

1 **OPP**  
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3 Nevada Bar No. 12264  
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9 Attorney for Petitioner  
10 MICHAEL SHACKLEFORD

11 **EIGHTH JUDICIAL DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 MICHAEL SHACKLEFORD, as an  
14 Individual.

15 Petitioner

16 vs.

17 NEVADA GAMING COMMISSION, a  
18 Nevada Government Entity.

19 Defendants.

CASE NO. A-12-671998-W

DEPT. NO. XIII

20 **PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION TO DISMISS**

21 Petitioner, MICHAEL SHACKLEFORD, hereby submits through his counsel of record,  
22 BRANDON L. PHILLIPS, ESQ., of the firm BRANDON L. PHILLIPS, ATTORNEY AT  
23 LAW, PLLC, his Opposition to Respondent's Motion to Dismiss the Petition for Writ of  
24 Mandamus.

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1 This Opposition is based upon the papers and pleadings on file herein, the Memorandum  
2 of Points and Authorities filed concurrently herewith, the exhibits attached hereto, and any oral  
3 argument this Court may entertain at the hearing on the Motion.  
4

5 DATES this 6<sup>th</sup> day of February, 2013

6 BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC

7 By /s/ Brandon L. Phillips

8 BRANDON L. PHILLIPS, ESQ.  
9 Nevada Bar No. 12264  
10 Brandon L. Phillips, Attorney at Law, PLLC  
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15 Attorney for Petitioner  
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. Facts:**

3 On December 21, 2012, Petitioner filed a Petition for Writ of Mandamus seeking,  
4 specifically, that the Nevada Gaming Commission (hereinafter, "Gaming") be required by this  
5 Court to release "slot win percentages for Clark County casinos with \$1,000,000 in revenue, by  
6 both denomination and casino for the last available twelve (12) month period." Petitioner had  
7 previously sought this information through the Nevada Open Information Act, but Gaming  
8 denied such request, stating that it was protected under NRS 463.120 and NRS 463.3407,  
9 protected revenue information. Petitioner disputed that this information was protected and/or  
10 contained any revenue related information and then sought relief from this Court.  
11

12 **II. Argument:**

13 **A. Affidavit:** Petitioner agrees that his Writ was defective in that failed to be  
14 issued with/upon an affidavit. Petitioner has since filed an affidavit, attached hereto as Exhibit 1:  
15 Verification of Complaint by Michael Shackelford. Since, the defect was cured, Respondent's  
16 Motion to Dismiss on these grounds must be denied.  
17

18 **B. Service:** Petitioner disputes whether service on the District Attorney was  
19 essential to his request for a Writ, however, Petitioner has since made arrangements for formal  
20 service on the District Attorney. Therefore, since the disputed defect was cured, Respondent's  
21 Motion to Dismiss on these grounds must be denied.  
22

23 **C. Petitioner's Authority to the Relief Requested:** Petitioner's authority to  
24 request the "slot win percentages for Clark County casinos with \$1,000,000 in revenue, by both  
25 denomination and casino for the last available twelve (12) month period," comes from the fact  
26 that he is part of the class intended to benefit from the Nevada Open Information Act (NOIA).  
27 As stated in the Petition, as a member of the public, Petitioner is entitled to request information  
28

1 from public entities under the NOIA. In accordance with NOIA, the Nevada Gaming  
2 Commission as a governmental entity is required to open at all times during office hours all  
3 public books and public records for public review. Therefore, since Petitioner is a member of the  
4 public and is entitled to request information through the NOIA and since Gaming is  
5 governmental entity subject to requests under the NOIA, Petitioner has the authority to seek the  
6 requested information from Gaming.  
7

8           D. Confidential Information held by Gaming: Petitioner seeks public information  
9 contained or held by the Nevada Gaming Commission. Petitioner's belief that the Nevada  
10 Gaming Commission holds this information is based on the following: (1) Gaming publishes, on  
11 its own website, slot payback percentage by regions of the state. More specifically, Gaming  
12 released the "Gaming Revenue Report" on January 7, 2013 attached hereto as Exhibit 2. A close  
13 examination of this document shows that 139 locations reported the information to Gaming.  
14 Gaming then combined this information to produce the chart. Gaming released specific revenue  
15 information for individual table games and multiple denominations of slots. Petitioner does not  
16 seek any of the revenue information, as shown in columns 1-3 of Gaming's chart, but seeks only  
17 the information contained in column five WIN PERCENT per each reporting casino. To  
18 accumulate regional information, Gaming must receive casino specific slot payback percentages  
19 from each casino. It is impossible for Gaming to calculate the percentages for a specific region  
20 without having the individual parts to make up the whole. Therefore, Gaming must acquire  
21 individual slot payback percentages from each casino to calculate the regional information.  
22

23           (2) In 2011, Petitioner spoke with Gaming concerning an individual casino's claim of  
24 having the highest payback percentage on slots in downtown Las Vegas. Gaming informed  
25 Petitioner that the casino did in fact have the highest payback percentage. The Gaming agent  
26 informed Petitioner that he knew the casino did in fact have the highest payback percentage  
27  
28



1 because Gaming had a form that detailed the average slot payback percentage for each casino.  
2 This only makes sense. Gaming needs the individual reports from each casino, which they put  
3 into some database, so that the monthly report can accurately be released on their website.  
4 Therefore, Gaming likely has the requested information as it is an essential a part of the  
5 information ultimately released on their own website.  
6

### 7 LEGAL ANALYSIS

#### 8 **A. Release of alleged confidential information:**

9 The information requested is not confidential under any theory put forth by Respondent.  
10 First, Respondent argues the information requested is protected by NRS 463.120(4) as it is  
11 “relative to the finances, earnings or revenue of any applicant or licensee;” To characterize the  
12 information requested by Petitioner as such is misleading, clearly shows a lack of understanding  
13 of the information being requested, and/or a lack of understanding of gaming statistics. First, as  
14 stated above, Gaming is already gathering and releasing a portion of the requested information  
15 on their website under the category WIN PERCENT. Second, a slot machine is designed to  
16 payback a certain percentage regardless of whether \$1.00 or \$1,000,000.00 is actually put  
17 through the machine. Petitioner does not seek the actual amount entered into any specific slot or  
18 into the slot machines as a whole at each reporting casino. Petitioner only seeks the WIN  
19 PERCENT or average slot payback percentage per casino. Thirdly, there is no way Petitioner  
20 could use the requested information to determine any financial, earnings, or revenue information  
21 for any reporting casino. Therefore, it is impossible that the release of the requested information  
22 would cause any harm to Gaming or the reporting casinos. Further, the casinos are already  
23 mandated to release this information in many other jurisdictions (including New Jersey), so it is  
24 not as if this information is considered privileged by the casinos. (See Exhibit 3: Breakdown of  
25 Reported Slot Payback Percentage by state).  
26  
27  
28

