code or microchip reader, the reader shall be tested periodically, by an entity independent of bingo personnel, to determine that it is correctly reading the bar code or the microchip.

(c) For purposes of this standard, a game server and an accounting server may be housed in the same physical device. This device must be separate from the players terminals and must be kept in a secured location within the gaming venue.

**§ 208.3.3.3 Game Server Requirements.** For Player Terminals connected to a game server, the following standards shall apply:

(a) The game server shall generate and transmit to the bank of Player Terminals a set of random numbers, colors and/or symbols, some of which are drawn prior to the sale of bingo cards. The subsequent game results are determined at the Player Terminal and the resulting information is transmitted to the account server;

(b) The game servers shall be housed in a game server room or secure locked cabinet outside of the Player Terminal;

(c) The following are the Bonanza-Style Bingo Game Server requirements for ball drawing:

- i. The balls shall be drawn via an approved electronic RNG certified for use in the game of Bingo or be drawn by an approved Mechanical RNG (such as a ball blower);

- ii. The operator shall have no discretion over which balls are drawn; and

- iii. The Game Server shall have the ability to pre-draw and transmit the drawn balls to the individual Player Terminals prior to the sale of cards for that game, provided that it is understood that not all balls need to be pre-drawn.

§ 208.3.4 Electronic Instant Bingo

§ 208.3.4.1 *General Statement.* Players receive, after the payment of a fee, an Electronic Instant Bingo card. A player wins if his or her card contains a combination of symbols or numbers which was designated in advance of the game as a winning combination. There may be multiple winning combinations in each game and multiple winning cards. Electronic Instant Bingo games authorized by this Act shall only utilize Player Terminals which allow players to purchase and play Electronic Instant Bingo cards. Consistent with this intent, each Player Terminal employed in an Electronic Instant Bingo game shall meet the following minimum standards<sup>1</sup>:

(a) Payment to Begin Play. A player may purchase an opportunity to play an Electronic Instant Bingo game at a Player Terminal, either through the insertion of:

- i. Coins or currency;
- ii. Cash Voucher (such as a ticket);
- iii. Credits on the credit meter; or
- iv. Through the use of a cashless transaction system.

(b) Available Games and Game Rules. The available games are displayed on the Player Terminal's video screen or otherwise prominently displayed on the terminal. The rules of the game are also displayed either prominently on the terminal or on a help screen.

(c) Display of Game Results. After the player purchases an Electronic Instant Bingo card, the combination of numbers or symbols on that card is revealed to the player. The results of the Electronic Instant Bingo card shall be shown to the player using entertaining video and/or mechanical displays.

(d) Accountability Following Play. Following play on a Player Terminal, the result shall be displayed and prizes awarded. Prizes may be dispensed in the form of cash coin, cash voucher, placed on the credit meter, merchandise or through a cashless transaction system.

§ 208.3.4.2 *General Operating Procedures.* The following are general rules that govern the conduct of Instant Bingo games using Player Terminals.

(a) Electronic Instant Bingo terminals must be designed to comply with the standards defined above, where applicable and not modified by this section.

(b) Electronic Instant Bingo terminals, to be distinguished from "slot machines" (the latter not being allowed) must operate in a manner in that the card which the player purchases already has a game outcome on it<sup>2</sup> and the purchase of which allows for payment. Therefore, it appears to be assumed that a player must purchase an opportunity or game outcome from a predetermined set of game outcomes or instant bingo cards.

(c) Such predetermined set, noted in (b) above would need to be a finite pool of predefined sets of outcomes, but need not be a pool of outcomes that are dispensed "without replacement."

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<sup>1</sup> It should be noted that the Statute is unclear as to whether or not instant bingo games can be played on the same terminals that offer Bonanza-Style Bingo, Electronic Instant Bingo or Amusement Games; however, taking the document as a whole, we believe this to be allowed. It should also be known that a discrepancy exists between various parts of the Instant Bingo language as to whether or not cards contain numbers and/or symbols. The Statutory definition allows players to receive numbers or symbols but later on in the document under game play, it only references numbers which, in fact, are symbols. We have elected to allow either to be received by the player.

- (d) The dispensing of the predetermined outcome must be performed randomly<sup>2</sup>.

## § 208.4 Player Terminal Hardware Requirements

### § 208.4.1 Compact Document Regulations

§ 208.4.1.1 *General Statement.* Player Terminals used in connection with electronic games shall conform to the following standards:

(a) No Player Terminal shall be capable of being used as a stand-alone unit for the purposes of engaging in any game not permitted by this act;

(b) In addition to a video monitor or other electromechanical display, each Player Terminal may have one or more of the following: a printer, graphics and signage;

(c) Each Player Terminal may have one or more of the following: electronic buttons, touch screen capability, and a mechanical, electromechanical or electronic means of activating the game and providing player input, including a means for making player selections and choices in games;

(d) Each Player Terminal shall have a nonvolatile backup memory or its equivalent, which shall be maintained in a secure compartment on each Player Terminal for the purpose of storing and preserving a redundant set of critical data which has been error checked in accordance with this Act, and which data shall include, at a minimum, the following Player Terminal information:

- i. Electronic meters required by paragraph 7 of the Compact Document;
- ii. Recall of all wagers and other information associated with the last ten (10) plays; and
- iii. Error conditions that may have occurred on the Player Terminal.

(e) An on/off switch that controls the electrical current that supplies power to the Player Terminal, which must be located in a secure place that is readily accessible within the interior of the Player Terminal;

(f) The operation of each Player Terminal must not be adversely compromised or affected by static discharge, liquid spills, or electromagnetic interference.

### § 208.4.2 Additional Regulations

§ 208.4.2.1 *General Statement.* This section reflects additional requirements that are not required in the Compact but may be required by either the MICS or required to be added to provide basic security and accountability to the equipment which was previously unspecified. The rules within this chapter apply to all types of Authorized Games, unless noted otherwise. NOTE: It should be noted that all of these rules shall be “where applicable” (e.g., if the device does not have a mechanical display, adherence to ‘Mechanical Display’ requirements are not required.) In addition, the regulations within this section (208.4.2) may not apply to every authorized game. Again, the “where applicable” standard should be followed.

§ 208.4.2.2 *Terminal Security.* The Player Terminal shall be robust enough to withstand forced illegal entry which would leave behind evidence of the attempted entry, unless such entry causes an error code or is cleared at the commencement of a new play, and which does not affect the subsequent play or any other play, prize or aspect of the game.

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<sup>2</sup> Based on our reading, Instant Bingo Cards are game outcomes that must be created prior to game play. We note that tickets must be finite in number, but may be replaced or not at the end of each game play (allow either replacement or not replacement).

§ 208.4.2.3 *Player Safety.* Electrical and mechanical parts and design principals of the Player Terminal may not subject a player to any physical hazards. The gaming Test Laboratory shall NOT make any finding with regard to Safety and EMC testing, as that is the responsibility of the manufacturer of the goods or those that purchase the goods. Such Safety and EMC testing may be required under separate statute, regulation, law, or Act and should be researched accordingly by those parties who manufacture or purchase said devices. The Gaming Test Laboratory shall not test for, be liable for, nor make a finding relating to these matters.

§ 208.4.2.4 *Microprocessor Controlled.* Amusement Games must be controlled by one (1) or more microprocessors or the equivalent in such a manner that the game is controlled by the microprocessor.

§ 208.4.2.5 *Cabinet Wiring.* The Player Terminal shall be designed so that power and data cables into and out of the Player Terminal can be routed so that they are not accessible to the general public. This is for game integrity reasons only, not for health and safety. Security-related wires and cables that are routed into a logic area shall not be able to be easily removed.

§ 208.4.2.6 *Player Terminal Identification.* A Player Terminal shall have a not easily removable, without leaving evidence of tampering, identification badge, permanently affixed to the exterior of the cabinet by the manufacturer, and this badge shall include the following information:

- (a) The manufacturer;
- (b) A unique serial number;
- (c) The Player Terminal model number; and
- (d) The date of manufacture.

§ 208.4.2.7 *Tower Light.* The Player Terminal shall have a light located conspicuously on top of the terminal that automatically illuminates when a player has won an amount or is redeeming credits that the Player Terminal cannot automatically pay, or an error condition has occurred (including 'Door Open'), or a 'Call Attendant' condition has been initiated by the player. This requirement may be substituted for an audible alarm at the discretion of the supplier.

§ 208.4.2.8 *Power Surges.* The Player Terminal shall not be adversely affected, other than resets, by surges or dips of  $\pm 20\%$  of the supply voltage. NOTE: It is acceptable for the equipment to reset provided no damage to the equipment or loss or corruption of data is experienced in the field.

§ 208.4.2.9 *Coin Diverter.* For games that accept coins or tokens, the Player Terminal must utilize a coin 'Diverter' that directs coins to the hopper, or to the drop box when the hopper is full. The hopper full detector shall be monitored by the control program to determine whether a change in diverter status is required. If the state of the detector changes, the diverter shall operate as soon as possible, or within ten (10) games, after the state change, without causing a disruption of coin flow, or creating a coin jam. Hopperless Player Terminals shall always divert coins to the drop box.

§ 208.4.2.10 *Drop Box.* If the game is equipped to accept coins or tokens, then the following rules shall be met:

- (a) Each Player Terminal equipped to accept coins or tokens shall contain a separate drop bucket or drop box to collect and retain all such coins or tokens that are diverted into the drop box;
- (b) A drop bucket shall be housed in a locked compartment separate from any other compartment of the Player Terminal; and

(c) There must be a method to monitor the drop box area, even if manufactured by a different company.

**§ 208.4.2.11** *External Doors/Compartments.* The following rules shall apply to the Player Terminal's external doors:

(a) Doors shall be manufactured of materials that are suitable for allowing only legitimate access to the inside of the cabinet (i.e., doors and their associated hinges shall be capable of withstanding determined illegal efforts to gain access to the inside of the Player Terminal and shall leave evidence of tampering if an illegal entry is made);

(b) All external doors shall be locked and monitored by door access sensors, which shall detect and report all external door openings, both to the Player Terminal by the way of an error and to an on-line system. NOTE: The drop box door open does not have to cease game play; however, it must still illuminate the tower light or alarm and notify the on-line system;

(c) It shall not be possible to insert a device into the Player Terminal that will disable a door open sensor when the machine's door is closed, without leaving evidence of tampering; and

(d) The sensor system shall register a door as being open when the door is moved from its fully closed and locked position.

**§ 208.4.2.12** *Logic Compartment.* The logic compartment is a locked cabinet area (with its own locked door), which houses Critical Electronic Components that have the potential to significantly influence the operation of the Player Terminal. There may be more than one (1) such logic area in a Player Terminal. Electronic component items that are required to be housed in one (1) or more logic areas are:

(a) CPUs and other electronic components involved in the operation and calculation or display of game play (e.g., game controller electronics and components housing the game or system firmware program storage media); and

(b) Communication controller electronics, and components housing the communication program storage media or, the communication board for the on-line system may reside outside the Player Terminal.

**§ 208.4.2.13** *Coin and Currency Compartments.* The coin and currency compartments shall be locked separately from the main cabinet area, except that a separate cash compartment shall not be required for coins necessary to pay prizes in a Player Terminal that pays prizes through a drop hopper. Coin and Currency compartments must also meet the following rules:

(a) Access to currency storage area is to be secured via separate key locks and shall be fitted with sensors that indicate door open/close or stacker removed.

(b) Access to the currency storage area is to be through two (2) levels of locks (the relevant outer door plus one other door or lock) before the receptacle or currency can be removed.

**§ 208.4.2.14** *Function of a RAM Clear.* Following the initiation of a RAM reset procedure (utilizing a certified RAM Clear method), the game program shall execute a routine, which initializes each and every bit in RAM to the default state. For games that allow for partial RAM clears, the methodology in doing so must be accurate and the game must validate the un-cleared portions of RAM. The default reel position or game display after a RAM reset shall not be the top award on any selectable line. The default game display, upon entering game play mode, shall also not be the top award. This applies to the base game only and not any secondary bonus devices.

**§ 208.4.2.15** *Configuration Setting.* It shall not be possible to change a configuration setting that causes an obstruction to the electronic accounting meters without a RAM Clear.



Notwithstanding, any such change must be done by a secure means, which includes access to the locked logic area.

**§ 208.4.2.16** *Critical Memory Defined.* Critical memory storage shall be maintained by a methodology that enables errors to be identified and corrected in most circumstances. This methodology may involve signatures, checksums, partial checksums, multiple copies, timestamps and/or effective use of validity codes. Critical memory is used to store all data that is considered vital to the continued operation of the Player Terminal. This includes, but is not limited to:

- (a) All electronic meters required in ‘Electronic Metering within the Player Terminal, including last bill data and power up and door open metering;
- (b) Current credits;
- (c) Player Terminal/game configuration data;
- (d) Information pertaining to the last ten (10) plays with the RNG outcome (including the current game, if incomplete); and
- (e) Software state (the last normal state the Player Terminal software was in before interruption).

