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Human Resource Management / Vocational Rehabilitation Counselor

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Re: Video Gaming Technologies, Inc., Dba Vgt, Inc., A Tennessee Corporation, et al., Plaintiffs, V. Bureau Of Gambling Control, A Law Enforcement Division Of The California Department Of Justice; Mathew J. Campoy, In His Official Capacity As The Acting Chief Of The Bureau Of Gambling Control; And John Mcginness, In His Official Capacity As The Sacramento County Sheriff, Defendants.

In The United States District Court, For The Eastern District Of California,
2:08-Cv-01241-Jam-Efb

I, BETH BRASCUGLI De LIMA, declare as follows:

At the request of Mr. John Reed, Esq., Beth Brascugli De Lima, HRM Consulting, Inc., reviewed related documents to the aforementioned Case No. 2:08-Cv-01241-Jam-Efb, and offers the following report. The purpose of this report is to provide an Americans with Disabilities Act (ADA) expert opinion of the associated issues related to the use of electronic gaming machines as an accommodation for disabled Americans in the play of live-call bingo. Detailed professional credentials are provided in the form of an attached Curricula Vitae, as well as professional background and standards described in Section I of this report.

I. QUALIFICATIONS

I, Beth Brascugli De Lima, am CEO and principal consultant for HRM Consulting Inc., a California Corporation that provides expert, vocational and corporate consulting services related to the ADA and the California Fair Employment Housing Act (FEHA).

1. I have more than 16 years experience working with disabled Americans. I am qualified as an ADA Vocational and Human Resource expert in numerous county, state and federal courts as well as the Social Security Administration's Office of Hearing and Appeals, and the Rail Road Retirement Board. A copy of my Curriculum Vitae (CV) that accurately reflects my educational and employment experience is attached as "Exhibit A.". My education, background and experience are summarized below.

2. Master's degree in Business Administration (MBA), and certified Senior Professional in Human Resources (SPHR) by the Society for Human Resource Management (SHRM), the world's largest human resources association.
3. Served and continue to serve in the vocational rehabilitation consulting and human resource management profession over 16 years; my record reviewed and verified by the Human Resources Certification Institute prior to professional certification.
4. Appointed to serve on the International Society for Human Resource Management's (SHRM) panel for Special Expertise, Employment Health, Safety & Security, 2006 to 2009.
5. Registered as a Ticket to Work provider for disabled Americans receiving Social Security Disability Benefits.
6. Since the inception of the ADA have provided not-for-profit and private organizations, public agencies, and school districts on-site accommodation assessments for the purpose of identifying reasonable accommodations for disabled Americans.
7. For the last 12 years, conducted training workshops specializing in Disability Management for not-for-profit and private employers, public agencies and school districts, as well as business organizations; sponsors include the Modesto Chapter of the SHRM, National Association of Rehabilitation and Re-employment Professionals, Yosemite Community College District, and the Calaveras and Tuolumne County Chambers of Commerce and Economic Development Company.
8. As stated in the SHRM Code of Ethical and Professional Standards in Human Resource Management: "...professionals consider and protect the rights of individuals, especially in the acquisition and dissemination of information, while ensuring truthful communications and facilitating informed decision-making."
9. For the last 16 years, have provided policy and procedure manuals and implementation training, including FEHA/ADA compliance documentation.

II. SCOPE OF ENGAGEMENT

I was retained by Defendant California Bureau of Gambling Control and Mathew Campoy to perform an ADA compliance study, analyzing reasonable accommodation for the play of live-call Charitable Bingo. The scope of my assessment was to determine what devices and/or other accommodations facilitated playing live-call bingo for disabled individuals, as commonly understood in the industry.

III. INFORMATION REVIEWED / INTERVIEWS

To prepare my opinion I performed the following activities:

- 1) Interviewed the following individuals
 - a) Janet Wong, Bingo Manager, Mayhew Bingo Center;
 - b) Diane Bayer-Torres, Senior Gleaners Bingo Manager; and
 - c) Sandy Johnston, formerly, Hiram Johnson Bingo Manager.