1 Second, Respondent claims the requested information, since related to finance, revenue,  
2 or earnings, cannot be redacted as to protect the identity of the individual casino. Petitioner  
3 refutes this claim. The information requested in the Gaming Revenue Report released on its  
4 website, already separates the information into separate categories. Gaming could simply report  
5 the average WIN PERCENTAGE by each casino without specifically naming or identifying the  
6 specific casino. Thus, the casino would keep financial, revenue, and earnings information  
7 confidential and at the same time keep their identity confidential as well. Therefore, since no  
8 confidential information would be released to the public, Petitioner's request should be granted.  
9

10  
11 **B. Respondent argues that the requested information may be privileged.**

12 Again, Respondent misstates the information Petitioner is seeking, "Those documents in the  
13 custody of the COMMISSION that would enable Petitioner to calculate "win percentages," for  
14 slot machines at the large Clark County casinos. . ." (p. 7, ll. 25-27). Petitioner is not requesting  
15 information that would allow him to calculate anything. Gaming is already calculating WIN  
16 PERCENT for the information released on its own website. To calculate the data, Gaming is  
17 using information reported by the individual casinos. Gaming is then taking those raw data  
18 numbers and converting them into the WIN PERCENT seen on their website. Petitioner only  
19 requests that the individual casinos be named or that the casinos names be redacted and the  
20 individual WIN PERCENT for each casino be reported.  
21

22  
23 For NRS 463.3407 to apply to the information requested by Petitioner, the information  
24 must be considered privileged. The information is not privileged for several reasons: First,  
25 Gaming is already reporting the requested information by region for Nevada. Second, casinos are  
26 reporting the same or similar information requested by Petitioner in many other states where they  
27 have a large presence, New Jersey, Indiana, Illinois, New York, and Missouri to name a few.  
28 Further, in many of the above listed states, the information is required to be posted or put on



1 display within the casino establishment every month. Certainly if this information was privileged  
2 financial, revenue, or earnings information detrimental to the casinos it would not be required to  
3 be posted for public review. Therefore, since the information is not privileged and is not  
4 specifically privileged in the state of Nevada in that it is not financial, revenue, or earnings it  
5 cannot be considered privileged and thus cannot be protected by Nevada statutes cited by  
6 Respondent.  
7

8 **C. Notification to all casino properties affected by the release of confidential**  
9 **information.**

10 As stated throughout Petitioner's Writ and herein, the requested information is not protected by  
11 any Nevada statute as it is not financial, revenue, or earnings information. Since the information  
12 is not confidential or privileged, as alleged by Petitioner throughout the present matter, there is  
13 no requirement that all casinos be given notification of the pending matter. Notification would  
14 only be required should this Court determine the requested information is privileged or  
15 confidential. Gaming's stance that the information is privileged is clearly an attempt to involve  
16 all casinos into a minor non-privileged and non-confidential matter. Further, Gaming's stance  
17 that they do not have the requested information is simply disingenuous, as Gaming is reporting  
18 the requested information by region, which implies that Gaming maintains the individual reports  
19 to make up the whole.  
20  
21

22 Gaming's Guiding Principles specifically states that "our highest priority is our duty to  
23 protect the citizens of Nevada and visitors to our state by ensuring the interests of the agency,  
24 any employee or any licensee are not placed above our duty to our citizens and visitors." By  
25 mandating that the requested information is either financial, revenue, or contains earnings  
26 information clearly shows favoritism towards the licensees (the casinos). Nevada Gaming  
27 requirements set the minimum slot payback percentage currently at 75%. Therefore, for Gaming  
28

1 to determine whether casinos are actually abiding by this guideline there must be some type of  
2 reporting to ensure the integrity of the slot machines offered within the jurisdiction of the  
3 Gaming authority. Without any reporting, as Gaming claims, there would be little to no incentive  
4 for any Nevada casino to abide by the minimum payback percentage. Gaming's Guiding  
5 Principles goes on to state that, "Our objectivity, independence and impartiality are beyond  
6 reproach." By protecting non-privileged and non-confidential information reported by the  
7 casinos to Gaming, they have violated their own principles by failing to deliver the requested  
8 information. Further, the fact that a Gaming agent signed an affidavit claiming that the Gaming  
9 does not have the requested information calls into question Gaming's integrity. Gaming must  
10 have the requested information as it is an essential element to the information reported on their  
11 website. Without the individual casino slot payback percentages there is no way Gaming could  
12 reach an average slot payback percentage by region.  
13  
14

### 15 CONCLUSION

16  
17 Petitioner claims that he is resident of Nevada and thus an intended part of the class  
18 authorized to seek information under the Nevada Open Information Act. Petitioner made this  
19 request directly to Gaming, but was denied the information requested, slot payback percentage  
20 by individual casino. Petitioner has proven that Gaming must have the requested information as  
21 it is an essential element to the statistics reported on their website, to state otherwise is  
22 completely inaccurate. Gaming has sought to protect information that is not financial, revenue, or  
23 earnings. Petitioner repeats that the information he requests is not privileged or confidential and  
24 should be made available to the public upon request.  
25

26 ///

27 ///

28 ///



1 Therefore, Petitioner requests that Respondent's motion to dismiss be denied in its entirety and  
2 that Petitioner's request for the information be granted.

3 DATED this 6<sup>th</sup> day of February, 2013

4 BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC

5  
6 By /s/ Brandon L. Phillips

7 BRANDON L. PHILLIPS, ESQ.  
8 Nevada Bar No. 12264  
9 Brandon L. Phillips, Attorney at Law, PLLC  
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14 Attorney for Petitioner  
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1 CERTIFICATE OF MAILING

2 I HEREBY CERTIFY that on the 6<sup>th</sup> day of February, 2013, I deposited in the United  
3 States Mail at Las Vegas, Nevada, postage prepaid, a copy of the PETITIONER'S OPPOSITION  
4 TO RESPONDENT'S MOTION TO DISMISS, addressed to:

5 Catherine Cortez Masto, Attorney General  
6 5420 Kietzke Lane, Suite 202  
7 Reno, Nevada 89511

8 

9 \_\_\_\_\_  
10 An Employee of the  
11 BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC

**EXHIBIT 1**

**EXHIBIT 1**

1 **VERF**  
2 BRANDON L. PHILLIPS, ESQ.  
3 Nevada Bar No. 12264  
4 Brandon L. Phillips, Attorney at Law, PLLC  
5 3960 Howard Hughes Parkway, Suite 500  
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9 Attorney for Petitioner  
10 MICHAEL SHACKLEFORD

11 **EIGHTH JUDICIAL DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

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14 Individual.

15 vs.

16 NEVADA GAMING COMMISSION, a  
17 Nevada Government Entity.

18 Defendants.

CASE NO. A-12-671998-W

DEPT. NO. XIII

**VERIFICATION OF  
COMPLAINT**

19 STATE OF NEVADA )  
20 )ss:  
21 COUNTY OF CLARK )

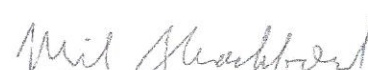
22 I, Michael Shackleford, Petitioner of the Writ of Mandamus filed against the Nevada  
23 Gaming Commission hereby declare under penalty of perjury:

- 24 1. I have read the Writ of Mandamus filed in this case and I am competent to testify that  
25 the contents are true of my own personal knowledge, except for those matters stated  
26 therein on information and belief; and, as to those matters, I believe them to be true,  
27 accurate, and correct.
- 28 2. That I am a United States citizen, currently residing in the State of Nevada, County of  
Clark, since approximately February of 2001.