**§ 208.4.2.17** *Critical Memory Integrity.* Comprehensive checks of Critical Memory shall be made during each Player Terminal restart (e.g., power-up cycle). The Player Terminal Control Program shall test for possible corruption of Critical Memory. Test methodology shall detect 99.99 percent of all possible failures. In addition, all Critical Memory (Non-Volatile) shall:

- (a) Have the ability to retain data for a minimum of thirty (30) days after power is discontinued from the machine. If the method used is an ‘off chip’ battery source, it shall re-charge itself to its full potential in a maximum of twenty-four (24) hours. The shelf life shall be at least five (5) years. Random access memory that uses an off-chip back-up power source to retain its contents when the main’s power is switched off shall have a detection system which will provide a method for software to interpret and Act upon a low battery condition;
- (b) Only be cleared by accessing the locked logic area in which it’s housed;
- (c) Result in a RAM Error if the Control Program detects an unrecoverable memory error; and
- (d) The RAM should not be cleared automatically, but shall require a full RAM clear (RAM Reset) performed by an authorized person.

**§ 208.4.2.18** *Program Storage Devices (PSDs).* All PSD’s (Writable/Non-Writable), including EPROMs, DVD, CD-ROM, Compact Flash and any other type of Program Storage Devices shall:

- (a) Be clearly marked with sufficient information to identify the software and revision level of the information stored in the devices and shall only be accessible with access to the locked logic compartment, where applicable.
- (b) Is housed within a locked logic compartment.

**§ 208.4.2.19** *Write Once (Non-Writable) Program Storage.* For Program Storage Devices that are written to once (i.e., EPROM, CD), the following rules shall be met:

- (a) CD-ROM specific based Program Storage shall:
  - i. Not be a re-writeable disk; and
  - ii. The “Session” shall be closed to prevent any further writing.

(b) Non-EPROM specific (including CD-ROM) Program Storage shall meet the following rules:

i. The Control Program shall authenticate all Critical Files by employing a hashing algorithm which produces a 'Message Digest' output of at least 128 bits at minimum, as certified by the Test Laboratory and agreed upon by the jurisdiction. The Message Digest(s) shall be stored on a memory device (ROM-based or other medium) within the Player Terminal. Message Digests which reside on any other medium shall be encrypted, using a public/private key algorithm with a minimum of a 512 bit key. However, a 768 bit key is recommended, or an equivalent encryption algorithm with similar security certified by the Test Laboratory and agreed upon by the jurisdiction.

ii. The Player Terminal shall authenticate all Critical Files against the stored Message Digest(s), as required in (i), above. In the event of a failed authentication after the game has been powered up, the Player Terminal should immediately enter an error condition with the appropriate tower light signal and record the details including time and date of the error in a log. This error shall require operator intervention to clear. The game shall display specific error information and shall not clear until either the file authenticates properly, following the operator intervention, or the medium is replaced or corrected, and the device's memory is cleared, the game is restarted, and all files authenticate correctly.

NOTE: The values in (i) and (ii), above will constantly be re-evaluated based on technology advancements and new security methods available.

**§ 208.4.2.20** *Writable Program Storage.* This section applies to Player Terminals where the control program is capable of being erased and re-programmed without being removed from the Player Terminal, bill changer or other equipment or related device shall meet the following requirements:

(a) Re-programmable Program Storage shall only write to alterable storage media containing data, files, and programs that are not critical to the basic operation of the game, such as marketing information. Notwithstanding the foregoing, such device may write to media containing critical data, files, and programs provided that:

i. A log of all information that is added, deleted, and modified be stored on the media;

ii. Verifies the validity of all data, files, and programs which reside on the media using the methods listed in the Non-EPROM Specific requirements;

iii. Contains appropriate security to prevent unauthorized modifications;

iv. Does not allow game play while the media containing the critical data, files, and programs is in a modifiable state; and

v. For System-Based Player Terminal control program downloading, the rules outlined within Section 208.6.9, of this document shall also comply.

**§ 208.4.2.21** *Integrity of the Control Program.* The control program shall ensure the integrity of all critical program components during the execution of said components and the first time the files are loaded for use (even if only partially loaded), where applicable. NOTE: RAM and PSD (Program Storage Device) space that is not critical to machine security (e.g., video or sound ROM) are not required to be validated, although the Test Laboratory recommends a method be in place for the files to be tested for corruption. If any of the video or sound files contain payout amounts or other information needed by the player, the files or program storage must have a secure method of verification.

**§ 208.4.2.22** *Multi-Station Games.* A Multi-Station game is a gaming device that incorporates more than one (1) Player Terminal which may be controlled by a master terminal. The master terminal, containing the game's CPU, will house the game display, which is shared among the Player Terminals. Each 'station' must meet the technical standards outlined throughout this document, including Player Terminal identification and metering. NOTE: There must be a method for each player to know when the next game will begin.

**§ 208.4.2.23** *Circuit Board (PCB) Identification.* Requirements for PCB identification:

(a) Each printed circuit board (PCB) shall be identifiable by some sort of name (or number) and revision level;

(b) The top assembly revision level of the PCB shall be identifiable (if track cuts and/or patch wires are added to the PCB, then a new revision number or level shall be assigned to the assembly); and

(c) Manufacturers shall ensure that circuit board assemblies, used in their Player Terminals, conform functionally to the documentation and the certified versions of those PCBs that were evaluated and certified by the Test Laboratory.

**§ 208.4.2.24** *Mechanical Devices Used for Displaying Game Outcomes.* If the game has mechanical or electro-mechanical devices, which are used for displaying game outcomes, the following rules shall be observed:

(a) Electro-mechanically controlled display devices (e.g., reels or wheels) shall have a sufficiently closed loop of control so as to enable the software to detect a malfunction, or an attempt to interfere with the correct operation of that device. This requirement is designed to ensure that if a reel or wheel is not in the position it is supposed to be in, an error condition will be generated;

(b) Mechanical assemblies (e.g., reels or wheels) shall have some mechanism that ensures the correct mounting of the assembly's artwork, if applicable;

(c) Displays shall be constructed in such a way that winning symbol combinations match up with pay lines or other indicators; and

(d) A mechanical assembly shall be so designed that it is not obstructed by any other components.

**§ 208.4.2.25** *Video Monitors/Touchscreens.* Games that have video monitors must meet the following rules, as applicable:

(a) Touch screens (if applicable) shall be accurate, and once calibrated, shall maintain that accuracy for at least the manufacturer's recommended maintenance period;

(b) A touch screen (if applicable) should be able to be re-calibrated by venue staff without access to the Player Terminal cabinet other than opening the main door; and

(c) There shall be no hidden or undocumented buttons/touch points (if applicable) anywhere on the screen, except as provided for by the game rules that affect game play.

**§ 208.4.2.26** *Coin Or Token Acceptors.* If the Player Terminal uses a coin acceptor, the acceptor shall accept or reject a coin on the basis of metal composition, mass, composite makeup, or equivalent security. In addition, it shall meet the following rules:

(a) Coin Acceptor Security Features/Error Conditions. The coin acceptor shall be designed to prevent the use of cheating methods such as slugging (counterfeit coins), stringing (coin pullback), the insertion of foreign objects and other manipulation;

(b) Rapidly Fed Coins. The Player Terminal shall be capable of handling rapidly-fed coins or piggy backed coins so that occurrences of cheating are eliminated;

(c) Direction Detectors. The Player Terminals shall have suitable detectors for determining the direction and the speed of coin travel in the receiver. If a coin traveling at too slow of a speed or improper direction is detected, the Player Terminal shall enter an error condition and display an error condition for at least thirty (30) seconds or be cleared by an attendant;

(d) Invalid Coins. Coins deemed invalid by the acceptor shall be rejected to the coin tray and shall not be counted as credits;

(d) Coin Acceptance Conditions. Acceptance of coins for crediting to the credit meter shall only be possible when the Player Terminal is enabled for play. Other states, such as error conditions, including door opens, audit mode and game play, shall cause the disabling of the coin acceptor system;

(e) Credit Meter Update on Coin Insertion. Each coin inserted shall register the actual monetary value or a number of credits on the player's credit meter for the current game or bet meter. If registered directly as credits, the conversion rate shall be clearly stated, or be easily ascertainable from the Player Terminal.

**§ 208.4.2.27 Bill Acceptors.** All acceptance devices shall be able to detect the entry of valid bills, coupons, Ticket Vouchers, or other approved notes, if applicable, and provide a method to enable the Player Terminal software to interpret and Act appropriately upon a valid or invalid input. The acceptance device(s) shall be electronically-based and be configured to ensure that they only accept valid bills of legal tender. Bill acceptors may also accept coupons, Ticket Vouchers, or other approved notes and reject all others in a highly accurate manner. The bill input system shall be constructed in a manner that protects against vandalism, abuse, or fraudulent activity. In addition, bill acceptance device(s) shall only register credits when:

- (a) The bill or other note has passed the point where it is accepted and stacked; and
- (b) The acceptor has sent the "irrevocably stacked" message to the machine.

**§ 208.4.2.28 Communications.** All bill acceptors shall communicate to the Player Terminal using a bi-directional protocol.

**§ 208.4.2.29 Factory Set Bill Acceptors.** If bill acceptors are designed to be factory set only, it shall not be possible to access or conduct maintenance or adjustments to those bill acceptors in the field, other than:

- (a) The selection of bills, coupons, Ticket Vouchers, or other approved notes and their limits;
- (b) Changing of certified EPROMs or downloading of certified software;
- (c) Adjustment of the tolerance level for accepting bills or notes of varying quality should not be allowed externally to the machine. Adjustments of the tolerance level should only be allowed with adequate levels of security in place. This can be accomplished through lock and key, physical switch settings, or other accepted methods approved on a case-by-case basis;
- (d) Maintenance, adjustment, and repair per approved factory procedures; or
- (e) Options that set the direction or orientation of acceptance.

**§ 208.4.2.30 Tokenization.** For games that allow tokenization, the game shall post for the player the entire amount and not store fractional credits, unless the game maintains the credit meter in

dollars and cents. If the game stores the credit meter in dollars and cents; then this rule would not apply.

**§ 208.4.2.31** *Accountability of Bills/Tickets or Other Items Accepted.* A Player Terminal, which contains a bill acceptor device, shall maintain sufficient electronic metering to be able to report the following:

- (a) Total monetary value of all items accepted;
- (b) Total number of all items accepted; and
- (c) A breakdown of the bills accepted:
  - i. For bills, the game shall report the number of bills accepted for each bill denomination;
  - ii. For all other notes, the game shall have a separate meter that reports the number of notes accepted, not including bills.

**§ 208.4.2.32** *Bill Acceptor Recall.* A Player Terminal that uses a bill acceptor shall retain in its memory and display the denomination of the last five (5) items accepted by the Bill Acceptor (including U.S. currency, Ticket Vouchers, Coupons, etc.)

**§ 208.4.2.33** *Bill Acceptor Error Conditions.* Each Player Terminal and/or bill acceptor shall have the capability of detecting and displaying an Error Condition, for the conditions below. It is acceptable for the bill acceptor to disable or flash a light or lights to indicate the error has occurred, provided the information is communicated to the Player Terminal and the bill acceptor disables:

- (a) Stacker Full;
- (b) Bill Jams;
- (c) Bill Acceptor Door Open—where a bill acceptor door is the belly glass door, a door open signal is sufficient; and
- (d) Stacker Door Open or Stacker Removed.

**§ 208.4.2.34** *Bill Acceptor Stacker Requirements.* Each bill acceptor shall have a secure stacker and items accepted by the bill acceptor shall be deposited into the secure stacker. The secure stacker is to be attached to the Player Terminal in such a manner so that it cannot be easily removed by physical force and shall meet the following rules:

- (a) The bill acceptor device shall have a ‘stacker full’ sensor;
- (b) There shall be a separate key to access the stacker area. This key shall be separate from the main door. In addition, a separate key shall be required to remove the bills from the stacker; and
- (c) A tower light or alarm shall be activated whenever there is access to the bill door or the stacker has been removed.

**§ 208.4.2.35** *Credit Redemption.* Available credits may be collected from the Player Terminal by the player pressing the ‘COLLECT’ button at any time other than during:

- (a) A game being played;
- (b) Audit mode;
- (c) Any door open;
- (d) Test mode;

(e) A Credit Meter or Win Meter incrementation, unless the entire amount is placed on the meters when the collect button is pressed; or

(f) A payout or Memory Error Condition.

**§ 208.4.2.36** *Cancel Credit.* If credits are collected, and the total credit value is greater than or equal to a specific limit (e.g., Hopper Limit for hopper games, Printer Limit for printer games, etc.), the game shall lock up until the credits have been paid, and the handpay is cleared by an attendant.

**§ 208.4.2.37** *Hoppers & Hopper Error Conditions.* For hopper games, there shall not be an abnormal payout when the hopper is exposed to higher levels of electro-static discharge or if power is lost at any time during a payout. The hopper shall be interfaced in such a way as to allow the Player Terminal control program to monitor the hopper mechanism in all game states, to identify the following events and lock up the game in an Error Condition, requiring attendant intervention, when the following occur:

(a) Extra coin paid;

(b) Hopper jam or empty.

NOTE: The hopper shall be resistant to manipulation by the insertion of a light source or any foreign object.

**§ 208.4.3.38** *Payment By Ticket Printers.* If the Player Terminal has a printer that is used to make payments, the Player Terminal may pay the player by issuing a printed ticket. In addition, payment by ticket printers as a method of credit redemption shall meet the following rules:

(a) The printer shall be located in a locked area of the Player Terminal (e.g., require opening of the main door to access), but not located in the logic area or the drop box. This requirement ensures that changing the paper does not require access to the drop (cash) or logic areas containing Critical Electronic Components;

(b) The Player Terminal, in which the printer is housed, is linked to a Ticket Validation System, which records the ticket information. Validation approval or information shall come from the Ticket Validation System in order to validate tickets. Tickets may be validated at any location, as long as it meets the standards within this section.

