



TRIBAL COUNCIL

January 27, 2015

Re: **Letter in Support of the Iipay Nation of Santa Ysabel**

To Whom It May Concern:

I write as the elected Chairman of the Middletown Rancheria of Pomo Indians of California (“Middletown”) to express Middletown’s strong legal opinion supporting the operation of all forms of Class II gaming without State of California (“State”) infringement on such Class II games. While Middletown is not privy to the specific facts surrounding the operation of the Iipay Nation’s internet bingo game—and therefore Middletown is not able to opine with regard to the legality of the Iipay Nation’s internet bingo game specifically—Middletown has a strong opinion that the legality of internet gaming is not conclusively foreclosed by federal law, and further, if a game is properly designated as a Class II game, it falls outside of the jurisdiction of the State.

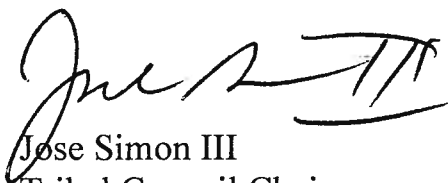
As you know, the Indian Gaming Regulatory Act (“IGRA”) generally allows Indian tribes to have exclusive jurisdiction over Class II bingo on its reservations without state or federal interference. Under IGRA, bingo qualifies as a Class II game if: (1) it is a non-banking game; (2) it utilizes technology that can be construed as electronic, computer or other technologic aids that makes the playing of the game possible, rather than as electronic or electromechanical facsimiles of any game of chance; (3) it is either authorized or not prohibited by the laws of the state in which the tribe’s reservation is located; and (4) it is offered in a manner that complies with any state or local laws or regulations regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games. Simply put, and as the NIGC has noted, the game of bingo enjoys a favored status for tribes under the IGRA. Indeed, the game of bingo—even when played with the use of technological aids—is unambiguously defined as a Class II game in the plain text of the IGRA. In summary, as long as the Iipay Nation’s internet bingo game satisfies IGRA’s criteria for the categorization of bingo or bingo-like games as Class II gaming, the inquiry should end there. Moreover, case law affirms that bingo does not lose its Class II designation by virtue of the use of electronic media, including video terminals, to display virtual bingo cards. The State has absolutely no role in the regulation of Class II gaming operated by any tribe.

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With regard to the applicability of the Unlawful Internet Gaming Enforcement Act, (“UIGEA”), the plain language of UIGEA prohibits persons from engaging in internet gambling or knowingly accepting, in connection with the participation of another person, any *unlawful* internet bets or wagers. But the UIGEA itself does not make any gambling activity illegal. Instead, the term “unlawful” only targets gambling that is unlawful under applicable federal or state law. Again, if a Tribe is able to design an internet bingo game that is clearly designated as a Class II game pursuant to IGRA, then the Class II game should be able to fall under the safe-harbor provisions under UIGEA to allow for legal gambling.

We, Middletown, feel strongly that if the State is allowed this attack of Tribal Sovereignty, then the risk to all tribal Class II gaming guaranteed under IGRA is in danger of being undermined by the State. We wish the Iipay Nation of Santa Ysabel success in making such arguments in their case.

Best regards,

A handwritten signature in black ink, appearing to read 'Jose Simon III', with a stylized flourish at the end.

Jose Simon III
Tribal Council Chairman
Middletown Rancheria