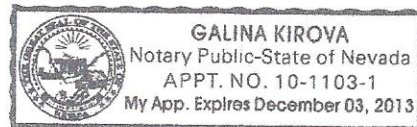
- 1 3. That I have sought the requested information in the Writ, slot payback percentages,  
2 from the Nevada Gaming Commission and have been denied access to the requested  
3 information.  
4  
5 4. That I believe the Nevada Open Information Act allows myself, a member of the  
6 public, access to the requested information.  
7  
8 5. That I believe the requested information is not privileged.  
9  
10 6. That I believe the Nevada Gaming Commission has knowledge of or collects the  
11 information requested based on my past communication with the Commission.  
12 7. That I declare under penalty of perjury under the law of the State of Nevada that the  
13 foregoing is true and correct, to the best of my knowledge, information, and belief.

14 Further affiant sayeth naught.

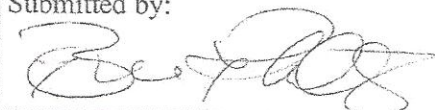
15   
16 MICHAEL SHACKLEFORD

17 SUBSCRIBED AND SWORN to  
18 Before me this 4<sup>TH</sup> day of February, 2013

19   
20 NOTARY PUBLIC in and for said  
21 County and State



22 Submitted by:

23   
24

25 Brandon L. Phillips, Esq.  
26 Nevada Bar No. 12264  
27 3960 Howard Hughes Parkway, Suite 500  
28 Las Vegas, NV 89169  
(702) 795-0097; (702) 795-0098 (fax)  
blp@abetterlegalpractice.com  
Attorney for Petitioner

**EXHIBIT 2**

**EXHIBIT 2**



CLARK COUNTY  
 \$1,000,000 AND OVER REVENUE RANGE  
 Win Amounts are in Thousands (Add 000)

CLARK COUNTY GAMING REVENUE REPORT  
 TWELVE MONTH SUMMARY - 12/01/11 TO 11/30/12  
 THREE MONTH SUMMARY - 09/01/12 TO 11/30/12  
 CURRENT MONTH SUMMARY - NOVEMBER, 2012

UNIT DESCRIPTION GAMES AND TABLES:	# OF REPORTING LOCATIONS -- 139				# OF REPORTING LOCATIONS -- 139				# OF REPORTING LOCATIONS -- 139						
	# OF LOC'S	# OF UNITS	WIN AMOUNT	% CHANGE	WIN PERCENT	# OF LOC'S	# OF UNITS	WIN AMOUNT	% CHANGE	WIN PERCENT	# OF LOC'S	# OF UNITS	WIN AMOUNT	% CHANGE	WIN PERCENT
TWENTY-ONE	97	2,145	49,969	-21.97	7.59	97	2,165	199,725	-7.88	9.78	97	2,189	873,625	-5.14	10.41
CRAPS	90	318	23,080	-20.81	12.49	90	319	83,815	1.57	14.19	91	324	353,250	-6.32	13.06
ROULETTE	91	386	11,195	10.53	22.30	91	385	103,775	39.05	20.14	91	389	342,024	14.97	16.75
3-CARD POKER	78	217	11,303	-7.89	32.61	78	216	35,188	-4.01	31.56	84	217	139,325	2.81	31.21
BACCARAT	20	275	66,738	-25.11	12.19	20	274	273,969	-16.88	12.96	21	268	1,330,434	5.37	12.16
MINI-BACCARAT	35	122	10,991	142.46	16.81	40	121	26,957	73.92	12.43	42	120	89,786	8.46	9.93
KENO	39	58	1,975	4.13	32.69	35	58	5,562	-0.76	30.02	37	62	20,684	-3.17	28.21
BINGO	29	29	788	-21.42	4.84	29	29	1,384	-25.45	2.91	30	29	5,596	2.40	2.91
LET IT RIDE	54	80	3,070	-6.13	24.34	55	79	9,878	-6.29	24.35	59	80	39,329	-4.11	24.22
PAI GOW	21	36	2,589	129.64	22.87	23	38	4,375	92.15	18.49	25	35	17,378	57.44	16.57
PAI GOW POKER	68	199	7,472	6.57	23.38	68	194	19,622	-7.18	20.96	73	200	86,434	-0.75	20.88
RACE BOOK (1)	61	61	4,517	4.86	14.84	61	53	11,256	-5.51	14.33	63	43	48,134	-6.41	14.57
SPORTS POOL (2)	64	64	-5,070	-137.03	-1.34	65	65	42,541	-23.33	3.89	66	64	127,816	18.79	4.43
OTHER GAMES	253	253	11,064	-12.79	23.08	251	251	32,970	-10.01	24.21	251	254	136,996	-5.54	23.95
TOTAL GAMES	104	4,243	219,680	-19.33	10.15	104	4,246	851,016	-5.57	11.95	105	4,273	3,610,812	1.82	11.97
CARD GAMES	53	614	8,115	-8.88		57	624	23,596	-8.77		62	664	109,901	-5.57	
SLOT MACHINES:															
1 CENT	117	37,111	154,854	-5.02	10.41	118	36,695	498,281	6.09	10.93	118	35,803	1,912,220	7.92	10.75
5 CENT	96	2,936	6,695	-47.15	6.18	96	2,997	20,836	-42.06	6.33	106	3,742	102,671	-30.44	5.78
25 CENT	104	8,577	27,584	-24.41	5.75	104	8,651	89,239	-18.59	5.97	108	9,404	374,038	-16.53	5.68
1 DOLLAR	100	7,010	34,741	-15.65	5.57	100	7,027	109,849	-0.20	5.78	102	7,281	429,513	-1.69	5.65
MEGABUCKS	93	435	6,233	-7.10	13.46	93	440	19,057	0.00	13.55	94	427	75,036	10.89	13.76
5 DOLLAR	71	1,012	7,907	8.69	5.59	71	1,005	22,840	4.10	5.41	72	1,044	90,603	-0.36	5.46
100 DOLLAR	39	156	1,604	-20.96	4.35	40	160	6,168	21.57	4.61	41	163	20,355	21.51	3.95
MULTI DENOMINATION	22	118	1,954	23.28	7.27	23	117	6,744	38.91	6.61	25	122	15,903	-24.11	3.90
OTHER SLOT MACHINES	137	59,902	196,623	-7.39	5.05	137	60,204	623,642	1.24	5.30	137	60,421	2,497,772	1.81	5.33
TOTAL SLOT MACHINES	139	118,198	442,327	-9.24	6.39	139	118,220	1,408,631	0.47	6.68	139	119,370	5,565,920	1.20	6.57
TOTAL GAMING WIN			670,123	-12.81				2,283,244	-1.97				9,286,633	1.35	
(1) RACE PARI-MUTUEL	61	61	4,498	-0.61	16.34	61	61	11,657	-5.68	16.47	62	62	49,422	-5.25	16.62
(2) SPORTS POOL DETAIL	64	64	-3,050	-134.08	-1.06	64	64	26,255	-33.38	3.11	64	64	42,477	19.41	3.24
FOOTBALL	64	64	747	-74.91	0.96	64	64	1,996	-26.09	2.34	64	64	40,345	8.51	5.05
BASKETBALL	11	11	-2,798	-119.16	-6.21	11	11	7,525	229.78	6.09	11	11	26,097	73.22	4.36
SPORTS PARLAY CARDS	57	57	-486	0.00		57	57	5,930	-21.21	25.95	57	57	9,623	-12.23	28.06
SPORTS PARI-MUTUEL			517	-79.46	11.91			835	-76.59	4.70			9,274	3.14	6.56
OTHER															