(c) Provisions must be made if communication is lost, and validation information cannot be sent to the Ticket Validation System, thereby requiring the manufacturer to have an alternate method of payment. The validation system must be able to identify duplicate tickets, to prevent fraud.

(d) The printer shall print on a ticket and must provide the ticket data to a Ticket Validation System that records the following information regarding each payout ticket printed:

i. Value of credits in local monetary units in numerical form;

ii. Time of day the ticket was printed in twenty-four (24) hour format showing hours and minutes – printing of this information is not required, provided that storage of this information is in the database;

iii. Date, in any recognized format, indicating the day, month, and year;

iv. Player Terminal number or machine number; and

v. Unique validation number, or barcode.

(e) If the taxation limit is reached on any single play when using a ticket printer, then the ticket must not be able to be redeemed at any place other than through human interaction (not on another machine or at a self-serve kiosk).

(f) The Player Terminal shall either keep a duplicate copy or print only one (1) copy to the player but have the ability to retain the ticket-out information within the Cashless Transaction Log, to resolve player disputes. In addition, an approved Ticket Validation System shall be used to validate the payout ticket, and the ticket information on the system shall be retained at least as long as the ticket is valid at that location.

(g) A printer shall have mechanisms to allow the Player Terminal to interpret and Act upon the following conditions. Such conditions must disable the game, and produce an Error Condition, requiring attendant intervention to resume play:

- i. Out of paper/paper low (It is not necessary to lock up a game during a 'Paper Low' condition.);
- ii. Printer jam/failure; and
- iii. Printer disconnected – it is permissible for the Player Terminal to detect this error condition when the game tries to print.

## **§ 208.5 Player Terminal Software Requirements**

### **§ 208.5.1 Compact Document Regulations**

**§ 208.5.1.1 *General Statement.*** A Player Terminal must:

(a) Have electronic accounting meters which have tally totals to a minimum of seven (7) digits and be capable of rolling over when the maximum value of at least 9,999,999 is reached. The Player Terminal must provide a means for on-demand display of the electronic meters via a key switch or other secure method on the exterior of the machine. Electronic meters on each Player Terminal for each of the following data categories are required:

- i. Credits, or equivalent monetary units, deposited on a cumulative basis on that Player Terminal,
- ii. If a Player Terminal offers more than one Electronic Bonanza-Style Bingo game, *instant bingo games* or electronic amusement game for play, then for each game, the meter shall record the number of credits, or equivalent monetary units, wagered and won for each game,
- iii. Hand-paid and progressive jackpots paid for that terminal, which must include the cumulative amounts paid by an attendant for any such jackpot not otherwise metered pursuant to subparagraph 'b' of this paragraph,
- iv. The number of electronic games played on the Player Terminal, and
- v. The number of times the cabinet door is opened or accessed.

(b) Under no circumstances shall the Player Terminal electronic accounting meters be capable of being automatically reset or cleared, whether due to an error in any aspect of its or a game's operation or otherwise. All meter readings must be recorded and dated both before and after an electronic accounting meter is cleared;

(c) At a minimum, each Player Terminal shall have the following game information available for display on the video screen and/or displayed on the Player Terminal itself, in a location conspicuous to the player:

- i. The rules of the game being played,
- ii. The maximum and minimum cost of a wager, purchase or play activation and the amount of credits, or cash equivalents, which may be won for each game offered through that terminal,
- iii. The player's credit balance,
- iv. The outcome of the game then being played, and
- v. Any prize won on the game then being played;

(d) The video screen or other means for displaying game rules, outcomes and other game information shall be kept under a glass or other transparent substance which places a barrier between the player and the actual surface of the display. At no time may stickers or other removable media be placed on the Player Terminal's face for purposes of displaying rules or payouts;

(e) No hardware switches may be installed on a Player Terminal or any associated equipment which may affect the outcome or payout of any game for which the Player Terminal is used. Switches may be installed to control the ergonomics of the Player Terminal; and

(f) Where the electronic game system or components are linked with one another in a local network for progressive jackpot, function sharing, aggregate prizes or other purposes, communication protocols must be used which ensure that erroneous data or signals will not adversely affect the operations of any such system or components.

## **§ 208.5.2 Additional Regulations**

**§ 208.5.2.1 *General Statement.*** This section reflects additional requirements that are not required in the Compact but may be required by either the MICS or required to be added to provide basic security and accountability to the equipment which was unspecified previously. The rules within this chapter apply to all types of Authorized Games, unless noted otherwise. NOTE: It should be noted that all of these rules shall be "where applicable" (e.g., if the device does not have a mechanical display, adherence to 'Mechanical Display' requirements are not required.) In addition, the regulations within this section (208.5.2) may not apply to every authorized game. Again, the "where applicable" standard should be followed.

**§ 208.5.2.2 *Game Cycle.*** A game is considered completed when the final transfer to the player's credit meter takes place (in case of a win), or when all credits wagered or won that have not been transferred to the credit meter, are lost. The following are all considered to be part of a single game:

- (a) Games that trigger a free game feature and any subsequent free games;
- (b) "Second screen" bonus feature(s);
- (c) Games with player choice (e.g., Draw Poker or Blackjack);
- (d) Games where the rules permit wagering of additional credits (e.g., Blackjack insurance or the second part of a two-part Keno game); and
- (e) Double-up/Gamble features.

**§ 208.5.2.3 *RNG Requirements.*** Where the authorized game or system uses a RNG to make selections, such RNG and the selections shall:

- (a) Be statistically independent;



- (b) Conform to the desired random distribution;
- (c) Pass various recognized statistical tests;
- (d) Be unpredictable;
- (e) Be cycled continuously in the background between games and during game play at a speed that cannot be timed by the player. NOTE: The Test Laboratory recognizes that at some time during the game, the RNG may not be cycled when interrupts may be suspended. The Test Laboratory recognizes this but shall find that this exception shall be kept to a minimum.
- (f) Randomly determine the first seed by an uncontrolled event. After every game there shall be a random change in the RNG process (new seed, random timer, delay, etc.). This will verify the RNG doesn't start at the same value, every time. It is permissible not to use a random seed; however, the manufacturer must ensure that games will not synchronize.
- (g) If a random number with a range shorter than that provided by the RNG is required for some purpose within the Player Terminal, the method of re-scaling, (i.e., converting the number to the lower range), is to be designed in such a way that all numbers within the lower range are equally probable.
- (h) If a particular random number selected is outside the range of equal distribution of rescaling values, it is permissible to discard that random number and select the next in sequence for the purpose of re-scaling.
- (i) Unless otherwise denoted on the payglass, where the Player Terminal plays a game that is recognizable such as Poker, Blackjack, etc., the same probabilities associated with the live game shall be evident in the simulated game. For example, the odds of drawing a specific card or cards in Poker shall be the same in the live game as if a physical deck of cards were being used. Card games also must meet the following:
  - i. Cards once removed from the deck shall not be returned to the deck except as provided by the rules of the game depicted; and
  - ii. As cards are removed from the deck they shall be immediately used as directed by the Rules of the Game (i.e., the cards are not to be discarded due to adaptive behavior by the Player Terminal); and
- (j) Where used, mechanical-based RNG games are games that use the laws of physics to generate the outcome of the game. All mechanical-based RNG games must meet the requirements of this document with the exception of the regulations stated above that dictate the requirements for electronic RNGs. NOTE: As a part of the test results, the Test Laboratory will advise the regulator, to the degree it can, if any of the parts of the device are subject to deterioration so that the regulator can take appropriate action.
- (k) Each possible permutation or combination of game elements that produces winning or losing game outcomes shall be available for random selection at the initiation of each play, unless otherwise denoted by the game;
- (l) A Player Terminal shall use appropriate communication protocols to protect the RNG and random selection process from influence by associated equipment, which may be communicating with the Player Terminal.

**§ 208.5.2.4** *Software Requirements for Percentage Payout.* Each game shall theoretically pay out a minimum of 75% during the expected lifetime of the game. The game's player return over the cycle of both the bonus and non-bonus part of the game shall conform to the minimum theoretical return to player. In addition, the game must meet the following rules:

(a) Optimum Play Used for Skill Games. Player Terminals that may be affected by player skill shall meet the Percentage Payout requirement, provided one is set, when using a method of play that will provide the greatest return to the player over a period of continuous play.

(b) Minimum Percentage Requirement Met at All Times. The minimum percentage requirement shall be met at all times. The minimum percentage requirement shall be met when playing at the lowest end of a non-linear paytable (i.e., if a game is continuously played at a minimum bet level for its total game cycle and the theoretical RTP is lower than the minimum percentage, then the game is unacceptable).

(c) Double-up or Gamble. The Double-up or Gamble options shall have a theoretical return to the player of one hundred percent (100%) unless otherwise noted to the player. The Test Laboratory shall provide the minimum and maximum theoretical payout percentage within the certification report. Additional awards added to a game will require a re-evaluation of the theoretical payout percentage, considering the value of the award and possibly other factors. The Test Laboratory will re-evaluate a game's theoretical payout percentage when requested. In addition, the game must meet the following rules:

**§ 208.5.2.5 Multiple Percentages.** For games that offer multiple percentages, please refer to the 'Configuration Setting' requirements of this document. For games connected by a network, security measures will be reviewed on a case-by-case basis.

**§ 208.5.2.6 Merchandise Prizes in Lieu of Cash Awards.**

(a) Limitations (annuities – lump sum or the periodic payments) on the prize amount of merchandise shall be clearly explained to the player on the game that is offering such a prize.

**§ 208.5.2.7 Bonus Games.** If the game contains a 'bonus feature' including a game within a game, the following rules shall be met:

(a) The game shall display clearly to the player which game rules apply to the current game state;

(b) Each game which offers Free Games during game play (i.e., "fever" mode - a mode which gives the player an opportunity for the following 'X' number of hands to achieve a certain winning combination with the pay-off being some number of bonus credits) should include the number of hands remaining for the Free Game event(s) as each Free Game is played;

(c) The game, other than those that occur randomly, shall display to the player sufficient information to indicate the current status towards the triggering of the next bonus game (i.e., if the game requires obtaining several events/symbols towards a feature, the number of events/symbols needed to trigger the bonus shall be indicated along with the number of events/symbols collected at any point);

(d) The game shall not adjust the likelihood of a bonus occurring, based on the history of prizes obtained in previous games (i.e., games shall not adapt their theoretical return to player based on past payouts);

(e) If a bonus or feature game requires extra credits to be wagered and the game accumulates all winnings (from the trigger and the feature) to a temporary "win" meter (rather than directly to the credit meter), the game shall:

i. Provide a means where winnings on the temporary meter can be bet (via the credit meter) to allow for instances where the player has an insufficient credit meter balance to complete the feature;

- ii. Transfer all credits on the temporary meter to the credit meter upon completion of the feature;
- iii. Not exceed the max bet limit, if one is set; and
- iv. Provide the player an opportunity NOT to participate.

(f) If a game's bonus is triggered after accruing a certain number of events/symbols or combination of events/symbols of a different kind, the probability of obtaining like events/symbols shall not deteriorate as the game progresses (e.g., for identical events/symbols it is not permitted that the last few events/symbols needed are more difficult to obtain than the previous events/symbols of that kind);

(g) The game shall make it clear to the player that they are in this mode to avoid the possibility of the player walking away from the Player Terminal not knowing the game is in a bonus mode; and

(h) Games that have an award calculated, occurring from game play within the base game's cycle made upon the completion of a series of random occurrences, shall meet the following:

- i. Extended play awards are part of the game cycle with predetermined award values. Extended play award contributions to the program payout percentage are calculated consistent with awards of the regular game cycle. Specifically, if the cycle for extended play awards is different from the base game cycle, then the extended play awards, occurring within the base game's cycle, will be calculated as part of the game's payout; and
- ii. Pursuant to the rules, the game shall display the rules of play for the extended play awards, the rewards associated with each extended play award, and the character combinations that will result in specific payouts. For extended play awards achieved by obtaining specific game results, the progress of the award shall be displayed.

**§ 208.5.2.8 *Multi-Line Games.*** Each individual line to be played shall be clearly indicated by the Player Terminal so that the player is in no doubt as to which lines are being bet on. In addition, the winning playline(s) shall be clearly discernable to the player. (e.g., on a video game it may be accomplished by drawing a line over the symbols on the playline(s) and/or the flashing of winning symbols and line selection box. Where there are wins on multiple lines, each winning playline may be indicated in turn. This would not apply to games that use mechanical reels).

**§ 208.5.2.9 *Multiple Games offered for Play at one Player Terminal.*** The following rules apply to Player Terminals that offer more than one (1) game to be played:

- (a) The methodology employed by a player to select and discard a particular game for play on a multi-game Player Terminal shall be clearly explained to the player on the Player Terminal, and be easily followed.
- (b) The Player Terminal shall be able to clearly inform the player of all games, their rules and/or the paytables before the player must commit to playing them.
- (c) The player shall at all times be made aware of which game has been selected for play and is being played, as applicable.
- (d) The player shall not be forced to play a game just by selecting that game. The player shall be able to return to the main menu.

(e) It should not be possible to start a new game before the current play is completed and all relevant meters have been updated (including features, gamble and other options of the game) unless the action to start a new game terminates the current play in an orderly manner.