- 2) Played and observed the play of live-call bingo, using paper bingo cards, card minders, a Braille bingo card, and a "fixed face" screen. I also observed and played Capital Bingo Inc. – Crazy Ball, World Touch, and Video Gaming Technologies (VGT) - BAM Electronic Bingo Devices. The following Bingo Halls were visited
 - a) Charities Bingo Hall, 2929 Fulton, Sacramento, CA, July 21, 2009;
 - b) Mayhew Bingo Parlor, Tech Center Drive, Sacramento, CA, July 21 & August 3, 2009; and
 - c) Sacramento Bingo Parlor, 3399 Arden Way, Sacramento, CA, August 3, 2009.

- 3) Conducted on-line research in the following areas
 - a) Accommodation Network and numerous sites specifically identifying accommodations for disabled individuals;
 - b) Bingo Suppliers; and
 - c) Electronic Bingo Aides.

Documents Received and Reviewed

Date	Document
8/10/07	California Department of Justice, Division of Gambling Control, Law Enforcement Advisory, Electronic Bingo
2/21/08	Senate Bill No. 1369
5/6/08	Sacramento Consolidated Charities (SCC) Bingo Rules, Florin Road Bingo
5/31/08	Declaration of Joan Sebastiani in Support of Plaintiff's Motion for Temporary Restraining Order and for Order to Show Cause for Preliminary Injunction
6/1/08	Declaration of Robert Foss in Support of Plaintiff's Motion for Temporary Restraining

	Order and for Order to Show Cause for Preliminary Injunction
6/6/08	Declaration of Mary Brown in Support of Motion for Leave to Intervene and Emergency Motion to Modify Temporary Restraining Order and for Joinder in Plaintiff's Motion for Order to Show Cause re: Preliminary Injunction
6/13/08	Declaration of Joe Gomez in Support of El Camino Athletic Boosters Club's Motion to Intervene as Plaintiff
6/15/08	Declaration of Sandra L. Johnson
6/25/08	Declaration of Desmond C. Ladner In Support of State Defendants' Opposition to Intervenor's Motion for Preliminary Injunction w/exhibit
6/25/08	Declaration of James Rodriguez
11/26/08	SCC-1403, An Ordinance Relating to Charitable Bingo
4/09	Application for Sacramento County Bingo License
4/2/09	Declaration of Terry Rosaril in Support of Ex Parte Motion for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction and Memorandum of Points and Authorities Thereof
4/2/09	Declaration of Brian Bayer in Support of Ex Parte Motion for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction and Memorandum of Points and Authorities Thereof
4/2/09	Declaration of Noreen Bartell in Support of Ex Parte Motion for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction and Memorandum of Points and Authorities Thereof
4/6/09	Declaration of Janice Nunes in Support of Ex Parte Motion for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction and Memorandum of Points and Authorities Thereof
4/6/09	Declaration of Joe Gomez in Support of Ex Parte Motion for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction
4/14/09	Declaration of Karen Walsh in Support of Memorandum of Points and Authorities in Opposition to Temporary Restraining Order
4/14/09	Declaration of Joe Gomez in Support of Reply to Defendants' Opposition to Order to Show Cause RE Preliminary Injunction
4/14/09	State Defendants' Request for Judicial Notice in Support of Objections to [Proposed] Order Granting Preliminary Injunction, §12482. Assistance to Bingo Players with Disabilities
8/14/09	Electronic Devices and Card Minders, by model number and location
8/14/09	Hours - Rules for Disabled Sports USA, House Rules Bingo From 23 12/91, Madison Mall, Mayhew, and Freelancers
2009	Printouts From the Webpage Of Video Gaming Technology (VGT)
2009	Senior Gleaners Bingo License Renewal, Accommodation Disability Requirements