FIGURES ARE CURRENT AS OF: 01/07/13  
 Columns may not foot due to rounding. Unit detail is shown separately only when there are 3 or more locations reporting specific unit information. Otherwise, such information is included in 'OTHER' categories.  
 Page 7

**EXHIBIT 3**

**EXHIBIT 3**





You are here: Home > Casino Promotions > Uncategorized > Slot Machine Payback Statistics

Register

Login

LATEST CASINO REVIEWS

Red Hawk Casino 3.0 Reviewed by Ronald Ikeda "The Red Hawk Casino is one of m favorite..." Mill Casino Hotel, The 3.3 Reviewed by BJ "I stayed at The Mill for the last two

THE BEST CASINO DEALS IN VEGAS!

Silverton Casino, Las Vegas Values Report January 27, 2013 Vegas Values Report January 20, 2013 Vegas Values Report

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ACG AMERICAN CASINO GUIDE Home page of America's #1 bestselling book on casino gambling! Best Seller SUBSCRIBE TO OUR FREE MONTHLY NEWSLETTER YOU'LL GET GREAT GAMING TIPS FROM SOME OF THE INDUSTRY'S TOP EXPERTS PLUS, GET MONEY SAVING OFFERS EACH MONTH CLICK FOR DETAILS

CASINO NEWS

Finger Lakes Casino and Rac Bill's Gambliin' Hall in Las Veg UK Casino 888 Enters Contra Woman Accused of Cheating New iGamble Group Network Gaming Revenue Up 9 Percent



Slot Machine Payback Statistics

Last Updated on 16 January 2013

Find out what slot machines actu

- Alabama Arizona Colorado Connecticut Delaware Florida Georgia Idaho Illinois Indiana Iowa Kansas Louisiana Maine Maryland Massachusetts Michigan Minnesota Mississippi Missouri Montana Nevada New Jersey New Mexico New York North Carolina North Dakota Ohio Oklahoma Oregon Pennsylvania Rhode Island South Carolina South Dakota Texas Washington West Virginia Wisconsin Wyoming

- Slot Payback Info Featured Video Newsletter Archive Casino News Casino Reviews Casino Contests Casino Community GAMBLING MENU How to Gamble Tips Gambling Podcasts Gambling videos Slot Machines Video Poker Blackjack Famous Gambler Interviews Other Casino Games Gambling and the Law Online Games PLAY FREE SLOT MACHINES 7s and Stripes Aztecs Treasure Caesars Empire Crystal Waters Derby Dollars

ALABAMA

Alabama has three Indian casinos that offer Class II video gaming machines. They are not required to release payback statistics about their machines.

ARIZONA

In mid-1993 Arizona's Governor Symington signed a compact with the state's tribes that allowed them to offer slot machines on their reservations.

The compact originally didn't allow for any table games but in early 2003 blackjack was added as a permissible table game.

Arizona tribes aren't required to release information on their slot machine percentage paybacks, however, according to the Arizona Department of Gaming, the terms of the compact require each tribes' machines to return the following minimum and maximum paybacks: video poker and video blackjack - 83% to 100%, slot machines - 80% to 100%, keno - 75% to 100%. Each tribe is free to set its machines to pay back anywhere within those limits.

ARKANSAS

Arkansas has two pari-mutuel facilities featuring "electronic games of skill," which are defined as "games played through any electronic device or machine that affords an opportunity for the exercise of skill or judgment where the outcome is not completely controlled by chance alone."

The games offered are video poker, video blackjack, and "skill" slots where you have two opportunities to spin the reels. The "skill" factor comes into play because after seeing the results of your first spin you then have to decide whether to keep none, one, two, or all three of the symbols on each reel before you spin them again. Gaming regulations require that all of the electronic games of skill must return a minimum of 83%.

For the one year period from July 2011 through June 2012, the average gaming machine's return at Oaklawn was 93.20% and at Southland it was 93.67%

### CALIFORNIA

California's Indian casinos are legally allowed to offer electronic gaming machines, blackjack, and other house-banked card games. The games of craps and roulette are not permitted. However, some casinos do offer modified versions of craps and roulette that are played with cards rather than dice or roulette wheels.

Most California card rooms also offer some form of player-banked blackjack, but because they are prohibited by law from playing blackjack, the game is usually played to 22 rather than 21. Additionally, players must pay a commission to the house on every hand they play. The amount will vary depending on the rules of the house but, generally, it's about two to five percent of the total amount bet. There are about 90 card rooms in California and you can see a listing of them on the Internet at: <http://www.cgcc.ca.gov>

California's tribes aren't required to release information on their slot machine percentage paybacks and the state of California does not require any minimum returns.

### COLORADO

Here's information, as supplied by Colorado's Division of Gaming, showing the slot machine payback percentages for each city's casinos for the one-year period from July 1, 2011 through June 30, 2012:

	Black Hawk	Central City	Cripple Creek
1¢ Slots	89.98%	90.58%	<b>91.68%</b>
5¢ Slots	93.70%	<b>93.72%</b>	93.27%
25¢ Slots	94.03%	93.61%	<b>95.40%</b>
\$1 Slots	94.50%	<b>95.62%</b>	95.06%
\$5 Slots	94.72%	<b>96.12%</b>	95.40%
All	92.80%	92.93%	<b>93.66%</b>

These numbers reflect the percentage of money returned on each denomination of machine and encompass all electronic machines including video poker and video keno. The best returns for each category are highlighted in bold print.