(f) The set of games offered to the player for selection, or the payable, can be changed only by a secure certified method which includes turning on and off games available for play through a video screen interface. The rules outlined in 'Configuration Setting' of this document shall govern the RAM Clear control requirements for these types of selections. However, for games that keep the previous payable's (the payable just turned off) data in memory, a RAM clear is not required.

(g) No changes to the set of games offered to the player for selection (or to the payable) are permitted while there are credits on the player's credit meter or while a game is in progress.

**§ 208.5.2.10 Access to Player Terminal Meters.** The software meter information shall only be accessible by an authorized person.

**§ 208.5.2.11 Credit Meter.** The credit meter shall be maintained in credits or cash value. In addition, it must meet the following, where applicable:

- (a) Progressives may be added to the credit meter if either:
- i. The credit meter is maintained in the local currency amount; or
  - ii. The progressive meter is incremented to whole credit amounts; or
  - iii. The prize in the local currency amount is converted to credits on transfer to the player's credit meter in a manner that does not mislead the player (i.e., make unqualified statement "wins meter amount" and then rounds down on conversion) or cause accounting imbalances.

(b) Residual Credits. If the current local currency amount is not an even multiple of the tokenization factor for a game or the credit amount has a fractional component, the won credits displayed for that game may be displayed and played as a truncated amount (i.e., fractional part removed). However, the fractional credit information shall be made available to the player when the truncated credit balance is zero. The fractional amount is also known as 'Residual Credits.' If residual credits exist, the manufacturer may provide a residual credit removal feature or allow a cancel credit or ticket print to remove the residual credits or return the Player Terminal to normal game play (i.e., leave the residual credits on the player's credit meter for betting). In addition:

- i. Residual credits bet on the residual credit removal play shall be added to the Coins-In (or Cash In) meter;
- ii. If the residual credit removal play is won, the value of the win shall either:
  - (1) Increment the player's credit meter; or
  - (2) Be automatically dispensed, and the value of the coin(s) added to the Coins-Out (or Cash Out) meter.
- iii. All other appropriate Player Terminal meters (e.g., Hopper Level) shall be appropriately updated;
- iv. If the residual credit removal play is lost, all residual credits are to be removed from the credit meter;
- v. If the residual credits are cancelled rather than wagered, the Player Terminal shall update the relevant meters (e.g., cancelled credit) and the last play information;

- vi. The residual credit removal play feature shall return at least the minimum payback percentage, if one is set;
- vii. The player's current options and/or choices shall be clearly indicated electronically or by video display. These options shall not be misleading;
- viii. If the residual credit removal play offers the player a choice to complete the game (e.g., select a hidden card), the player shall also be given the option of exiting the residual credit removal mode and returning to the previous mode;
- ix. It shall not be possible to confuse the residual credit removal play with any other game feature (e.g., Double-up or Gamble);
- x. If the residual credit removal play is offered on a multi-game Player Terminal, the play shall (for meter purposes of each individual game) either be considered to be a part of the game from which the play was invoked, or be treated as a separate game; and
- xi. The Last Game Recall shall either display the residual credit removal play result or contain sufficient information (e.g., updated meters) to derive the result.

**§ 208.5.2.12 *Electronic Accounting and Occurrence Meters.*** Electronic accounting meters shall be at least seven (7) digits in length. If the meter is being used in dollars and cents, at least eight (9) digits must be used for the dollar amount. The meter must roll over to zero upon the next occurrence any time the meter is seven (7) digits or higher and after 9,999,999 has been reached (or any other value that is logical). Occurrence meters shall be at least three (3) digits in length and roll over to zero upon the next occurrence any time the meter is higher than the maximum number of digits for that meter. The required electronic meters are as follows (accounting meters are designated with an asterisk '\*'):

- (a) The Amounts Wagered\* (OR cash in) meter shall cumulatively count the total amounts wagered during game play, except credits that are won during the game that are subsequently risked in a double-up mode.
- (b) The Amounts Won\* (OR credit out) meter shall cumulatively count all amounts won by the player at the end of the game that were not paid by an attendant, including amounts paid by a ticket printer. This meter must not increment for bills inserted and cashed out (used as a change machine).
- (c) The drop\* meter shall maintain a cumulative count of the number of coins that have been diverted into a drop bucket and credit value of all bills and tickets/coupons inserted into the bill acceptor for play. NOTE: It is acceptable to have separate 'drop' meters for coins, bills, tickets, and coupons.
- (d) The handpays\* meter shall reflect the cumulative amounts paid by an attendant for progressive and non-progressive wins.
- (e) The games-played meter shall display the cumulative number of games played since the last RAM clear.
- (f) A cabinet door meter shall display the number of times the front cabinet door was opened since the last RAM clear.
- (g) The drop door meter shall display the number of times the drop door and the bill acceptor door was opened since the last RAM clear.
- (h) The cancelled credit\* meter shall reflect the cumulative amounts paid by an attendant that are in excess of the credit limit and residual credits that are collected. NOTE: printer games do not require a cancelled credit meter unless a 'printer limit' option exists on the game.

(i) The progressive occurrence meter shall count the number of times each progressive meter is activated.

**§ 208.5.2.13 *Multi-Game Game Specific Meters.*** In addition to the Electronic Accounting Meters required above, each individual game available for play shall have at least “Amount Bet” and “Amount Won” meters in either credits or dollars. Even if a ‘doubleup or gamble’ game is lost, the initial win amount/credits bet amount shall be recorded in the game specific meters. Alternatively, there can be separate meters that account for the double-up or gamble information. Either way, the method of metering must be understood on the screen.

**§ 208.5.2.14 *Double-Up or Gamble Meters.*** For each type of Double-up or Gamble offered, there shall be two meters to indicate the amount doubled and the amount won, which should increment every time a Double-up or Gamble occurs. If the Player Terminal does not supply accounting for the Double-Up or Gamble information, the feature must not be enabled for use.

**§ 208.5.2.15 *Cashless Transaction Log.*** All Player Terminals must have the capacity to display a complete transaction history for the most recent transaction with a cashless wagering system (this would include Tickets, Coupons, electronically transferred Promotional and/or Bonusing credits, etc.), and the previous thirty-four transactions prior to the most recent transaction that incremented any of the Accounting Meters.

**§ 208.5.2.16 *Error Conditions.*** Player Terminals shall be capable of detecting and displaying the following error conditions and illuminate the tower light for each or sound an audible alarm. They shall be cleared either by an attendant or upon initiation of a new play sequence and be communicated to an on-line monitoring and control system, if applicable:

- (a) Coin-in jam;
- (b) Coin-out jam;
- (c) Hopper empty or timed out;
- (d) Hopper runaway or extra Coin paid out;
- (e) RAM error;
- (f) Low RAM battery, for batteries external to the RAM itself or low power source;
- (g) Currency-in jam;
- (h) Program error or authentication mismatch;
- (i) Door open (including bill acceptor);
- (j) Reverse coin-in (coin traveling wrong way through acceptor);
- (k) Reel spin errors, including a mis-index condition for rotating reels, that affects the outcome of the game:
  - i. The specific reel number shall be identified in the error code;
  - ii. In the final positioning of the reel, if the position error exceeds one-half of the width of the smallest symbol excluding blanks on the reel strip; and
  - iii. Microprocessor-controlled reels shall be monitored to detect malfunctions such as a reel which is jammed, or is not spinning freely, or any attempt to manipulate their final resting position.
- (l) Power reset;

(m) Any credits on the Player Terminal that are attempted to be transferred to the host system that result in a communication failure for which this is the only available payout medium (the patron cannot cashout via hopper or ticket printer) must result in a hand-pay lockup or tilt on the Player Terminal. NOTE: For games that use error codes, a description of Player Terminal error codes and their meanings shall be affixed inside the Player Terminal. This does not apply to videobased games; however, video-based games shall display meaningful text as to the error conditions.

**§ 208.5.2.17 *Game Interruption and Resumption.*** After a program interruption (e.g., power down), the software shall be able to recover to the state it was in immediately prior to the interruption occurring and:

(a) If a Player Terminal is powered down while in an error condition, then upon restoring power, the error message shall be displayed and the Player Terminal shall remain locked-up. This is unless power-down is used as part of the error reset procedure, or if on power-up or door closure, the Player Terminal checks for the error condition and detects that the error is no longer in existence.

(b) Upon program resumption, the following procedures shall be performed as a minimum requirement:

i. Any communications to an external device shall not begin until the program resumption routine, including self-tests, is completed successfully;

ii. Player Terminal control programs shall test themselves for possible corruption due to failure of the program storage media. The authentication may use the checksum; however, it is preferred that the Cyclic Redundancy Check (CRC) calculations are used as a minimum (at least 16 bit). Other test methodologies shall be of a certified type;

iii. The integrity of all critical memory shall be checked; and

iv. Games utilizing microprocessor-controlled mechanical displays (e.g., reels or wheels), shall re-spin automatically to display the last valid game's result when the play mode is re-entered, and the reel positions have been altered.

**§ 208.5.2.18 *Door Open Events.*** When the Player Terminal's main door is opened, the game shall cease play, enter an error condition, display an appropriate error message, disable coin acceptance and bill acceptance, and either sound an alarm or illuminate the tower light or both. When the Player Terminal's main door is closed, the game shall return to its original state and display an appropriate error message, until the next game has ended. The software shall be able to detect any meter access to the following doors or secure areas:

(a) All external doors;

(b) Drop box door;

(c) Bill acceptor door.

**§ 208.5.2.19 *Taxation Reporting Limits.*** The game shall be capable of entering a lock-up condition if the sum of awards from a single game is equal to the 'Taxation Limit' and which requires an Attendant to clear (currently \$1200 per IRS limits).

**§ 208.5.2.20 *Test/Diagnostic Mode (Demo Mode).*** If in a test mode the game shall clearly indicate that it is in a test mode, not normal play, and:

(a) Any test that incorporates credits entering or leaving the Player Terminal (e.g., a hopper test) shall be completed on resumption of normal operation;

(b) There shall not be any test mode that increments any of the electronic meters (test meters are permissible provided the meter indicates as such);

(c) Any credits on the Player Terminal that were accrued during the test mode shall be cleared before the test mode is exited;

(d) The main cabinet door of the Player Terminal may automatically place the Player Terminal in a service or test-mode or may also be entered, via an appropriate instruction, from an attendant during an audit mode access; and

(e) When exiting from test mode, the game shall return to the original state it was in when the test mode was entered.

**§ 208.5.2.21 *Number Of Last Plays Required.*** Information on at least the last ten (10) games is to always be retrievable on the operation of a suitable external key-switch, or another secure method that is not available to the player. Last play information shall provide all information required to fully reconstruct the last ten (10) plays. All values shall be displayed, including the initial credits, credits bet, credits won, and credits paid. If a progressive was awarded, it is sufficient to indicate the progressive was awarded and not display the value. This information should include the final game outcome, including all player choices and bonus features. The results of Double-up or Gamble (if applicable) should also be included. The Last Game Recall shall reflect bonus rounds in their entirety. If a bonus round lasts 'x number of events,' each with separate outcomes, each of the 'x events' shall be displayed with its corresponding outcome if the outcome results in an award. The recall shall also reflect position-dependent events if the outcome results in an award. For games that may have infinite free games, there shall be a minimum of fifty (50) games recallable.

**§ 208.5.2.22 *Software Verification.*** The device shall have the ability to allow for an independent integrity check of the device's software from an outside source. This must be accomplished by being authenticated by a third-party device, which may be embedded within the game software (see NOTE) or having an interface port for a third-party device to authenticate the media. This integrity check will provide a means for field testing the software to identify and validate the program. The Test Laboratory, prior to device approval, shall approve the integrity check method. NOTE: If the authentication program is contained within the game software, the manufacturer must receive written approval from the Test Laboratory prior to submission.

## **§ 208.6 System Requirements**

**§ 208.6.1 Introduction.** This Chapter reflects System requirements as outlined within the Compact Documents, where noted, and additional requirements that are not required in the Compact but may be required by either the MICS or required to be added to provide basic security and accountability to the equipment which was unspecified previously. The rules within this chapter apply to all types of Authorized Games, unless noted otherwise. This chapter will set forth the rules and specifications for on-line accounting systems and other system functions that will monitor, record and account for the game play and address security specifications for Player Terminals that offer Amusement Games, Instant Bingo Games and Bonanza-Style Games.

### **§ 208.6.2 On-Line System—Additional Requirements**

**§ 208.6.2.1 *Introduction.*** The regulations within this section are primarily 'general' computer system requirements that apply equally to an On-Line Monitoring System (MCS) and any other system that would have an affect on critical accounting or security information (e.g., Ticket Validation System, Promotional, Bonusing Systems, etc.) unless the system type is specifically noted.