IV. OPINION

Background

One of the key goals of the ADA is to ensure that all people with disabilities enjoy full participation in American life. The U.S. Small Business Administration ADA Guide for Small Businesses indicates the ADA prohibits, "...the exclusion of people with disabilities from everyday activities, such as buying an item at the store, watching a movie in a theater, enjoying a meal at a local

restaurant, exercising at the local health club or having the car serviced at a local garage.” In Sacramento County, several bingo halls installed electronic video or “gaming” machines as a means of allegedly accommodating disabled individuals in the play of bingo.

The Business of Bingo

In Sacramento County, charitable organizations run bingo games a variety of days and times throughout the week. The game of bingo is played continuously for a specified period of time with a live-caller. The players “daub” their card and the game is won by achieving the correct combination of letters B-I-N-G-O, and numbers, for the current game, and the winner shouts, “BINGO.” The spoils are shared by all the winners.

Wikipedia provides a helpful description of the game of bingo as it is played by the charitable bingo halls in Sacramento County. “Single games often have multiple bingos; for example, the players may first play for a single line; after that, play may go on until a full card is called; then, play could continue for a consolidation [cover all] full card. Players often play multiple cards for each game... Because of the large numbers of cards played by each player, most halls have the players sit at tables to which they often fasten their cards with adhesive tape. To mark cards faster the players usually use special markers called daubers. At commercial halls, after calling the number the caller then displays the next number on a television monitor; bingo cannot be called until that number is called aloud...”

The Culture of Bingo

As observed by this analyst and supported by the interviews of the three Bingo managers listed above, the environment of Bingo play is very community oriented. Although boisterous talking and socializing is frowned upon, players interact with each other and help each other in play of the game. As a new bingo player, all of the players I sat next to at both Mayhew and Arden Mall were helpful in directing me on how to play the game, bringing my attention to the daubs I was missing, explaining the rules of the game, reminding me to look at the video monitors placed throughout the hall, and helping me learn how to play the electronic card minders. Additionally, volunteers and hall employees were walking around the tables offering additional assistance.

When a “bingo” was called, the hall erupted in either pleasure at having a table mate win or pain as they missed the bingo, all in fun and camaraderie. Many of the players of these games are long time customers that know each other and often follow charitable games as they may move from hall to hall,

according to Diana Bayer-Torres, Senior Gleaners, and as I experienced in socializing with the players at my tables.

Electronic Bingo

“The advent of computer technology in bingo has blurred the lines between traditional slot machines and bingo slot machines. To the average person, bingo based slot machines are physically indistinguishable from a random number generator (RNG) -based slot machine typically seen in Atlantic City or Las Vegas,” as defined by Wikipedia, which definition is supported by the Declaration of Mr. James Rodriguez. Mr. Rodriguez describes the VGT machines as having an appearance “very similar to slot machines...including graphical symbols normally associated with slot machine reels.” (Rodriguez declaration, Pages 2:27 & 3:15)

My personal experience with the electronic game machines duplicated both Mr. Rodriguez’s description as aptly clarified in his declaration and the definition obtained from Wikipedia. When I first visited the Charities Bingo Hall I entered the “Casino.” The Casino was clearly identified with multiple signs, however I found it hard to identify where to enter the Bingo hall from the Casino. Upon entering the Casino it was necessary to stop a moment and adjust my vision, as the only light source in the Casino was the electronic machines themselves. The music was loud and the machines were lined facing the walls with no clear way for wheel chair access underneath the machine or pulling up next to the machines due to their close proximity. I did not identify any Braille or other architectural accommodations that facilitated entrance, volunteer or staff assistance, or directions for disabled players. The cashier’s desk was around a tight 90° corner and the ticket machine was around another tight 90° corner. The visual aspect of the machines is as described above by Mr. Rodriguez; the bingo card as it exists is located on a screen titled above the main playing screen. I did not observe at any of the three halls I visited any players looking up at the second screen off the main playing screen to use the bingo card as a guide or source of interaction while playing the game. I indeed felt like I was in an Indian or Las Vegas style “Casino.”

