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Via Email and Fax

Commissioners
Dean Shelton, Chairman
Alexandra Vuksich
Stephanie Shimazu
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231

re: Bingo Regulations §12480

Dear Commissioners:

I received this week the proposed emergency regulations respecting remote caller bingo. I was out of the office, but am responding as promptly as possible. My only comments are on the definition sections. I have no comments on the body of the regulations or forms. I understand the definitions will apply to all the bingo regulations, not just the remote caller sections.

Comments on Definitions in §12480 (b)

1. On the copy I received, the Definition of "Distributor" (6) and Manufacturer (14A) each have the same typographical error. They read "provides (,) supplies, services, or equipment used in a remote caller bingo game."
2. For licensing, the definition of "Manufacturer" is too broad.

14B The first clause is fine. It defines a card minder manufacturer as: "*Manufactures; distributes; supplies; vends; leases; or otherwise provides card-minding devices in this state, or for use in this state;*"

This is all you need. The next part is unnecessary and very overbroad:

... including the assembly, production, programming, modification, inspection, testing, refurbishing, repairing, supplying, servicing, or storing of cardminding devices, in this state or for use in this state.

You should not include in the definition of a manufacturer someone who only inspects, tests, services, stores or repairs equipment.

The key to a bingo system or device is the software for the game, not the hardware which is just parts (resistors, chips, wires, displays, batteries), all of which you buy off the shelf.

A manufacturer can hire someone to service a device inspect part of a device, test a device and even repair a device, or any part of a device, and that person never sees the source code for the software, and has nothing to do with the game. They may just replace a battery or charging circuit. They could care less about bingo. All they want to know is whether the battery charging system works. These third parties that test or repair equipment, or some portion of the equipment, don't need to be licensed as a manufacturer.

3. (3) For licensing, "Bingo Equipment" should not include off the shelf equipment designed for general purpose use such as Cisco routers, Dell servers or HP computers you can buy at Best Buy. Nor should it include plasma televisions used for transmitting remote caller images. Software written for bingo or equipment made specifically for bingo *is different*. But for general purpose equipment, we should not be testing and licensing off the shelf products whose specifications and model numbers are changed rapidly by third parties. You don't want to have to license Panasonic, Sony, Cisco or Dell, or the people that repair their products.

This off the shelf equipment does not determine the outcome of the game.

4. (24) For licensing, "Technical Duties" is unclear, especially when linked to "bingo equipment." We suggest changing the first part of the definition.

"Technical duties" include, but are not limited to, providing expertise related to the maintenance, repair and operation of bingo equipment, including but not limited to, the application of scientific, engineering, or design principles related to the transmission and reception of remote caller bingo games."

What constitutes "expertise" about "bingo equipment"? For example, if a Cisco router is bingo equipment, does the person at Cisco that designed the router need a work permit or license? Why would a maintenance person that dusts the fan on a blower need a permit?

The definition should be:

"Technical duties" means writing or having access to source code for any software specifically used to play or operate or conduct remote caller bingo games, or the application of scientific, engineering, or design principles related to the transmission and reception of remote caller bingo games."

Sincerely,

David M. Fried

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Mark Newton