**§ 208.6.2.2 *Interface Elements.*** An Interface Element, where applicable, is any component within a system that is external to the operations of the Player Terminal that assists in the collection and processing of data that is sent to a system. All critical Interface Elements shall:

- (a) Be installed in a secure area (which may be inside a Player Terminal).
- (b) The Interface Element setup/configuration menu(s) must be not be available unless using an authorized access method.
- (c) If not directly communicating Player Terminal meters, the Interface Element must maintain separate electronic meters, of sufficient length, to preclude the loss of information from meter rollovers, or a means to identify multiple rollovers, as provided for in the connected Player Terminal. These electronic meters should be capable of being reviewed on demand at the Interface Element level via an authorized access method.
- (d) The Interface Element must retain the required information after a power loss for a period determined by the regulatory jurisdiction. If this data is stored in volatile RAM, a battery backup must be installed within the Interface Element.
- (e) If unable to communicate the required information to the MCS, the Interface Element must provide a means to preserve all mandatory meter and significant event information until at such time as it can be communicated to the MCS. Player Terminal operation may continue until critical data is overwritten and lost. There must be a method to check for corruption of the above data storage locations.
- (f) The Interface Element must allow for the association of a unique identification number to be used in conjunction with a Player Terminal file on the MCS. This identification number will be used by the MCS to track all mandatory information of the associated Player Terminal. Additionally, the MCS should not allow for a duplicate Player Terminal file entry of this identification number.

(g) A MCS may possess a Front End Processor (FEP) that gathers and relays all data from the connected Data Collectors to the associated database(s). The Data Collectors, in turn, collect all data from, connected Player Terminals. Communication between components must be a defined communication protocol(s) and function as indicated by the communication protocol(s). A MCS must provide for the following:

- i. All critical data communication shall be protocol based and/or incorporate an error detection and correction scheme to ensure an accuracy of ninety-nine percent (99%) or better of messages received; and
- ii. All critical data communication that may affect revenue and is unsecured either in transmission or implementation shall employ encryption. The encryption algorithm shall employ variable keys or similar methodology to preserve secure communication. NOTE: These standards do not preclude the use of RF technology in any of the system components, provided all security issues are addressed.

**§ 208.6.2.3 *System Server(s).*** System Server(s), networked system(s) or distributed system(s) that directs the overall operation and an associated database(s) that stores all entered and collected system information, is considered the ‘Server’. In addition, the Server shall:

- (a) Maintain an internal clock that reflects the current time (24-hr format—which is understood by the local date/time format) and data that shall be used to provide for the following:
  - i. Time stamping of Significant Events;
  - ii. Reference clock for reporting; and

- iii. Time stamping of configuration changes.
  - iv. If multiple clocks are supported, the MCS shall have a facility whereby it is able to update those clocks in MCS components where conflicting information could occur.
- (b) **Bonanza-Style Bingo Specific.** The on-line monitoring and/or Game Server shall be capable of maintaining the following accounting and event data and shall be capable of producing reports on demand, as required by the specific local regulatory authority:
- i. Data required to be maintained for each Bonanza-Style Bingo Game includes:
    - (1) Date and time of the game start and game end;
    - (2) Cards-in-play count by location;
    - (3) Identification number of winning card(s);
    - (4) Ordered list of balls or numbers drawn;
    - (5) Prize amounts awarded for each game, for each location/Player Terminal;
    - (6) All information for special games that would be required to validate a Bingo (i.e., color, special patterns, special cards, free strips, odd/even numbers, etc.); and
  - ii. Sales information for each Bingo game shall include:
    - (1) The name of the organization or hall;
    - (2) Price of card faces;
    - (3) Daily sales totals, by location;
    - (4) Game-by-game sales and prizes by location;
    - (5) Packet Sales. There shall be an easy means to determine the specific cards sold for play, for each game. Daily reports based on the calendar date must provide this information;
    - (6) Daily network summary, by game and by location (applies to multiple sites using a single server);
    - (7) Cash due and cash received reconciliation; and
- (c) **Hard/Soft Count Reconciliation** which is a log of all accounting changes (i.e., meter adjustments and sales data corrections) including the employee name/ID authorized to make the changes, the date of the change, the time of the change, and the detailed items adjusted that shall be kept on the system.

**§ 208.6.2.4 *Jackpot/Fill Functionality.*** A MCS System must have an application or facility that captures and processes every handpay message from each Player Terminal and meet the following rules:

- (a) Handpay messages must be created for single wins (jackpots), progressive jackpots and accumulated credit cash outs (canceled credits), which result in handpays.
- (b) For every single win event hand pay message confirmed at this application by personnel of proper authorization that is equal to or greater than the tax reporting threshold (established by the U.S. Internal Revenue Service; currently \$1,200), the user must be advised if the need for a W2G or 10425 (required by the US Internal Revenue Service only) to be processed, either via the MCS or manually. This option must not be capable of being overridden. The keyed

reset ability to return winnings from a taxable event to a Player Terminal should require user intervention to void the original jackpot slip that is generated.

(c) The following information is required for all slips generated with some/all fields to be completed by the MCS:

- i. Type of slip;
- ii. Numeric Slip identifier (which increments per event);
- iii. Date and Time (Shift if required);
- iv. Player Terminal number;
- v. Denomination;
- vi. Amount of Fill;
- vii. Amounts of Jackpot, Accumulated Credit, and Additional Pay;
- viii. W2G indication, if applicable;
- ix. Additional Payout, if applicable;
- x. Total before taxes and taxes withheld, if applicable;
- xi. Amount to Patron;
- xii. Total coins played and game outcome of award;
- xiii. Soft meter readings; and
- xiv. Relevant signatures as required.

NOTE: Some of the above may pertain to Fill Slips, Jackpot Slips, or both. The above information may vary dependent upon the jurisdictional Internal Controls and may or may not be required.

(d) A Fill (deposit of a predetermined, or otherwise properly authorized, token amount in a Player Terminal's hopper) is normally initiated from a hopper empty message while a Credit (removal of excess tokens from a Player Terminal) is normally user-initiated. An allowable exception to fill initiation would be where the system provides preventative or maintenance fill functionality, in which the transaction may be initiated by the system or an authorized user. Once captured, there must be adequate access controls to allow for authorization, alteration, or deletion of any of the values prior to payment or execution.

**§ 208.6.2.5** *Required MCS Functionality.* At a minimum, an MCS shall provide for the following Security and Auditability requirements:

(a) An interrogation program that enables on-line comprehensive searching of the significant event log for the present and for the previous 14 days through archived data or restoration from backup where maintaining such data on a live database is deemed inappropriate. The interrogation program shall have the ability to perform a search based at least on the following:

- i. Date and Time range;
- ii. Unique Interface Element/EGD identification number; and
- iii. Significant event number/identifier.

(b) A MCS must have a master "EGD File" which is a database of every Player Terminal in operation, including at minimum the following information for each entry. If the MCS retrieves

any of these parameters directly from the Player Terminal, sufficient controls must be in place to ensure accuracy of the information.

- i. Unique Interface Element/location identification number;
- ii. EGD identification number as assigned by the casino;
- iii. Denomination of the Player Terminal (please note that the denomination may reflect an alternative value, in the case of a multi-denomination game);
- iv. Theoretical hold of the Player Terminal; and
- v. Control program(s) within Player Terminal.

(c) Significant events are generated by a Player Terminal and sent via the Interface Element to the MCS utilizing an approved communication protocol. Each event must be stored in a database(s), which includes the following:

- i. Date and time which the event occurred;
- ii. Identity of the Player Terminal that generated the event;
- iii. A unique number/code that defines the event; or
- iv. A brief text that describes the event in the local language.

(d) The following standard events must be collected from the Player Terminal and transmitted to the system for storage:

- i. Power Resets or power failure;
- ii. Handpay Conditions (amount needs to be sent to the system):
  - (1) Player Terminal Jackpot (An award in excess of the single win
  - (2) Limit of the Player Terminal);
  - (3) Cancelled Credit Hand pay; and
  - (4) Progressive Jackpot (As per Jackpot above.)
- iii. Door Openings (any external door, that accesses a critical area, on the Player Terminal). Door switches (discrete inputs to the Interface Element) are acceptable if their operation does not result in redundant or confusing messaging.
- iv. Coin or Token-In errors ('i' and 'ii' should each be sent as a unique message, if supported by the communication protocol):
  - (1) Coin or Token jams; and
  - (2) Reverse Coins or tokens-in.

(e) Bill (Item) Acceptor Errors ('i' and 'ii' should each be sent as a unique message, if supported by the communication protocol):

- i. Stacker Full (if supported); and
- ii. Bill (Item) jam.

(f) EGD Low RAM Battery Error;

(g) Reel Spin Errors (if applicable with individual reel number identified);

(h) Coin or Token-Out Errors ('i' and 'ii' should be sent as a unique messages if supported in the protocol):

- i. Hopper jams;
  - ii. Hopper runaways or extra coins paid out; and
  - iii. Hopper empties (must be sent as a unique message).
- (i) Printer Errors (if printer supported):
- i. Printer Empty/Paper Low; and
  - ii. Printer Disconnect/Failure.

(j) The following priority events must be conveyed to the MCS where a mechanism must exist for timely notification:

- i. Loss of Communication with Interface Element;
- ii. Loss of Communication with Player Terminal;
- iii. Memory corruption of the Interface Element, if storing critical
- iv. information; and
- v. RAM corruption of the Player Terminal.

**§ 208.6.2.6** *MCS Stored Accounting Meters.* Metering information is generated on a Player Terminal and collected by the Interface Element and sent to the MCS via a communication protocol. This information may be either read directly from the Player Terminal or relayed using a delta function. The MCS must collect and store the following meter information from each Player Terminal:

- (a) Total In (credits-in);
- (b) Total Out (credits-out);
- (c) Total Dropped (coins-dropped or total value of all coins, bills and tickets dropped);
- (d) Hand Paid (handpays);
- (e) Cancelled Credits (if supported on Player Terminal);
- (f) Bills In (total monetary value of all bills accepted);
- (g) Individual Bill Meters (total number of each bill accepted per denomination);
- (h) Games-Played;
- (i) Cabinet Door (instance meter which may be based on MCS count of this event);
- (j) Drop Door(s) (instance meter which may be based on MCS count of this event);
- (k) Tickets In (total monetary value of all tickets accepted); and
- (l) Tickets Out (total monetary value of all tickets produced).

NOTE: Please refer to the Player Terminal Software Electronic Accounting and Occurrence Metering requirements for more detailed descriptions of the above meters. While these electronic accounting meters should be communicated directly from the Player Terminal to the MCS, it is acceptable to use secondary MCS calculations where appropriate.

**§ 208.6.2.7 MCS Required Reports.** Reports will be generated on a schedule determined by the Gaming Board which typically consists of daily, monthly, yearly period, and life to date reports generated from stored database information. These reports at minimum will consist of the following:

- (a) Net Win/Revenue Report for each Player Terminal;
- (b) Drop Comparison Reports for each medium dropped (examples = coins, bills) with
- (c) dollar and percent variances for each medium and aggregate for each type;
- (d) Metered vs. Actual Jackpot Comparison Report with the dollar and percent variances
- (e) for each and aggregate;
- (f) Theoretical Hold vs. Actual Hold comparison with variances;
- (g) Significant Event Log for each Player Terminal; and
- (h) Other Reports, as required by individual jurisdictions.

NOTE: It is acceptable to combine reporting data where appropriate (e.g., revenue, theoretical/actual comparison).

NOTE: For additional revenue reporting requirements when ticket drop Player Terminals are interfaced, please see 'Ticket Validation System Requirements,' below.

**§ 208.6.2.8 Security Access Control.** The MCS must support either a hierarchical role structure whereby user and password define program or individual menu item access or logon program/device security based strictly on user and password or PIN. In addition, the MCS shall not permit the alteration of any significant log information communicated from the Player Terminal. Additionally, there should be a provision for system administrator notification and user lockout or audit trail entry, after a set number of unsuccessful login attempts.

**§ 208.6.2.9 Data Alteration.** The MCS shall not permit the alteration of any accounting or significant event log information that was properly communicated from the Player Terminal without supervised access controls. In the event financial data is changed, an audit log must be capable of being produced to document:

- (a) Data element altered;
- (b) Data element value prior to alteration;
- (c) Data element value after alteration;
- (d) Time and Date of alteration; and
- (e) Personnel that performed alteration (user login).

**§ 208.6.2.10 System Back-Up.** The System(s) shall have sufficient redundancy and modularity so that if any single component or part of a component fails, gaming can continue. There shall be redundant copies of each log file or system database or both, with open support for backups and restoration.

**§ 208.6.2.11 Recovery Requirements.** In the event of a catastrophic failure when the System(s) cannot be restarted in any other way, it shall be possible to reload the system from the last viable backup point and fully recover the contents of that backup, recommended to consist of at least the following information:

- (a) Significant Events;

- (b) Accounting information;
- (c) Auditing information; and
- (d) Specific site information such as device file, employee file, progressive set-up, etc.

§ 208.6.2.12 *Verification of Player Terminal Software via the System.* If supported, System(s) may provide this redundant functionality to check Player Terminal game software. Although the overhead involved can potentially impede Player Terminal and operation, the following information must be reviewed for validity prior to implementation:

- (a) Software signature algorithm(s); and
- (b) Data communications error check algorithm(s).

§ 208.6.2.13 *Download Requirements.* If supported and permitted, a MCS may utilize writable program storage technology to update Interface Element software if all of the following requirements are met:

(a) Writable program storage functionality must be, at a minimum, password-protected, and should be at a supervisor level. The MCS can continue to locate and verify versions currently running but it cannot load code that is not currently running on the system without user intervention;

(b) A non-alterable audit log must record the time/date of a writable program storage download and some provision must be made to associate this log with which version(s) of code was downloaded, and the user who initiated the download. A separate Download Audit Log Report would be ideal; and

(c) All modifications to the download executable or other file(s) must be submitted to the Test Laboratory for approval. The laboratory will assign signatures to any relevant executable code and file(s) that should be verified by a regulator in the field. Additionally, all downloadable files must be available to a regulator to verify the signature.