My experience visiting and playing the electronic gaming machines included both the VGT and Capital Bingo machines. Once I entered my ticket or card, it was necessary, using my reading glasses, to read the directions on the screen presented in a small font to determine how to play. There were no volunteers roaming around in my vicinity or in the electronic game rooms, to determine if players needed assistance or in order to help a disabled player. The VGT machines did have a shelf design that would allow for a patron in a wheelchair to sit facing the machine; the other electronic machines did not have a

way for the wheel chair patron to face the machine. With both machines the games were over in seconds and there was no visual connection to the game of bingo except a visual representation of a bingo card. The electronic bingo display card is about 5 x 5 inches on one machine and even smaller on others. All the bingo cards are out of the direct sight of the game being played on the electronic game screen. There was no clear connection between the electronic game and the play of a bingo game, and zero environmental connectivity in the play of the game to a live-call bingo game that may or may not be occurring at the same time the electronic games are available to play.

The VGT machine operates by a touch screen. It is unclear how a blind player would know where to touch the screen to initiate play, choose the game, and bet and daub without assistance. There are no Braille markings or raised texture of any kind that would allow a blind or visually-impaired individual to identify where to touch the screen to play the game, although there are beeps and the sound of money dropping when you win. It is clear that none of these machines could be played by sight-impaired individuals without assistance while they are learning how to play and it is unclear how they would play without assistance once they did know how to play. There are no sounds that indicate to the player how much they won, how much they are betting or if they have maximized the credits they have in the machine. Neither is there a sound that lets you know you have exhausted your funds or that you won the "cover all" replica of a traditional bingo game. There are no sounds to tell you which game, of the many games available, you are choosing to play anywhere from a traditional slot machine screen of various pictures to keno-type play.

In all cases at the bingo halls when I played the electronic machines, the games were over in seconds. None of the game choices on the electronic machines include a traditional bingo card. As indicated, the machines have small versions of a bingo card in the corner off the screen or on a second screen above the main screen. The players of the electronic machines are not playing a bingo card, they are playing until the funds they entered into the machine are exhausted or they choose to stop playing and cash in their credits. The player can start and stop playing at any time the casino hall is open. In all cases at all three casinos visited, I did not notice any patron observing or using the bingo card on the electronic machine or even identifying how the slot machine type game they were playing related to a traditional "bingo" as represented in the detailed directions available to read on the help screen. My reading glasses were required for all the electronic machines I played at Charities Bingo Hall and Sacramento Bingo Parlor, and observed at Mayhew Bingo Parlor.

None of the bingo managers interviewed by this analyst considered the use of Electronic Bingo "slot" machines as either mimicking or duplicating the culture or play of live-call bingo. They did

however, perceive the electronic card minders as aiding in the play of live-call bingo for the elderly, disabled and regular players. Two of the halls visited had clear rules of play posted for the game of bingo but not rules for the electronic machines. Mayhew had rules for both; the electronic machine rules of play indicated all players must have paper cards with them when playing the electronic machines. It was verified by Janet Wong, Bingo Manager, Mayhew Bingo Center, the practice of requiring paper cards for the electronic game players stopped because the players did not use the cards and did not need them to play the machines. Ms. Wong indicated the mess left by the patrons with paper cards being discarded on the floor and around the machines. The attempts to meet the regulatory guidelines of the play of electronic machines was not feasible as the electronic games, in her opinion, were not linked to the "play of bingo" and the players had no need for the paper cards.