### CONNECTICUT

The following information is from Connecticut's Division of Special Revenue regarding MGM Grand and Foxwoods' slot payback percentages:

Denomination	Payback %
1¢	89.27
2¢	90.28
5¢	90.11
25¢	92.30
50¢	90.57
\$1.00	93.80
\$5.00	94.41
\$10.00	95.27

- [Diamond Dozen](#)
- [Fruit Frenzy](#)
- [Goldbeard](#)
- [Lions Lair](#)
- [Mister Money](#)
- [Rain Dance](#)
- [Ronin](#)
- [Red Sands](#)
- [Tiger Treasures](#)

#### PLAY FREE TABLE GAMES

- [Blackjack](#)
- [Baccarat](#)
- [Pai Gow Poker](#)
- [American Roulette](#)
- [European Roulette](#)
- [Let'Em Ride](#)
- [Craps](#)

#### FREE VIDEO POKER GAMES

- [Jacks or Better](#)
- [Deuces Wild](#)
- [Aces and Eights](#)



\$25.00	93.96
\$100.00	94.69
<b>Average</b>	<b>91.59</b>

These figures reflect the total percentages returned by each denomination of slot machine from July 1, 2011 through June 30, 2012.

Here's information from Connecticut's Division of Special Revenue regarding Mohegan Sun's slot payback percentages:

Denomination	Payback %
1/4¢	89.29
1/2¢	86.06
1¢	89.29
2¢	88.95
5¢	88.82
25¢	91.30
50¢	91.83
\$1.00	93.23
\$5.00	93.70
\$10.00	96.04
\$25.00	94.19
\$100.00	93.19
<b>Average</b>	<b>91.75</b>

These figures reflect the total percentages returned by each denomination of slot machine from July 1, 2011 through June 30, 2012.

## DELAWARE

Delaware's three pari-mutuel facilities all feature slot machines. Technically, the machines are video lottery terminals (VLT's) because they are operated in conjunction with the Delaware Lottery. Unlike VLT's in other states, however, Delaware's machines pay out in cash. The VLT's also play other games including: video poker, video keno and video blackjack.

By law, all video lottery games must return between 87% and 95% of all wagers on an annual basis. Games can return above 95% but only with the Lottery Director's approval.

According to figures from the Delaware Lottery for the one-year period from July 25, 2011 through June 26, 2012 the average VLT return at Delaware Park was 92.42%, at Dover Downs it was 92.00% and at Harrington Raceway it was 91.54%.

## FLORIDA

Florida has three forms of casino gambling: casino boats, Indian casinos and gaming machines at pari-mutuels in one south Florida county.

The casino boats offers gamblers the opportunity to board ships that cruise offshore where casino gambling is legal. From the east coast the boats sail three miles out into the Atlantic Ocean and from the west coast the boats travel nine miles out into the Gulf of Mexico. Since the casino boats travel in international waters they are free from regulations and the machines can be set to pay back whatever the operator wants without regard to a minimum payback percentage.

Florida has eight Indian gaming locations. The Seminole Tribe has seven and the eighth is on the Miccosukee Tribe's reservation.

The Seminoles signed a compact with the state that allows them to offer both Class II and traditional Class III gaming machines. As part of their compact, five Seminole casinos are also allowed to offer blackjack (BJ), baccarat (B), mini-baccarat (MB), three card poker (TCP), let it ride (LIR) and pai gow poker (PGP).

The Miccosukee Tribe has not signed a compact and they only offer Class II gaming machines at their casino.

Class II video gaming devices look like slot machines, but are actually bingo games and the spinning reels are for "entertainment purposes

only." No public information is available concerning the payback percentages on any gaming machines in Florida's Indian casinos.

The other games allowed in all Indian casinos are: high-stakes bingo, video pull tabs, and poker. All of the casinos are open 24 hours (except Big Cypress) and all offer bingo except for both Seminole Hard Rock Casinos and the Seminole Casino Coconut Creek. The minimum gambling age is 18 at all Indian casinos for bingo or poker and 21 for electronic gaming machines.

In early 2005 voters in Broward County (home county of Fort Lauderdale) passed a referendum to allow slot machines at four pari-mutuel facilities within that county.

The first slot facility opened in late 2006 and two others followed within six months. The fourth facility, Dania Jai-Alai, has indefinitely postponed the installation of its slot machines.

In January 2008 voters in Miami-Dade County also passed a referendum permitting slot machines at three pari-mutuel facilities. Two facilities have opened and the third, Miami Jai-Alai, is not expected to begin offering slots until mid 2011 at the earliest.

Florida gaming regulations require a minimum payback of 85% on all gaming machines.

From July 1, 2011 through June 30, 2012, the gaming machines at Gulfstream returned 91.86%, the return was 92.02% at Mardi Gras Gaming, 92.47% at The Isle, 93.20% at Magic City, 92.79% at Miami Jai Alai and 90.96% at Calder.

## GEORGIA

There are two casino boats in Georgia which both sail three miles out into international waters where casino gambling is permitted.

Since the casino boats travel in international waters they are free from regulations and the machines can be set to pay back whatever the operator wants without regard to a minimum payback percentage.

## IDAHO

Idaho has six Indian casinos that offer electronic pull-tab machines and other video games. The machines don't pay out in cash. Instead they print out a receipt which must be cashed by a floor attendant or taken to the cashier's cage. Some casinos also offer bingo (BG) and off-track betting (OTB).

The terms of the compact between the tribes and the state do not require any minimum payback percentage that the gaming machines must return to the public.

## ILLINOIS

Here's information from the Illinois Gaming Board showing each casino's average slot payback percentage for the one-year period from July 1, 2011 through June 30, 2012:

CASINO	PAYBACK %
Casino Queen	93.41
Argosy Alton	92.27
Grand Victoria	92.08
Harrah's Joliet	91.84
Rock Island	91.53
Par-A-Dice	91.15
Hollywood - Aurora	91.01
Hollywood - Joliet	90.87
Rivers Casino	89.87
Harrah's Metropolis	89.23

These figures reflect the total percentages returned by each casino for all of their electronic machines. As you can see, the Casino Queen returned the most to its slot machine players, while Harrah's in Metropolis returned the least.

## INDIANA



Following is information from the Indiana Gaming Commission regarding average slot payout percentages for the one-year period from July 1, 2011 through June 30, 2012:

CASINO	PAYBACK %
Hoosier Park	91.95
Indiana Live!	91.74
Rising Star	91.68
Blue Chip	91.59
French Lick	91.36
Belterra	91.39
Hollywood	90.89
Horseshoe Casino St	90.51
Casino Aztar	90.33
Majestic Star	90.45
Majestic Star II	90.27
Ameristar	90.02
Horseshoe Hammond	89.98

These figures reflect the average percentage returned by each casino for all of their electronic machines including slot machines, video poker, video keno, etc.

## IOWA

Here's information, as supplied by the Iowa Racing and Gaming Commission, showing the electronic gaming machine payback percentages for all non-Indian locations for the one-year period from July 1, 2011 through June 30, 2012:

LOCATION	PAYBACK %
Isle of Capri - Waterloo	91.61
Prairie Meadows	91.75
Rhythm City	91.62
Isle of Capri - Bettendorf	91.63
Wild Rose- Emmetsburg	91.40
Isle Of Capri- Marquette	91.49
Riverside	91.04
Wild Rose- Clinton	91.14
Mystique Casino	90.64
Catfish Bend	90.83
Diamond Jo Dubuque	90.65
Terrible's Lakeside	90.52
Diamond Jo Worth	90.64
Ameristar	90.52

Argosy Sioux City	90.24
Harrah's	89.39
Horseshoe Council Bluffs	89.49

These figures reflect the total percentages returned by each riverboat casino or pari-mutuel facility for all of its electronic machines including: slots, video poker, video keno, etc.