(d) The system must have the ability to verify the program on demand for regulatory audit purposes.

NOTE: The above refers to loading of new system executable code only. Other program parameters may be updated as long as the process is securely controlled and subject to audit. The parameters will have to be reviewed on an individual basis.

§ 208.6.2.14 *Remote Access Requirements.* If supported, System(s) may utilize password controlled remote access, provided the following requirements are met:

(a) A 'Remote Access User Activity' log is maintained depicting logon name, time/date, duration, activity while logged in;

(b) No unauthorized remote user administration functionality (adding users, changing permissions, etc.);

(c) No unauthorized access to database other than information retrieval using existing functions;

(d) No unauthorized access to operating system; and

(e) If remote access is to be continuous basis then a network filter (firewall) should be installed to protect access.

NOTE: The MCS manufacturer may, as needed, remotely access the MCS and its associated components for the purpose of product and user support. However, this feature must be optional, by a secure means, to accommodate locations that do not permit or want to regulate system access.

### § 208.6.3 Ticket Validation System—Additional Requirements

§ 208.6.3.1 *General Statement.* A Ticket Validation System may be entirely integrated into a MCS or exist as an entirely separate entity. Payment by ticket printer as a method of credit redemption on a Player Terminal is only permissible when the Player Terminal is linked to an approved Ticket Validation System. Validation information shall be communicated from the system to the Player Terminal using a secure communication protocol. This section concerns bi-directional Ticket Validation System specific requirements where a Ticket Validation System that is independent of an MCS would also require the Security and Integrity standards previously outlined within this chapter, would also apply.

§ 208.6.3.2 *Ticket Information.* A ticket shall contain the following printed information at a minimum:

- (a) Casino Name/Site Identifier;
- (b) Machine Number (or Cashier/Change Booth location number or equivalent context, if ticket creation, outside the Player Terminal, is supported);
- (c) Date and Time (24-hr format which is understood by the local date/time format);
- (d) Alpha and numeric dollar amount of the ticket;
- (e) Ticket sequence number;
- (f) Validation number;
- (g) Bar code or any machine readable code representing the Validation number;
- (h) Type of transaction or other method or differentiating ticket types (assuming multiple ticket types are available); and
- (i) Indication of an expiration period from date of issue, or date and time the ticket will expire (24-hr format which is understood by the local date/time format).

NOTE: Some of this information may be contained in the validation number.

§ 208.6.3.3 *Ticket Types.* If Player Terminal ticket generation is to be supported while not connected to the validation system, a ticket system must generate two different types of tickets at minimum. On-line and off-line types are denoted respectively by ticket generation either when the validation system and Player Terminal are properly communicating or the validation system and Player Terminal are not communicating properly. When a patron cashes out of a Player Terminal that has lost communication with the validation system, the Player Terminal must lock up and, after reset, may print an off-line ticket or handpay receipt. The ticket or handpay receipt must be visually distinct from an on-line ticket either in format or content while still maintaining all information required.

§ 208.6.3.4 *Ticket Issuance.* A ticket can be generated at a Player Terminal through an internal document printer, at a player's request, by redeeming all credits. Tickets that reflect partial credits may be issued automatically from a Player Terminal. Additionally, cashier/change booth issuance is allowed if supported by the validation system.

§ 208.6.3.5 *Ticket Redemption.* Tickets may be inserted in any Player Terminal participating in the validation system providing that no credits are issued to the Player Terminal prior to



confirmation of ticket validity. The customer may also redeem a ticket at a validation terminal (i.e., cashier/change booth, Redemption Terminal or other approved methods). All validation terminals shall be user and password-controlled. Where the Validation is to take place at a Cashier/Change Booth, the cashier shall:

- (a) Scan the bar code via an optical reader or equivalent; or
- (b) Input the ticket validation number manually; and
- (c) May print a validation receipt, after the ticket is electronically validated, if applicable. The validation receipt, at a minimum, shall contain the following printed information:

- i. Machine number;
- ii. Validation number;
- iii. Date and Time paid;
- iv. Amount; and
- v. Cashier/Change Booth identifier.

**§ 208.6.3.6 *Invalid Ticket Notification.*** The Ticket Validation System must have the ability to identify invalid tickets and notify the Player Terminal to 'Reject' the ticket or advise the cashier that one of the following conditions exists:

- (a) Ticket cannot be found on file (stale date, forgery, etc.);
- (b) Ticket has already been paid; or
- (c) Amount of ticket differs from amount on file (requirement can be met by display of ticket amount for confirmation by cashier during the redemption process).

**§ 208.6.3.7 *Offline Ticket Redemption.*** If the on-line data system temporarily goes down and validation information cannot be sent to the validation system, an alternate method of payment must be provided either by the validation system possessing unique features (e.g., validity checking of ticket information in conjunction with a local database storage) to identify duplicate tickets and prevent fraud by reprinting and redeeming a ticket that was previously issued by the Player Terminal; or by use of an approved alternative method as designated by the regulatory jurisdiction that will accomplish the same.

**§ 208.6.3.8 *Required Reports.*** The following reports shall be generated at a minimum and reconciled with all validated/redeemed tickets:

- (a) Ticket Issuance Report;
- (b) Ticket Redemption Report;
- (c) Ticket Liability Report;
- (d) Ticket Drop Variance Report;
- (e) Transaction Detail Report must be available from the validation system that shows all tickets generated by a Player Terminal and all tickets redeemed by the validation terminal or other Player Terminal; and
- (f) Cashier Report, which is to detail individual tickets, the sum of the tickets paid by Cashier/Change Booth or Redemption Terminal.

NOTE: The requirements for 'b' & 'd' are waived where two-part tickets exist for the Player Terminal, and where the first part is dispensed as an original ticket to the patron and the second

part remains attached to the printer mechanism as a copy (on a continuous roll) in the Player Terminal.

**§ 208.6.3.9** *Security of Ticket Information.* Once the validation information is stored in the database, the data may not be altered in any way. The validation system database must be encrypted or password-protected and should possess a non-alterable user audit trail to prevent unauthorized access. Further, the normal operation of any device that holds ticket information shall not have any options or methods that may compromise ticket information. Any device that holds ticket information in its memory shall not allow removing of the information unless it has first transferred that information to the database or other secured component(s) of the validation system.

**§ 208.6.4** Cashless System—Compact Document

**§ 208.6.4.1** *Introduction.* One or more electronic accounting systems shall be required to perform reporting and other functions in support of the electronic game activities described in this Subpart. These systems may communicate with the other computers, player terminals and other game components described in this Subpart utilizing the standards set forth in this Subpart. The electronic accounting system shall not interfere with the outcome of any electronic game functions.

**§ 208.6.4.2** *General Requirements.* The following standards shall be met in connection with any cashless transaction in numbering, reads as follows:

(a) All player account information must be stored on at least two (2) separate nonvolatile media;

(b) An audit file must be kept of all financial transactions against the account. This file must be stored in at least two (2) separate nonvolatile media, and be accessible for purposes of audit and disputes resolution to authorized individuals. This file must be available on-line for a minimum of thirty (30) days, after which it must be available off-line for a minimum of one hundred eighty (180) days;

(c) Access controls must be in place to guarantee that unauthorized individuals will not have access to account information or history;

(d) Passwords or personal identification numbers (PINs), if used, must be protected from unauthorized access;

(e) All means for communicating information within the system shall conform to the standards set forth in the Act;

(f) Player accounts shall follow accounting procedures which are designed to verify and protect the accurate recording of all player transactions;

(g) Any card or other tangible instrument issued to a player for the purpose of using the cashless transaction system shall bear on its face a control or inventory number unique to that instrument;

(h) Encoded bearer instruments printed or magnetic may include coupons and other items distributed or sold for game play, promotional, advertising or other purposes, but may not include cash. Such instruments must be in electronically readable form in addition to having unique identification information printed on the instrument face. The daily and monthly reporting must include with respect to such instruments:

- i. Cash converted to game play credits,
- ii. Outstanding unredeemed balance,

- iii. Game play credits converted to cash,
- iv. Game play credits used, and
- v. Game play credits won.

(i) All customer accounts or instruments must have a redemption period of at least fourteen (14) days; and

(j) No ATM card, financial institution debit card or credit card shall be utilized as part of any cashless transaction system.

(k) Any “smart card” system which the licensee intends to implement as part of the cashless transaction system shall be tested by an independent testing laboratory:

i. Approved by the Commission to ensure the integrity of player funds. Any smart card must store on the card or on the system using the card an audit trail of the last ten (10) transaction involving the use of the card. Each transaction record must include, at a minimum, the type of transaction, the amount of the transaction, the date of the transaction, the time of the transaction, and the identification of the Player Terminal or cashier terminal or other points of cash exchange where the transaction occurred. The minimum daily and monthly reporting for smart card activity must include:

- (1) Total of cash transferred to smart cards;
- (2) Total of smart card amounts transferred to cash;
- (3) Total of smart card amounts transferred to game play credits;
- (4) Total of game play credits transferred to smart card amounts; and
- (5) Total unredeemed smart card balance.

ii. Systems shall be permissible that allow player tracking, maintenance tracking, and other gaming management or marketing functions. These systems shall not interfere with, or in any way affect, the outcome of any game being played. Systems shall be permissible that allow progressive prize management with the certification of the independent testing laboratory approved by the Tribal Regulatory Authority.

**§ 208.6.5 Cashless System—Additional Requirements**

**§ 208.6.5.1 *General Statement.*** A Cashless System may be entirely integrated into a MCS or exist as an entirely separate entity. Cashless systems may include Promotional, Bonusing or Player Account based systems.

**§ 208.6.5.2 *Error Conditions.*** The following sections outline the Error Conditions that apply to the Cashless System, which must be monitored, and a message must be displayed to the patron at the host card reader for the following:

- (a) Invalid PIN or Player ID (can prompt for re-entry up to maximum allowed); and
- (b) Account Unknown.

**§ 208.6.5.3 *Transfer of Transactions.*** If a player initiates a cashless transaction and that transaction would exceed game configured limits (i.e. the credit limit, etc) then this transaction may only be processed provided that the patron is clearly notified that he has received or deposited less than requested to avoid patron disputes.

**§ 208.6.5.4 *Security Requirements.*** The communication process used by the Player Terminal and the host system must be robust and stable enough to secure each cashless transaction such that

failure event(s) can be identified and logged for subsequent audit and reconciliation. In addition, Cashless systems must conform to the following Security Requirements:

(a) The number of users that have the requisite permission levels/login to adjust critical parameters are limited.

(b) Only a logged, authorized employee shall have the ability to access all player information. Security of this information (including patron PIN codes or equivalent patron identification) must be guaranteed at all times.

(c) Any adjustment to an account balance outside of the normal methodology would require a supervisor's approval with all changes being logged and/or reported indicating who, what, when, and the item value before and after the change, with the reason.

**§ 208.6.5.5 *Prevention of Unauthorized Transactions.*** The following minimal controls shall be implemented by the host system to ensure that games are prevented from responding to commands for crediting outside of properly authorized Cashless transactions (hacking):

(a) The network hubs are secured (either in a locked/monitored room or area) and no access is allowed on any node without valid login and password;

(b) The number of stations where critical Cashless applications or associated databases could be accessed is limited; and

(c) Procedures shall be in place on the system to identify and flag suspect player and employee accounts to prevent their unauthorized use to include:

- i. Having a maximum number of incorrect PIN entries before account lockout;
- ii. Flagging of "hot" accounts where cards have been stolen;
- iii. Invalidating accounts and transferring balances into a new account; and
- iv. Establishing limits for maximum Cashless activity in and out as a global or individual variable to preclude money laundering.

**§ 208.6.5.6 *Diagnostic Tests on a Cashless Player Terminal.*** Controls must be in place for any diagnostic functionality available at the device such that all activity must be reported to the system that would reflect the specific account(s) and the individual(s) tasked to perform these diagnostics. This would allow all Cashless diagnostic activity that affect the Player Terminal's associated electronic meters to be audited by the local regulatory group.

**§ 208.6.5.7 *Transaction Auditing.*** The central system shall have the ability to produce logs for all pending and completed Cashless transactions. These logs shall be capable of being filtered by:

- (a) Machine number
- (b) Patron account; and
- (c) Time/date.

**§ 208.6.5.8 *Financial and Player Reports.*** The system shall have the ability to produce the following financial and player reports:

(a) Patron Account Summary and Detail Reports. These reports shall be immediately available to a patron upon request. These reports shall include beginning and ending account balance, transaction information depicting Player Terminal number, amount, and date/time.

(b) Liability Report. This report is to include previous days starting value of outstanding Cashless liability, aggregate Cashless-in and out totals, and ending Cashless liability.

(c) Cashless Meter Reconciliation Summary and Detail Reports. These reports will reconcile each participating Player Terminal's Cashless meter(s) against the host system's Cashless activity.

(d) Cashier Summary and Detail Reports. These reports will include patron account, buy-ins and cash-out, amount of transaction, date and time of transaction.

§ 208.6.5.9 *Account Balance.* Current account balance information should be available on demand from any participating Player Terminal via the associated card reader (or equivalent) after confirmation of patron identity and be presented, in terms of currency, to the patron.

#### § 208.6.6 Progressive System—Additional Requirements

§ 208.6.6.1 *General Statement.* This section reflects additional requirements that are not required in the Compact but may be required by either the MICS or required to be added to provide basic security and accountability to the equipment which was unspecified previously. The rules within this chapter apply to all types of Authorized Games, unless noted otherwise.