It is my opinion that electronic gaming machines do not, to use the text of the U.S. Small Business Administration ADA Guide for Small Businesses, "...ensure that all people with disabilities enjoy full participation..." in the playing of bingo. It would be comparable to including, "...people with disabilities from everyday activities...such as...watching a movie in a theater..." by telling the patron they can come to the theater to watch a movie, but it will not really be the same kind of entertainment and they will need to "watch it" in a different location.

Based upon my operation and observation of the electronic video devices and the patrons who played them, it is my opinion that the electronic video devices do not provide an accommodation for disabled individuals to participate in a live-call bingo game. First and foremost the players of the electronic video devices are not participating in live-call bingo, so these machines cannot be considered an accommodation for disabled individuals to play live-call bingo. The electronic gaming machines in my opinion are an electronic game available for an individual to play when the bingo hall is open. These machines do not mimic the live-call bingo game in the manner of play, speed of play, or the environment in which they are played. Therefore disabled individuals are not afforded access to the same type of entertainment as live-call bingo by playing electronic gaming machines.

Accommodations for Live-Call Bingo

An analysis of the assistive aids available for disabled individuals confirmed there are many products on the market specifically designed for the play of live-call bingo. Additionally, there are other assistive aids available to mitigate specific disabilities in the play of a game that traditionally requires site or hearing and the ability to "daub" a paper card or press a button on a card minder or fixed screen "daubing" device. All the items this analyst identified were found on the internet by visiting

accommodation equipment sites for daily living and bingo supply web sites. The various items identified provide an opportunity for disabled individuals with various challenges to participate in the actual live-call bingo game. Many other assistive devices specific to various disabilities are available for bingo halls to utilize and/or make available as needed through the process of identifying various methods to remove the barriers of participation in the live-call bingo games.

Some of the items identified as a result of this consultant's analysis included accommodations for the following challenges and barriers to participation in the game of live-call bingo: vision, blindness, hearing, cognitive, motor function, and speech-language impairments. All the options identified facilitate the participation in the game of live-call bingo, and are not a replacement with an alternative game for amusement at a bingo parlor that mimics a slot machine. The following information is just a sample of the options available.

Visual Limitations and Blindness

Braille cards, large print bingo cards (5/8" high numbers), jumbo print bingo cards (2" high numbers), super sized high contract bingo cards (8 1/2 x 11), card minders, and fixed screens are just some of the existing aids available for site impaired and blind individuals for the play of live-call bingo. Additionally, live-call bingo is just that, *live call*, so sight-impaired individuals can hear the number being called. The radio frequency card minder machines are available in a form that allows a single "enter" button to be pressed to have the called number "daubed" onto the electronic bingo card. The card minders warn the player they are getting close to a bingo with a specific sound and then lets them know when they have hit bingo. This analyst utilized a fixed screen bingo aid that kept track of every number live-called and as I pressed enter, it "daubed" my card until all the numbers had been recorded on the bingo card.

The screens located around the parameter of the bingo hall also provide large full-screen visuals of the balls dropped and the numbers continue to be lit up on the flashboards typically located at both ends of the hall. It is important to note that both the flashboards and the visual display of the balls on the screen are easy to read and of a larger print than the directions on any of the electronic gaming machines.

Hearing Impaired

With the aid of other assistive devices such as audible bingo cards, assistive listening or hearing devices, as well as the monitors that are placed in the four corners of the room, and often 1/2 way between the corners, of all the bingo halls I visited, these hearing-impaired individuals can see the balls being dropped. In addition, the called numbers are lit up on the flashboards placed at either end of the hall. The

monitors have large full-screen views of the ball drawn. With the fixed screen monitors, although I understand these screens are currently outside of county regulations, the players can see the numbers on the screen of the monitor in front of them. It would be this analyst's recommendation that the fixed screen monitors be reconsidered as an accommodation tool specifically available for the accommodation of individuals with hearing, cognitive, motor function, and/or other impairments. They appear to be an option that would allow for the participation in a live-call game of bingo.