### KANSAS

In April 2007 the Kansas legislature authorized local referendums to allow state-run casinos in four counties.

The Kansas Racing & Gaming Commission does not release information about the payback percentages on electronic gaming machines in Kansas. However, gaming regulations require that all machines return no less than 87%.

There are also five Indian casinos in Kansas and they are not required to release information on their slot machine payback percentages. However, according to officials at the Kansas State Gaming Agency, which is responsible for overseeing the tribal-state compacts, "the minimum payback percentage for electronic gaming devices is 80%."

### LOUISIANA

Gaming regulations require that gaming machines in casinos be programmed to pay back no less than 80% and no more than 99.9%. For video gaming machines at locations other than casinos the law requires a minimum return of 80% and a maximum return of 94%.

Louisiana gaming statistics are not broken down by individual properties. Rather, they are classified by region: Baton Rouge (BR) , Lake Charles (LC), New Orleans (NO) and Shreveport/Bossier City (SB).

The Baton Rouge casinos consist of the Belle of Baton Rouge, Hollywood Casino, L'Auberge and Evangeline Downs. The Lake Charles casinos include: Isle of Capri, L'Auberge du Lac and Delta Downs. New Orleans area casinos are: Amelia Belle, Boomtown, Harrah's (landbased), Treasure Chest and Fairgrounds Raceway. The Shreveport/Bossier city casinos include: Boomtown, Diamond Jack's, Sam's Town, Eldorado, Horseshoe and Harrah's Louisiana Downs.

Here's information, as supplied by the Louisiana State Police-Riverboat Gaming Section, showing the average electronic machine payback percentages for each area's casinos for the 12-month period from June, 2011 through May, 2012:

	BR	LC	NO	SB
1¢	88.5%	<b>89.0%</b>	88.5%	88.6%
5¢	91.2%	90.8%	<b>92.3%</b>	91.3%
25¢	<b>93.4%</b>	92.2%	92.7%	92.1%
\$1	<b>93.5%</b>	92.3%	<b>93.5%</b>	93.3%
\$5	<b>94.9%</b>	94.8%	94.5%	93.1%
All	90.7%	<b>91.0%</b>	90.4%	90.8%

These numbers reflect the percentage of money returned on each denomination of machine and encompass all electronic machines including video poker and video keno. The best returns for each category are highlighted in bold print and you can see that the Baton Rouge area casinos offered the best returns in most categories.

### MAINE

In early 2004 the Maine legislature authorized slot machines to be placed at Bangor Raceway and that facility opened in November 2005.

Gaming regulations require a minimum return of 89% on all machines and the games offered include: slots, video poker and video blackjack.

During the 12-month period from July 2011 through June 2012, the average return on gaming machines was 90.58%

### MARYLAND

In November 2008 Maryland voters approved a referendum to allow slot machines within their state.

A maximum of 15,000 machines are permitted statewide and one facility is permitted in each of five locations: Anne Arundel County, Cecil County, Allegany County, Worcester County and the city of Baltimore.

The Ocean Downs Racetrack in Worcester county and Hollywood Casino Perryville in Cecil county opened in 2010 and 2011 respectively. Maryland Live! in Anne Arundel County opened in mid-2012.

The other two locations have not been licensed and no casinos are expected to open in those areas before the end of 2012.

No public information is available about the actual payback percentages on gaming machines in Maryland. However, gaming regulations require a minimum payback of 87%

### MASSACHUSETTS

Massachusetts Governor Deval Patrick signed a bill in late 2011 that legalized casinos. The law allows three casinos and one slot parlor. Additionally, the law authorizes the creation of a state gambling commission to control the industry.

The state is now in the process of putting together the five-member gambling commission which will be in charge of picking the winning casino bidders and regulating the industry. The earliest any casino is expected to open is late 2013.

Previously, Massachusetts had one casino boat which sailed three miles out into international waters where casino gambling is permitted. However, that boat ceased operating in 2009.

### MICHIGAN

There are 17 Indian casinos in Michigan and the tribes are not required to release information on their slot machine payback percentages. However, according to officials at the Michigan Gaming Control Board, which is responsible for overseeing the tribal-state compacts, "the machines must meet the minimum standards for machines in Nevada or New Jersey." In Nevada the minimum return is 75% and in New Jersey it's 83%. Therefore, Michigan's Indian casinos must return at least 75% in order to comply with the law.

There are also three privately owned casinos in Detroit, but their slot payback information is not made available to the public.

### MINNESOTA

All Minnesota casinos are located on Indian reservations and under a compact reached with the state the only table games permitted are card games such as blackjack and poker. Additionally, the only kind of slot machines allowed are the electronic video variety. Therefore, you will not find any mechanical slots that have traditional reels - only video screens

According to the terms of the compact between the state and the tribes, however, the minimum and maximum payouts are regulated as follows: video poker and video blackjack - 83% to 98%, slot machines - 80% to 95%, keno - 75% to 95%. Each tribe is free to set its machines to pay back anywhere within those limits and the tribes do not release any information regarding their slot machine percentage paybacks.

### MISSISSIPPI

The Mississippi Gaming Commission does not break down its slot statistics by individual properties. Rather, they are classified by region. The Coastal region includes Biloxi, Gulfport and Bay Saint Louis. The North region includes Tunica, Greenville and Lula. The Central region includes Vicksburg and Natchez.

With that in mind here's information, as supplied by the Mississippi Gaming Commission, showing the machine payback percentages for each area's casinos for the one-year period from June 1, 2011 through May 31, 2012:

	Coastal	North	Central
1¢ Slots	<b>91.28%</b>	91.08%	91.18%
5¢ Slots	94.19%	93.54%	<b>94.76%</b>
25¢ Slots	<b>94.48%</b>	93.28%	93.33%
\$1 Slots	94.37%	94.63%	<b>95.08%</b>
\$5 Slots	94.94%	95.12%	<b>95.61%</b>
All	<b>92.76%</b>	92.19%	92.41%

These numbers reflect the percentage of money returned on each denomination of machine and encompass all electronic machines including video poker and video keno. The best returns for each category are highlighted in bold print and you can see that all of the gaming areas offer rather similar returns on their machines.



Mississippi is one of the few states that breaks down its progressive machine statistics separately and you can see that the return is always less on machines with progressive jackpots.

**MISSOURI**

Here's information from the Missouri Gaming Commission regarding the payback percentages for each casino's electronic machines for the 12-month period from July 1, 2011 through June 30, 2012:

CASINO	PAYBACK %
Isle of Capri - Booneville	91.5
River City	91.2
Terrible's Mark Twain	90.9
Terrible's St. Jo	91.1
Harrah's M.H.	90.7
Ameristar- St. Charles	90.7
Lumiere Place	91.0
Ameristar- K.C.	90.7
Argosy	90.7
Harrah's - K.C	90.5
Isle of Capri - K.C.	90.2
Lady Luck	89.1

These figures reflect the total percentages returned by each casino for all of their electronic machines including slot machines, video poker, video keno, etc.