NOTE: It should be noted that all of these rules shall be “where applicable” meaning if the device does not have a mechanical display, adherence to certain rules are obviously not required.

§ 208.6.6.2 *Progressive Meter/Display.* A progressive meter/display can be one or more progressive Player Terminal(s) that are linked, directly or indirectly, to a display (e.g., mechanical, electrical, or electronic device, including the video display, if applicable) that shows the payoff which increments at a set rate of progression as credits are wagered. For games that have progressives such as ‘Mystery Jackpot’, the payoff does not have to be displayed to the player, although there should be an indication as to this type of feature on the game. The following rules apply to all Progressive Meter displays:

(a) A Progressive Meter shall be visible to all players who are playing a device, which may potentially win the progressive amount if the progressive jackpot combination appears, except for ‘mystery jackpots.’

(b) A player shall know that he is playing a progressive game and not have to play the max bet amount to find out. The above are parameters that are verified on-site prior to implementation.

(c) The progressive meter shall display the current total of the progressive jackpot in the monetary value or credits (the monetary value may vary for Multi-Site Progressive Displays.) Because the polling cycle does cause a delay, the jackpot meter need not precisely show the actual monies in the progressive pool at each instance;

(d) The use of odometer and other “paced” updating displays are allowed. The progressive meter shall display the winning value within 30 seconds of the jackpot being recognized by the central system. In the case of the use of paced updating displays, the system jackpot meter shall display the winning value after the jackpot broadcast is received from the central system. The gaming regulator shall set the rule for the length of time allowed before the progressive must shut down.

(e) If the progressive meter(s) progresses to its maximum display amount, the meter shall freeze and remain at the maximum value until awarded to a player. This can be avoided by setting the jackpot limit in accordance with the digital limitations of the sign.

(f) If this rule prescribes multiple items of information to be displayed on a Player Terminal or progressive meter, it is sufficient to have the information displayed in an alternating fashion.

(g) When a progressive jackpot is recorded on an electronic Player Terminal which is attached to the progressive controller, the progressive controller shall allow for the following to occur on the device and/or progressive display:

- i. Display of the winning amount;
- ii. Display of the electronic Player Terminal identification that caused the progressive meter to activate if more than one (1) electronic Player Terminal is attached to the controller;
- iii. The progressive controller shall automatically reset to the reset amount and continue normal play; and
- iv. The new progressive values that are current on the link.

NOTE: Any device that has a feature that doubles or triples, etc. any win shall have a sign that states the progressive award will not be doubled or tripled if won during the feature, if this is the intention.

(h) For progressives offering multiple levels of awards, the player must always be paid the higher progressive amount if a particular combination is won that should trigger the higher paying award. This may occur when a winning combination may be evaluated as more than one of the available payable combinations (i.e., a Straight Flush is a form of a Flush and a Royal Flush is a form of a Straight Flush). Therefore, there may be situations where the progressive levels shall be swapped to ensure the player is being awarded the highest possible progressive value based on all combinations the outcome may be defined as.

**§ 208.6.6.3 Progressive Controllers.** The requirements of this section are intended to apply equally to one progressive Player Terminal linked to a progressive controller or is internally controlled, as well as several progressive Player Terminals linked to one progressive controller within one casino or multiple casinos. A progressive controller is all of the hardware and software that controls all communications among the devices that calculates the values of the progressives and displays the information within a progressive Player Terminal link (if applicable, progressive Player Terminal(s) may be internally controlled) and the associated progressive meter. This equipment includes but is not limited to PC-based computers, wiring, and collection nodes, etc. The method by which system jackpot parameter values are modified or entered is to be secure. Progressive Controllers shall:

(a) During the 'Normal Mode' of progressive Player Terminals, the progressive controller shall continuously monitor each device on the link for credits bet and shall multiply the same by the rate of progression and denomination in order to determine the correct amounts to apply to the progressive jackpot. This shall be at least 99.99% accurate.

(b) The progressive controller or other approved progressive system component shall keep the following information in non-volatile memory, which shall be displayed on demand. Additionally, meters shall be 99.99% accurate:

- i. The number of progressive jackpots won on each progressive level if the progressive display has more than one (1) winning amount;
- ii. The cumulative amounts paid on each progressive level if the progressive display has more than one (1) winning amount;
- iii. The maximum amount of the progressive payout for each level displayed;
- iv. The minimum amount of the progressive payout for each level displayed;
- v. The rate of progression for each level displayed.

(c) When a controller error occurs, it is preferred that it alternates the displays, or equivalent, between the current amount and an appropriate error message that is visible to all players, or can alert the casino to the error condition. If the following events occur, the game that is using the progressive is to be disabled, and an error shall be displayed on the progressive meter, other approved progressive system component or Player Terminal:

- i. During a 'communication failure;
- ii. When there have been multiple communication errors;
- iii. When a controller checksum or signature has failure;
- iv. When a controller's RAM or PSD (program storage device) mismatch or failure occurs;
- v. When the jackpot configuration is lost or is not set.

(d) The progressive controller shall have a secure means of transferring a progressive jackpot and/or prizes to another progressive controller or other approved progressive system component. Transferring of progressive jackpots must meet the local Internal Control procedures.

(e) There shall be a secure, two-way communication protocol between the main game processor board and progressive. In addition, the progressive system shall be able to:

- i. Send to the electronic Player Terminal the amount that was won for metering purposes; and
- ii. Constantly update the progressive display as play on the link is continued.

(f) Each progressive controller used with a progressive Player Terminals shall be housed in a secure environment allowing only authorized accessibility. Access to the controller must conform to the local Internal Control procedures.

(g) All progressive Player Terminals or any approved progressive system component shall display, upon request, the following information for each progressive prize offered (if applicable):

- i. CURRENT VALUE: current prize amount;
- ii. OVERFLOW: amount exceeding limit;
- iii. HITS: number of times this progressive was won;
- iv. WINS: total value of wins for this progressive or a history of the last twenty five (25) progressive hits;
- v. BASE: starting value (the initial amount of a progressive jackpot shall begin at or above an award for that particular Player Terminal that makes the entire meter payout greater than the minimum percentage requirement, if one is set);
- vi. LIMIT: jackpot limit value (if the Jackpot is capped at a maximum limit, this standard does not require to add the overflow amounts to the next starting value and will be determined on a casino-by-casino basis);
- viii. INCREMENT: percentage increment rate;
- ix. SECONDARY INCREMENT: percentage increment rate after limit is reached;
- x. HIDDEN INCREMENT: percentage increment rate for the reserve pool (the next base amount shall be computed or posted to advise the player of this contribution);

xi. RESET VALUE: the amount the progressive resets to after the progressive is won; and

xiii. The participating Player Terminals.

NOTE: Any change to the jackpot amount must conform to the local Internal Control procedures.

**§ 208.6.6.4 *Linked Player Terminal Odds.*** Each device on the link shall have the same probability of winning the progressive, adjusted for the denomination played. For instance, the probability shall remain the same for multiple denomination games, based on the monetary value of the wager (e.g., A two (2) coin \$1 game has the probability of one (1) in 10,000 and a two (2) coin, \$2 game on the same link has the probability one (1) in 5,000.)

**§ 208.6.6.5 Multi-Site Progressives.** Multi-site progressive Player Terminals are interconnected in more than one casino. The purpose of a Multi-site progressive system is to offer a common progressive jackpot (system jackpot) at all participating locations. Multi-Site Progressive Systems shall meet the following regulations:

(a) Be certified in two phases:

i. Initial laboratory testing, where the laboratory will test the integrity of the Player Terminal(s) in conjunction with a progressive system in the laboratory setting with the equipment assembled; and

ii. On-site certification, where the progressive communications and set up are tested on the casino floor prior to implementation.

(b) It is recommended that the method of communication be a non-shared, dedicated line or equivalent. Dial-tone systems may be used as long as devices at the local site would not be able to be disabled from another outside line or manipulated by any other means. When the method of communication is a shared line, appropriate encryption and security must be in place to avoid corruption or compromise of data.

(c) Multi-site systems shall ensure that security information and the amounts wagered information is communicated, at least once every sixty (60) seconds for terrestrial lines (dedicated phone lines), and a reasonable amount of time for Radio Frequency, from each participating device to the central computer system.

(d) All Multi-Site property systems shall utilize an encryption method that has been approved by the Laboratory. Such encryption method shall include the use of different encryption “keys” or “seeds” so that encryption can be changed in a realtime fashion.

(e) The on-line provision is to be able to monitor the meter readings and error events of each device regardless of any outside monitoring system. Therefore, the on-line security system requirement when Player Terminals are in play is not altered in any way.

(f) The central computer site shall be equipped with non-interruptible power supply that will allow the central computer to conduct an orderly shutdown if the power is lost. Should the system utilize hard disk peripherals, the central computer shall be capable of on-line data redundancy.

(g) A Player Terminal shall immediately disable itself and suspend play if communication is lost to the local collection unit and security hub. The Player Terminal may resume play only when communication to the local hub is restored. If the communication is lost between the local hub and the central computer, the Player Terminal may continue to play. However, once communications are re-established, the system-wide totals are to be updated; notwithstanding this



rule, if the communication is lost for more than twenty-four (24) hours and the site must be shut down.

- (h) Any "Multi-Site" system shall supply, as requested, the following reports:
  - i. PROGRESSIVE SUMMARY: A report indicating the amount of, and basis for, the current jackpot amount (the amount currently in play);
  - ii. AGGREGATE REPORT: A report indicating the balancing of the system with regard to system wide totals;
  - iii. RESERVED; and
  - iv. PAYOFF REPORT: A report that will clearly demonstrate the method of arriving at the payoff amount. This will include the credits contributed beginning at the polling cycle, immediately following the previous jackpot and will include all credits contributed up to and including the polling cycle which includes the jackpot signal.

NOTE: Credits contributed to the system after the jackpot occurs in realtime, but during the same polling cycle, shall be deemed to have been contributed to the progressive amount prior to the jackpot. Credits contributed to the system subsequent to the jackpot message being received, as well as credits contributed to the system before the jackpot message is received by the system, but registered after the jackpot message is received at the system, will be deemed to have been contributed to the progressive amount of the next jackpot, if applicable.

(i) All meter reading data shall be obtained in real time in an on-line, automated fashion. For Progressive Amount reconciliation purposes, the Progressive system shall return the 'Credits Bet' meter readings on all Player Terminals attached to the system. The meter readings shall be identical to the meter information retained in the Player Terminal(s) accounting meters.

(j) The Multi-Site Progressive system shall have the ability to monitor entry into the front door of the Player Terminal and report it to the central system IMMEDIATELY.

(k) If a jackpot is recognized in the middle of a System-Wide Poll Cycle, the overhead display may contain a value less than the aggregated jackpot amount calculated by the central system. The credit values from the remaining portion of the poll cycle will be received by the central system but not the local site, in which case the jackpot amount paid will always be the higher of the two reporting amounts.

(l) Procedures shall be developed, implemented and documented for the following. These reports shall adequately document the procedures, be generated and retained:

- i. Reconciliation of meters and jackpot payouts;
- ii. Collection drop of Player Terminal funds;
- iii. Jackpot verification and payment procedures that include a Commission Agent be present for independent prize verification and payment.
- iv. System maintenance;
- v. System accuracy;
- vi. System security;
- vii. System failures including:
  - (1) The local hub;
  - (2) The central site;

- (3) Failures in communications; and
- (4) Backup and recovery.

(m) When multiple jackpots occur, where there is no definitive way of knowing which jackpot occurred first, they will be deemed to have occurred simultaneously; and therefore, the gaming regulator shall adopt procedures for payment of such jackpot occurrences. In addition, if there is a communication failure, a winning player wagering at a non-updated site may also be eligible to a jackpot amount.

**§ 208.6.7 Redemption Terminal (Kiosk) Standards—Additional Requirements**

**§ 208.6.7.1 *General Statement.*** Redemption Kiosks shall meet the Player Terminal Hardware requirements as previously outlined. This would include the memory and communication requirements. In addition, Kiosks are required to have an interface to the Validation System. Regardless of the method of interfacing with the system, the Redemption Kiosk must use a communication protocol and must not write directly to the system database. The Redemption Kiosk must only process the payment based on commands from the system.

**§ 208.6.7.2 *Error Conditions.*** The Redemption Kiosk must be capable of detecting and displaying the following Error Conditions. The Error Condition must illuminate the tower light or sound an audible alarm. This requirement may be substituted for a notification system that alerts casino staff of error conditions. The Redemption Kiosk shall be able to recover to the state it was in immediately prior to the interruption occurring, including during payment. Error Conditions requiring attendant intervention are denoted by ‘\*’:

- (a) Power loss or power reset;
- (b) System and kiosk not communicating (this may be detected upon ticket insertion only)
- (c) Coin or currency out error\*;
- (d) Coin Hopper or Cash Dispenser empty or timed out \*(should not require immediate intervention if alternate method of payment available (e.g. six dollar (\$6) ticket and five dollar (\$5) bill hopper out but unit could still pay in ones from the one dollar (\$1) hopper));
- (e) RAM error (critical memory)\*;
- (f) Low RAM battery (if battery external to the RAM itself used)\*;
- (g) Ticket voucher-in jam\*;
- (h) Door open (all external doors);
- (i) Bill acceptor stacker full (this condition should cause the Bill Acceptor to disable itself to no longer accept anything);
- (j) Bill acceptor door open;
- (k) Stacker door open or stacker removed; and
- (l) Printer errors (If internal printer is supported)\*.