Cognitively Impaired

These types of disabilities could cover a large range of potential accommodations, however the large print (5/8" high numbers) bingo cards, jumbo print (2" high number) bingo cards, and super sized (8 1/2 x 11) high contract bingo cards may assist both cognitively and visually impaired individuals. The card minders and fixed screen monitors also offer options that may be more appropriate to individuals who are aware of numbers and need a simple and less complicated method for daubing a bingo card by using an electronic mechanism that allows for a single "enter" button to be pushed.

Motor Function Impairment

Bingo shutter cards, easy-reader finger-tip bingo slide cards, magnetic bingo wands with large transparent bingo chips, mouth sticks, and hand aides, could all potentially be utilized by individuals with motor function impairments.

Speech-Language Impairments

Speech and language impairments can accompany many other challenges of the disabled. The recently proposed regulations, §12482, Assistance to Bingo Players with Disabilities, dated May 1, 2009, specifically addresses the need for utilizing some form of visual or audible signaling to notify the operator of a winning pattern or "bingo."

Disabled individuals often require a case-by-case analysis for appropriate accommodations to be identified. Having a designated volunteer or staff member available on site at the hall with examples of the equipment could be the first step in helping disabled individuals enjoy the play of live-call bingo. Accommodations for individuals who simply do not have the stamina or physical ability to sit through a full session may be given the option to buy into the game at reduced rates for 1/3 or 1/2 time sessions. Overall, the proposed regulations offer many specific accommodations for removing the barriers to playing live-call bingo. As quoted from the proposed regulations, pages 1-2, these include:

- (A) "The operator of a bingo game that offers card-minder devices shall reserve at least two ... for use by disabled players."
- (B) "...players with disabilities... (1) shall not be required to pay that fee or comply with a minimum purchase requirement imposed on players utilizing card-minding devices..."
- (C) "...allow players with disabilities... (1) to claim prizes by presenting a print out of a winning card, or other evidence of a winning card approved by the Commission."
- (1) "...when... disabilities would restrict a player's ability to verbally announce "BINGO," the operator of a bingo game shall allow those players to utilize a form of visual or audible signaling to notify the operator of a winning pattern or "bingo," which may include a flag, paddle, light, horn, bell or whistle, or other means approved by the Commission."
- (3) "...when... disabilities would restrict the players' ability to mark cards or to announce 'BINGO,' the operator of a bingo game shall allow another individual to assist the disabled players in the play of bingo. The assisting individual shall not be counted towards the 750-player maximum..."

Additionally, SCC-1430 indicates, "No bingo manager, security employee or volunteer for that session shall participate as a player in the play of any bingo game, except that a licensee manager or volunteer may assist a player in the play of that player's cards, or in the use of a card minder, as described in Section 4.26.167 (b) of this Chapter, as part of an accommodation or auxiliary aid, provided that assistance does not involve or require the use of a computerized, mechanical or electronic device other than a card minder as authorized by section 4.26.167(b)..." (Page 17, SECTION 21, 4.26.168, V)

It is important to note that a process of accommodation for individuals with disabilities to enjoy full participation in live-call bingo requires a pro-active commitment by the bingo halls to work toward a solution. The current Application for Sacramento County Bingo License, revised April 2009, requires licensees to specifically identify and clarify their intentions regarding accommodation of disabled individuals. Karen Walsh, Accounting Manager Bingo Compliance Unit, Sheriff's Department Sacramento County, indicated in her Declaration that the "Sacramento County Code requires compliance with the ADA as part of its bingo licensing... [it] contains an express requirement that all charitable organizations provide a plan for accommodations at the time of acquiring or renewing their license." (Walsh Declaration, Page 11:29)

What appears to be missing from both the Charitable organizations and the Sheriff's office is a method for meeting the intentions of both the code and the bingo halls - access to the play of live-call bingo for disabled individuals. Having participated in the accommodation of disabled Americans for over 16 years, the process itself is an end to the means. As a result of this analysis I can make available a report for the Bingo halls and the Sheriffs office of all the resources for accommodating individuals in the play of live-call bingo, on a case-by-case basis, that I have identified to date. The bingo managers interviewed indicated meetings between bingo managers and the Sheriffs office to identify tools that are

sanctioned for play is also an important part of this process. It would also allow brainstorming between the Bingo Hall managers regarding what is working and what they have had requests for.