**MONTANA**

Montana law permits bars and taverns to have up to 20 video gaming devices that play video poker, video keno, or video bingo. These machines are operated in partnership with the state and are not permitted to pay out in cash; instead, they print out a receipt which must be taken to a cashier. The maximum bet on these machines is \$2 and the maximum payout is limited to \$800. Montana gaming regulations require these machines to return a minimum of 80%.

There are seven Indian casinos offering video gaming machines that also print out a receipt. The maximum bet on these machines is \$5 and the maximum payout is capped at \$1,500. According to Montana's Gambling Control Division, there are no minimum payback percentages required for gaming machines on Indian reservations.

**NEVADA**

**NEVADA - Lake Tahoe**

Here's information, as supplied by Nevada's State Gaming Control Board, showing the slot machine payback percentages for all of the south shore casinos for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

Denomination	Payback %
1¢ Slots	88.90
5¢ Slots	N/A
25¢ Slots	91.54
\$1 Slots	93.62

\$1 Megabucks	N/A
\$5 Slots	N/A
All Slots	93.56

And here's that same information for the north shore casinos:

Denomination	Payback %
1¢ Slots	92.49
5¢ Slots	N/A
25¢ Slots	88.75
\$1 Slots	92.62
\$1 Megabucks	N/A
\$5 Slots	N/A
All Slots	94.37

These numbers reflect the percentage of money returned to the players on each denomination of machine. All electronic machines including slots, video poker and video keno are included in these numbers.

### NEVADA - Las Vegas

Unlike New Jersey, the Nevada Gaming Control Board does not break down its slot statistics by individual properties. Rather, they are classified by area.

The annual gaming revenue report breaks the Las Vegas market down into two major tourist areas: the Strip and downtown. There is also a very large locals market in Las Vegas and those casinos are shown in the gaming revenue report as the Boulder Strip and North Las Vegas areas.

When choosing where to do your slot gambling, you may want to keep in mind the following slot payback percentages for Nevada's fiscal year beginning July 1, 2011 and ending June 30, 2012:

- 1¢ Slot Machines**  
 The Strip - 88.39%  
 Downtown - 89.06%  
**Boulder Strip - 90.88%**  
 N. Las Vegas - 90.82%
- 5¢ Slot Machines**  
 The Strip - 91.31%  
 Downtown - 91.05%  
**Boulder Strip - 95.93%**  
 N. Las Vegas - 95.24%
- 25¢ Slot Machines**  
 The Strip - 91.52%  
 Downtown - 94.85%  
**Boulder Strip - 97.01%**  
 N. Las Vegas - 96.64%
- \$1 Slot Machines**  
 The Strip - 93.35%  
 Downtown - 95.39%  
 Boulder Strip - 96.23%  
**N. Las Vegas - 96.81%**
- \$1 Megabucks Machines**  
 The Strip - 87.77%  
 Downtown - 86.01%  
 Boulder Strip - 85.41%  
 N. Las Vegas - 86.44%
- All Slot Machines**  
 The Strip - 92.62%  
 Downtown - 93.47%  
**Boulder Strip - 94.76%**  
 N. Las Vegas - 93.91%

These numbers reflect the percentage of money returned to the players on each denomination of machine. All electronic machines including slots, video poker and video keno are included in these numbers and the highest-paying returns are shown in bold print. As you can see, the machines in downtown Las Vegas pay out slightly more than those located on the Las Vegas Strip.

Returns even better than the downtown casinos can be found at some of the other locals casinos along Boulder Highway such as Boulder Station and Sam's Town and also in the North Las Vegas area which would include the Fiesta, Santa Fe and Texas Station casinos. Not only are those numbers among the best returns in the Las Vegas area, they are among the best payback percentages for anywhere in the United States.

**NEVADA - Laughlin**

Here's information, as supplied by Nevada's State Gaming Control Board, showing the slot machine payback percentages for all of Laughlin's casinos for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

Denomination	Payback %
1¢ Slots	88.98
5¢ Slots	93.63
25¢ Slots	94.78
\$1 Slots	95.25
\$1 Megabucks	86.53
\$5 Slots	94.04
All Slots	92.69

These numbers reflect the percentage of money returned to the players on each denomination of machine. All electronic machines including slots, video poker and video keno are included in these numbers.

**NEVADA - Reno**

Here's information, as supplied by Nevada's State Gaming Control Board, showing the slot machine payback percentages for all of the Reno area casinos for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

Denomination	Payback %
1¢ Slots	92.29
5¢ Slots	95.35
25¢ Slots	93.55
\$1 Slots	95.92
\$1 Megabucks	86.58
\$5 Slots	95.11
\$25 Slots	97.04
All Slots	95.11

These numbers reflect the percentage of money returned on each denomination of machine and encompass all electronic machines including slots, video poker and video keno.

**NEW JERSEY**

Following is information from the New Jersey Casino Control Commission regarding average slot payout percentages for the 12-month period from July 1, 2011 through June 30, 2012:

CASINO	PAYBACK
Borgata	91.7
Trump Taj Mahal	91.0



Trump Plaza	90.9
Resorts	91.2
Atlantic Club	91.3
Harrah's	91.3
Tropicana	90.9
Golden Nugget	90.8
Bally's A.C.	90.8
Caesars	90.6
Showboat	89.7
Revel	89.3*

\* Please note: the figures for Revel Casino only include the 3 month period of April-June, 2012 since it opened.

These figures reflect the total percentages returned by each casino for all of their electronic machines which includes slot machines, video poker, etc.

### NEW MEXICO

New Mexico's Indian casinos offer an assortment of table games and electronic gaming machines. Additionally, slot machines are allowed at the state's racetracks as well as at about 40 various fraternal and veterans clubs.

New Mexico gaming regulations require that electronic machines at racetracks and fraternal/veterans organizations return a minimum of 80% to a maximum of 96%.

New Mexico's Indian tribes do not make their slot machine payback percentages a matter of public record but the terms of the compact between the state and the tribes require all electronic gaming machines to return a minimum of 80%.

### NEW YORK

There are five Indian casinos located in upstate New York which offer traditional Class III casino gambling.

The terms of the compact between the tribes and the state allow table games and slot machines, including video keno and video poker. These machines do not pay out in cash. Instead, they print out a receipt which must be exchanged for cash.

There are also five Indian casinos that offer Class II gambling which consist of electronic gaming machines which look like slot machines, but are actually games of bingo and the spinning video reels are for "entertainment purposes only." No public information is available concerning the payback percentages on gaming machines at Indian casinos.

In October 2001, legislation was passed to allow for the introduction of slot machine-type video lottery machines at New York racetracks. Officially referred to as Video Gaming Machines (VGM's), they are regulated by the New York State Lottery Division.

All VGM's offer standard slot machine-type games, plus keno in denominations from five cents to \$10. The machines all accept cash but do not pay out in cash. They print a receipt which must be taken to a cashier.

