



May 18, 2017

Michael J. Horan
[REDACTED]

Re: Shooter Bingo classification opinion

Dear Mr. Horan:

You have asked the National Indian Gaming Commission to reconsider two prior opinions (issued in 1994 and 1995) on the classification of Shooter Bingo, and conclude that it is a Class II game under the Indian Gaming Regulatory Act, 25 U.S.C. § 27103(7)(A)(i) and NIGC regulations. 25 C.F.R. § 502.3. In the more than twenty years since the previous opinions were issued, the NIGC has developed its analysis of the elements of bingo and Class II gaming generally. I now have a body of precedent in the form of subsequent game opinions as well as court decisions that I must consider when looking at a particular game. After careful review of the game description and analysis you provided (as well as a demonstration in our office on January 27, 2017), the two prior opinions, the evolution of the law related to game classification, and subsequent NIGC game opinions that show the development of the agency's view of bingo and its requirements, I conclude that Shooter Bingo meets all the elements of bingo, and thus is a class II game. I therefore rescind the 1994 and 1995 opinions.¹

Game Description

Shooter Bingo is played on a table that allows different numbers of players to participate in the game, depending on the Shooter Bingo table size (for example, the 12-foot Shooter Bingo table allows up to 16 players to participate). Imprinted on the table at each of the player stations are two bingo cards: one is the Shooter-Card, the other is the Bingo-Card. Players may purchase either the Shooter-Card or the Bingo-Card. Each Shooter Bingo card consists of two vertical columns and four horizontal rows, containing eight designated bingo symbols. Those cards and their printed symbol designations are as follows:

¹ The 1994 and 1995 classification opinions were signed by past NIGC Chairman Anthony J. Hope and Harold Monteau, respectively. Despite that these opinions were signed by the head of the Agency, they are nevertheless still advisory opinions, not agency action. The lion's share of game classification opinions are issued by the NIGC General Counsel, not the Chair. Thus, there is nothing to prohibit the NIGC General Counsel from rescinding these opinions. Out of respect to Chairmen Hope and Monteau and an abundance of caution, however, I have consulted with NIGC Chair Jonodev O. Chaudhuri, who concurs in this opinion and agrees that the 1994 and 1995 opinions should be rescinded.