What is clear to this analyst is that the lack of a well defined process does not indicate a lack of intent by the bingo halls to reach this goal. The halls already provide card-minders and Braille cards as accommodations, and, as indicated in the County Code, volunteers can and do actively assist disabled players as part of that accommodation. However, not all the halls are even aware of this option. Much needs to be done on both sides to effectively facilitate the accommodation of disabled individuals to gain full access to live-call bingo. A pro-active approach amongst all parties, with the assistance of experts in the area of accommodation, would be essential in attaining this goal.

What is also clear to this analyst is the use of electronic gaming machines, such as VGT's BAM machine, Capital Bingo Inc.'s Crazy Ball, and the World Touch machines, do not meet either the intent or the substance of an accommodation process that allows access of disabled Americans to the game of Bingo. It is my opinion that installing electronic video games and calling that an "accommodation" for the live-call bingo game does not meet the criteria of providing an accommodation for the play of live-call bingo. The electronic video machines do not accommodate a disabled individual with participating in a live-call bingo game.

V. SUMMARY

Based upon my operation and observation of electronic video devices, VGT and Capital Bingo Inc, and World Touch, it is my opinion that the electronic video devices do not provide an accommodation for disabled individuals to participate in a live-call bingo game. First and foremost the players of the electronic video devices are not participating in live-call bingo so these machines cannot be considered an accommodation for disabled individuals to play live-call bingo. These machines do not mimic the live-call bingo game in the manner of play, speed of play, or the environment in which they are played. They are, rather, simply an electronic game available for an individual to play when the bingo hall is open.

It is my opinion that other methods of accommodation such as Braille cards, card minders, and fixed screens provide an opportunity for disabled individuals to participate in the actual live-call bingo game. Additionally, with the aid of other assistive devices such as audible bingo cards, assistive listening or hearing devices, large print bingo cards, jumbo print bingo cards, super sized high contract bingo cards, bingo shutter cards, easy-reader finger-tip bingo slide cards, magnetic bingo wands with large transparent bingo chips, mouth sticks, hand aides, and many other assistive devices specific to various disabilities,

disabled individuals can be assisted as needed to identify methods for participation in live-call bingo games.

The bingo halls visited did not have any clearly identifiable method for disabled individuals to obtain assistance by identifying accommodations for playing live-call bingo. SCC-1403 Section 12 - 4.26.040 (i) indicates: "A detailed statement, describing the accommodations and auxiliary aids and services... will be provided by the applicant during its bingo sessions to enable the play of bingo by those individuals with disabilities..." and in Section 21 - 4.26.168 V. states "...a licensee manager or volunteer may assist a player in the play of that player's cards... as part of an accommodation..." In my opinion it is necessary for the bingo halls to not only comply with existing regulations, but to develop pro-active methods to assist their disabled customers in gaining access to playing live-call bingo. It is my opinion that installing electronic video games and calling that an "accommodation" for the live-call bingo game does not meet the criteria of providing an accommodation for the play of live-call bingo. The electronic video machines do not accommodate a disabled individual with participating in a live-call bingo game.

This concludes my evaluation. I reserve the right to alter my opinion based upon any new or different information I have not yet had the chance to review. A copy of my CV is attached as "Exhibit A."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 24, 2009


Beth Brascugli De Lima, HRM Consulting, Inc.

Enc: Exhibit A CV of Beth Brascugli De Lima
Exhibit B Documents and Exhibits used to Summarize and Support this Opinion that are not currently contained in the Court File