NOTE: If the Redemption Kiosk uses error codes instead of a text explanation of the Error Conditions, a description of error codes and their meanings must be affixed on the inside of the Redemption Kiosk.

NOTE: If any of the above Error Conditions occur during the acceptance and/or escrowing of a ticket voucher, the ticket voucher must be returned to the patron without a status change on the

Validation System or, once the Error Condition is cleared, proceed to pay the patron and have a status of 'Redeemed' on the system.

§ 208.6.7.3 *Maximum Redeemable Value.* There shall be a maximum ticket value that can be paid by a kiosk or have available the ability to select the maximum amount. The local gaming commission, if required, will determine the maximum amount.

§ 208.6.7.4 *Metering.* Metering information is maintained in critical memory at the Redemption Kiosk. The Redemption Kiosk must maintain the following Meters, which can be by denomination:

(a) A "Total In" Meter that accumulates the total value of all bills and ticket vouchers accepted by the device. Separate In meters shall report the value of all tickets redeemed and the value of all bills redeemed; and

(b) A "Total Out" Meter(s) for payments issued by the machine. Separate 'Out Meters' shall report the value of all coins dispensed and the value of all bills dispensed.

§ 208.6.7.5 *Clearing Meters.* The Redemption Kiosk must not have a mechanism whereby an unauthorized user can cause the loss of stored accounting Meter information.

§ 208.6.7.6 *Required Logs.* Logs must be maintained in critical memory or on a paper log (see NOTE, below within this section) housed within the Redemption Kiosk that consists of the following:

(a) Voucher In Event Log which must properly log the following information about the voucher redeemed:

- i. Date/Time of redemption;
- ii. Amount of voucher; and
- iii. At least last 4-digits of validation number.

(b) The Redemption Kiosk must maintain at least 35 events in the "Voucher In" event log.

NOTE: If the device utilizes a printer to record the information required within this section, the printer must be capable of monitoring any Printer Fault (i.e., 'Printer Disconnected', 'Paper Jam', 'Out of Paper', etc.)

§ 208.6.7.7 *Ticket Acceptance.* Tickets may only be accepted when the Kiosk is communicating with the system. Tickets inserted into a kiosk must be rejected when the system link is down and Payment shall only be made when the ticket is 'Stacked' within the Bill Acceptor Stacker unit.

## § 208.6.8 Wireless Networks—Additional Requirements

§ 208.6.8.1 *General Statement.* This section shall address security precautions and minimum recommendations that govern Wireless Networks. Please take note of the recommendation of a security audit performed by an independent network security auditing company.

§ 208.6.8.2 *Wireless Ethernet Connections.* Should a wireless Ethernet communication solution be adopted, then additional security precautions must be taken. The current wireless Ethernet technology (Wi-Fi) is vulnerable and should not be considered secure. If Wi-Fi is chosen as the communication method for your system, the following recommendations are to be considered minimum recommendations and not restrictions:

(a) The wireless access point must be physically positioned in the building so that it is not easily accessible by unauthorized individuals. Wireless network traffic must be secured with additional encryption to compensate for the weaknesses in Wi-Fi.

(b) The keys used to encrypt the communication through the wireless network must be stored in a secure location.

**§ 208.6.8.3** *Security Considerations for WLAN used with a Wired LAN.* The wired LAN (Local Area Network) must be isolated from the wireless (WLAN) network through the layering of additional network security methods.

**§ 208.6.9** Player Terminal PSD Update Via System – Additional Requirements

**§ 208.6.9.1** *General Statement.* This section refers to communications between the System host and all other components or equipment of a system that has the ability to download the player terminal control program to the player terminal.

**§ 208.6.9.2** *Communications - Message Authentication.* Message authentication must be used with critical message types, such as game download and password/PIN transmissions, in order to verify the correct receipt of the message by the end user device, host or related equipment. A Protocol that doesn't correct errors or re-send erroneous packets (e.g., UDP) may be used as long as no critical game data or information is sent with it.

**§ 208.6.9.3** *High Level Protocol.* All Protocols must use communication techniques that have proper error detection and/or recovery mechanisms and meet the following rules:

(a) The high level Protocol must employ techniques (e.g., end to end acknowledgment) such that it will not lose messages – even when one end or the other restarts.

(b) The higher level Protocol must employ techniques (e.g., transmission numbers) such that repeated messages are identified and discarded – even when one end or the other restarts.

(c) These requirements do not apply to unsecured messages such as broadcast messages.

(d) All functions of the Protocol must be clearly specified in its documentation.

(e) The following rules apply to the Time Stamps in a high level Protocol:

i. It must include a provision for the transmitting element (i.e. Download System or end player device) to insert a local Timestamp in every message it sends. This Timestamp will assist in claims of equipment malfunction involving run away hardware or software.

ii. It must include a provision for the transmitting element (i.e. Download System or end player device) to insert a local Timestamp taken at the time the last valid high level message was received.

(f) The following rules apply to High Level Interface with Lower Level Protocols:

i. There must be no restrictions placed on characters that may be included in messages passed to or from the higher levels to the lower levels.

ii. The interfaces between the high layer Protocols and the low layer Protocols must cater for messages of variable length including those longer than the standard buffer size of the lowest level.

iii. A method of flow control to prevent loss of vital messages must be implemented.

(g) The following rules apply to Level Firewalls - Mandatory:

i. All connections to Download System hosts in the secure data center must pass through at least one approved application-level firewall. This includes connections to and from any non-Download System hosts (e.g. MIS computer systems) used by the operator. The term "connections" is used in its broadest sense, and includes UDP and TCP data transfers.

ii. The choice of firewall will be affected by the low-level Protocol used by the application. (E.g. some firewalls are not able to make intelligent decisions about UDP streams.) Reducing the effectiveness of the application level firewall to a packet filter will not be permitted simply due to a poor choice of firewall / low level Protocol combination.

iii. A device in the same Broadcast Domain as the Download System hosts must not have a facility that allows an alternate network path to be established that bypasses the firewall. Examples of prohibited facilities are:

iv. An operator PC equipped with a modem.

v. An operator PC with a connection to the Download System VLAN and a connection to the corporate VLAN.

vi. The firewall must be a separate computer Download System with the following characteristics:

(1) Only firewall-related applications may reside on the firewall.

(2) Only a limited number accounts may be present on the firewall (e.g. Download System administrators only).

(h) All data packets addressed to the firewall must be rejected if they arrive on interfaces to networks that are outside the Baseline envelope. This is to restrict access to the firewall to authorized workstations inside the Baseline envelope.

(i) The firewall must reject all connections except those that have been specifically approved by the jurisdiction.

(j) The firewall must maintain an audit log of all changes to parameters that affect what connections are permitted through the firewall.

(k) The firewall must maintain an audit log of all successful and unsuccessful connection attempts through itself.

(l) The firewall must disable all communications if the audit log becomes full.

(m) The firewall must reject all messages received on an interface if the message purports to be on a device attached to another interface.

(n) Operators must have approved procedures for following reports of security incidents and for ensuring that firewalls are kept up to date with respect to advisory recommendations released after such incidents.

(o) Networks on the secure side of the firewall should use private network numbers. These numbers must be translated into public network numbers for transmission over the Internet.

**§ 208.6.9.4 Proxy Servers.** The system must be capable of operating through multiple proxy servers. Correct operation of games must not depend on a refresh request from the Player Terminal reaching the download system.

**§ 208.6.9.5 Requirement for Encryption.** Where Sensitive Data is being passed over communication lines, such data must be encrypted. Examples of data that may require encryption are PINs or passwords and account numbers (including card numbers) and details, and encryption keys. (*Note this section does not apply to the game software download activity*). The following rules apply to Encryption on the Download System:

(a) Data that is not required to be hidden but must be authenticated must use some form of message authentication technique.

(b) The Sensitive Data must be encrypted on an end-to-end basis (i.e. the data must never appear on a LAN or WAN in an un-encrypted form). This includes Sensitive Data transmitted between computer systems within an operator's premises.

(c) The Sensitive Data transmitted between systems within a single secure data centre need not be encrypted.

(d) The Sensitive Data transmitted between systems that are located within separate secure data centers need not be encrypted if the communications path is physically secure and cannot be access by unauthorized people.

(e) All communications between operator terminals and the Download System must be strongly authenticated and strongly encrypted during transmission outside their respective secure data centers.

(f) Authentication must be available via a Secure Socket Link (SSL) and a security certificate from an approved organization.

**§ 208.6.9.6** *Encryption Algorithms.* The following rules apply to Encryption Algorithms:

(a) Encryption algorithms are to be demonstrably secure against cryptanalytic attacks.

(b) Operators must have approved procedures for following up reports of weaknesses in encryption algorithms used in any part of their DOWNLOAD SYSTEM(including, but not limited to, RNGs, firewalls, authentication and operating Download System). Changes to encryption algorithms to correct weaknesses must be implemented as soon as practical. If no such changes are available, the algorithm must be replaced.

**§ 208.6.9.7** *Encryption Keys Minimum Width.* The minimum width (size) for encryption keys is 112 bits for symmetric algorithms and 1024 bits for public keys.

**§ 208.6.9.8** *Encryption Key Handling.* There must be a secure method implemented for changing the current encryption keyset. It is not acceptable to only use the current key set to “encrypt” the next set. An example of an acceptable method of exchanging keys is the use of public key encryption techniques to transfer new key sets.

**§ 208.6.9.9** *Encryption Key Storage.* There must be a secure method in place for the storage of any encryption keys. Encryption keys must not be stored without being encrypted themselves.

**§ 208.6.9.10** *Connections to Third Party Organizations.* A third party organization in the context of this subsection is any external organization that has an on-line connection to the Download System for the purposes of assisting the operator with the production of that service. Examples of third party organizations are:

(a) Financial acquirers (e.g. banks).

(b) Certification Agencies.

(c) Software support providers.

(d) Hardware support providers.

**§ 208.6.9.11** *Requirement for Authentication.* The following rules apply to the Authentication Requirements:

(a) All people and computer systems that connect to the Download System must be authenticated.

(b) The Download System must authenticate itself to all people and computer systems that establish a connection.

(c) Authentication of people, computer systems controlled by the operator and third party computer systems must be based on a certification authentication method recognized by the Jurisdiction as being currently secure.

(d) An update to the Download System may, in the future, be required to utilize a more secure certification authentication method.

**§ 208.6.9.12** *Protection from Attacks.*

(a) All reasonable precautions must be taken to protect the Download System against attacks based upon the replay of authentic or non-authentic messages.

(b) All reasonable precautions must be taken to ensure that no data kept on the Download System or transferred by it can be infected with a virus program or Trojan Horse. It is the responsibility of the Download System owners to ensure that defenses are kept up to date in this respect.

**§ 208.6.9.13** *Game Information.* Game information to be maintained by the Download System must include:

(a) Game identifier, version and RTP%;

(b) When downloaded;

(c) To which Player Terminal;

(d) By whom; and

(e) Replacing which game changes made by Operators to game parameters via the Download System.

## **SUBPART J. VARIANCE**

### **§ 209.1 Introduction**

**§ 209.1.1** General Statement. The preceding sections of these Technical Standards and Procedures address both the system requirements of the Compact and basic security and accountability issues dealing with game and equipment to be approved for play as Electronic Games. System requirements of the Compact are not subject to modification, change or alteration but other requirements identified in these Technical Standards and Procedures may receive a variance from the Director of the Tribal Gaming Agency or, upon request of the Director, the Commissioner, upon application pursuant to this section.

**§ 209.1.2** Eligibility. Any licensed Game Vendor, Vendor or game submitter may make application to the Tribal Gaming Agency for a variance from basic security and accountability requirements dealing with gaming equipment by making a detailed description and analysis with specific reference to the Technical Standards and Procedures sought to be varied. Such application shall also contain an in-depth explanation as to why the variance sought would not compromise the security or accountability of Electronic Game play.

### **§ 209.1.3** Tribal Gaming Agency Approval.

**§ 209.1.3.1** The Director of the Tribal Gaming Agency may approve a variance for a gaming operator if he/she has determined that the variance will achieve a level of control sufficient to meet

the basic security and accountability issues or, in the alternative, may request review and approval by the Commissioner.

**§ 209.1.3.2** For each enumerated standard for which a variance is sought, a detailed request shall include:

- (a) A detailed description of the variance;
- (b) An explanation of how the variance achieves a level of control sufficient to meet basic security and accountability issues; and
- (c) Evidence of any other governmental approval of similar variance.

**§ 209.1.4** Determination.

**§ 209.1.4.1** Following receipt of the variance request, the Director or Commissioner shall have fifteen (15) days to comment on the variance request.

**§ 209.1.4.2** If the Director or Commissioner fails to approve the variance within forty-five (45) days after the date of receipt of a complete submission, the variance shall be deemed denied.

**§ 209.1.4.3** The Director or Commissioner may extend the 45-day deadline by written declaration.

**§ 209.1.5** Declaration of Variance. The Director or Commissioner shall declare any variance in writing specifically addressing date of beginning and end, if any, of said variance. Full and complete description shall be given by the Director or Commissioner particularly naming the Regulation(s) affecting the variance and addressing how security and accounting issues are safeguarded.