

\_\_\_\_\_)  
IN RE:       Amendment to Metlakatla    )  
              Indian Community's        )  
              Gaming Ordinance         )  
\_\_\_\_\_)

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APPEAL OF THE CHAIRMAN'S DISAPPROVAL  
OF THE METLAKATLA INDIAN COMMUNITY'S  
PROPOSED AMENDMENT TO ITS CLASS II  
GAMING ORDINANCE

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DECLARATION OF MARK NEWTON

1. My name is Mark Newton. I am the Director of New Product Development and the Director of Regulatory Compliance for VKGS LLC dba Video King, one of the world's largest providers of electronic gaming systems and bingo hall equipment. Video King has been a leader in the bingo industry for over 15 years providing bingo hall products including bingo balls, state-of-the-art bingo consoles, integrated bingo hall management systems, multi-channel video flashboards, high-tech electronic handsets, and other portable gaming devices.

2. As Director of Regulatory Compliance, I am responsible for the day to day operation of the corporation's compliance department, and ensuring that all of our games and aids meet the regulatory requirements of each jurisdiction where we do business. Currently, we do business in over 30 jurisdictions in the United States.

3. I have been working in the bingo gaming industry for approximately 10 years, and began my career with Video King working in the Quality Assurance Department. I routinely work in a variety of different regulatory jurisdictions in the United States, and have gained a great deal of familiarity in how the game of bingo is played and regulated across the United States. I am often called upon by state regulatory agencies to consult on pending electronic bingo regulations. I was a key member of the group assembled to assist the NIGC's advisory committees in commenting on the NIGC's

proposed Class II regulations, and I am currently the Chairman of the Board of the Electronic Bingo Manufacturers Association (EBMA).

4. Electronic aids to the game of bingo are ubiquitous in the United States. Nearly every jurisdiction allows some form of electronic aid to the game of bingo to be played. Many of these aids allow the play of the game of bingo with a feature that as part of an electronically linked bingo system assists the player by automatically covering the player's electronic card(s) when numbers or other designations are determined and displayed to the player. This feature, which requires no further action by the player to cover his/her card after bingo numbers have been determined, is colloquially known as full auto daub.

5. The use of full auto daub on technologic aids to the game of bingo is widespread in non-Indian bingo halls across the country. In some states and jurisdictions, the use of such technology is specifically authorized, and in others it is not prohibited and as a result is in widespread use.

I am aware that the use of full auto daub technology is specifically authorized in the state of North Dakota.:

I am also aware of the following states and jurisdictions which do not prohibit the use of full auto daub technologic aids to the game of bingo, and in which such aids are in widespread use:

- (1) Kentucky;
- (2) Louisiana;
- (3) Alabama (select counties);
- (4) Florida;
- (5) Ohio;
- (6) Michigan;
- (7) Nevada; and
- (8) Illinois.

I note that there may be additional jurisdictions which play full auto daub bingo, but my expertise is limited to those jurisdictions where I currently do business.

6. The use of full auto daub technologic aids is also widespread on United States military bases in the United States. Though not an exhaustive list, I am specifically aware that the following United States military bases are currently playing bingo with technologic aids that use full auto daub:

Hunter Army Airfield (Georgia)

Fort Stewart (Georgia)

Fort Bragg (North Carolina)

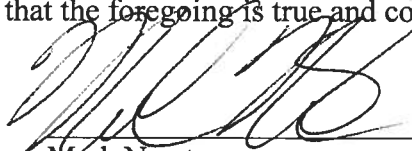
Seymour Johnston Air force Base (North Carolina)

Fort Huachuca (Arizona)

In addition, the Navy operates a bonanza-style game of bingo using technologic aids with full auto daub in San Diego and Guam.

7. Many tribal gaming locations also currently use technologic aids to the game of bingo with full auto daub.

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



Mark Newton

Dated: June 24, 08