The legislation authorizing the VGM's states, "the specifications for video lottery gaming shall be designed in such a manner as to pay prizes that average no less than ninety percent of sales."

Here's information, as supplied by the New York Lottery, showing the video gaming machine payback percentages for each of the state's racetracks for the one-year period from July 1, 2011 through June 30, 2012:

LOCATION	PAYBACK %
Monticello	92.22
Finger Lakes	91.83
Empire City	91.76
Saratoga	91.76

Tioga Downs	91.50
Resorts World	91.40*
Fairgrounds	91.24
Vernon Downs	91.21
Batavia Downs	91.16

\* Please note: the figures for Resorts World only includes the period of October, 2011 through June, 2012 since it opened.

**NORTH CAROLINA**

North Carolina has one Indian casino. In August, 1994 the state's Eastern Band of Cherokee Indians signed a compact with the governor to allow forms of video gambling. According to the terms of the compact, the video machines must be games of skill and they are required to return a minimum of 83% and a maximum of 98%.

**NORTH DAKOTA**

North Dakota has more than 800 sites throughout the state that offer blackjack, with betting limits of \$1-\$25, for the benefit of charities.

There are also six Indian casinos which are limited by law to the following maximum bet limits: blackjack-\$100 (two tables in a casino may have limits up to \$250), craps-\$60, roulette-\$50, slots/video poker-\$25 and poker-\$50 per bet, per round with a maximum of three rounds.

The terms of the state's compact with the tribes require gaming machines to return a minimum of 80% and a maximum of 100%. However, if a machine is affected by skill, such as video poker or video blackjack, the machines must return a minimum of 83%.

**OHIO**

Ohio voters passed a statewide referendum in November 2009 to allow one casino to open in each of four major cities: Cleveland, Cincinnati, Columbus and Toledo. The earliest any of those casinos is expected to open is mid-2012.

**OKLAHOMA**

All Oklahoma Indian casinos are allowed to offer both Class II and Class III gaming machines.

Most casinos offer only Class II machines which look like slot machines, but are actually games of bingo and the spinning video reels are for "entertainment purposes only." Some casinos also offer traditional Class III slots.

In either case, the gaming machines are not allowed to accept or payout in coins. All payouts must be done by a printed receipt or via an electronic debit card. No public information is available concerning the payback percentages on gaming machines in Oklahoma.

**OREGON**

Oregon law permits bars and taverns to have up to six video lottery terminals that offer various versions of video poker. Racetracks are allowed to have no more than 10 machines. The maximum bet allowed is \$2 and the maximum payout on any machine is capped at \$600.

These machines are the same as regular video gaming devices but are called lottery terminals because they are regulated by the state's lottery commission which receives a share of each machine's revenue. The machines accept cash but do not pay out in cash; instead, they print out a receipt which must be taken to a cashier.

According to figures from the Oregon Lottery, during its fiscal year from July 1, 2010 through June 30, 2011, the VLT's had an approximate return of 92.46%.

There are nine Indian casinos in operation in Oregon. According to the governor's office which regulates the Tribe's compacts, "there is no minimum payback percentage required on the Tribe's machines. Each Tribe is free to set their own limits on their machines."

**PENNSYLVANIA**

Following is information from the Pennsylvania Gaming Control Board regarding average slot payout percentages for the one-year period from July 1, 2011 through June 30, 2012:

CASINO	PAYBACK %
Mount Airy	90.57
Parx Casino	90.59
Presque Isle	90.39
Hollywood Casino at Penn National	89.64

Sands Bethlehem	90.10
The Meadows	91.89
Mohegan Sun at Pocono Downs	89.96
Harrah's Chester	89.62
The Rivers	89.84
Sugar House	89.66
Valley Forge	89.50*

\* Please note: the figure for Valley Forge only reflects the four months since it has opened.

## RHODE ISLAND

Rhode Island has two pari-mutuel facilities which both feature video lottery terminals (VLT's). These machines are the same as regular video gaming devices but are called lottery terminals because they are regulated by the state's lottery commission which receives a share of each machine's revenue. The machines accept cash but don't pay out in cash; instead, they print out a receipt which must be taken to a cashier.

All VLT's are programmed to play at least six different games: blackjack, keno, slots and three versions of poker (jacks or better, joker poker and deuces wild).

According to figures from the Rhode Island Lottery for the one-year period from August 1, 2011 through July 31, 2012 the average VLT return at Twin River was 91.45% and at Newport Grand it was 90.91%.

## SOUTH CAROLINA

South Carolina has two gambling cruise ships which sail three miles out into international waters where casino gambling is permitted. Since the casino boats travel in international waters they are free from regulations and the machines can be set to pay back whatever the operators want without regard to a minimum payback percentage.

## SOUTH DAKOTA

Here are statistics from the South Dakota Commission on Gaming for the payback percentages on all of Deadwood's slot machines for the one-year period from July 1, 2011 through June 30, 2012:

Denomination	Payback %
1¢ Slots	90.94
5¢ Slots	92.49
25¢ Slots	91.33
\$1 Slots	92.40
\$5 Slots	92.09
Average	91.23

In addition to the Deadwood casinos, there are also nine Indian casinos in South Dakota. These casinos are also subject to the \$100 maximum bet restrictions. No information is available on the payback percentages of the video gaming machines.

## TEXAS

Texas has one Indian casino which offers gaming machines based on bingo. It also offers pull tab machines, bingo, poker and a player-banked blackjack game where each player must pay a commission to the house for each bet that is made. The commission is 50¢ for \$3-\$50 bets and \$1 for bets over \$50. The minimum gambling age is 21 and the casino is open 24 hours daily.

Class II video gaming devices look like slot machines, but are actually bingo games and the spinning reels are for "entertainment purposes only." No public information is available concerning the payback percentages on any gaming machines in Texas' Indian casino.

## WASHINGTON



There are 28 Indian casinos operating in Washington and they all have compacts with the state allowing them to offer table games, as well as electronic 'scratch' ticket games which use a finite number of tickets with a predetermined number of winners and losers.

All of the state's Tribes are not required to release information on their slot machine percentage paybacks. However, according to the terms of the compact between the Tribes and the state, the minimum prize payout for electronic 'scratch' ticket games is 75%.

### WEST VIRGINIA

West Virginia has four pari-mutuel facilities that feature video lottery terminals. The VLT's are the same as regular video gaming devices but are called lottery terminals because they are regulated by the state's lottery commission which receives a share of each machine's revenue.

The maximum allowable bet on a machine is \$2 and there is no limit on the prize payouts. Most of the gaming machines pay out coins or tokens, but there are also some machines which will only print out a receipt which must be taken to a cashier.

West Virginia law requires that VLT's return a minimum of 80% to a maximum of 95%. VLT games include: slots, blackjack, keno and numerous versions of poker.

For the one-year period from July 1, 2010 through June 30, 2011 the average return on VLT's was: 89.64% at Mountaineer Park, 90.81% at Tri-State Park, 89.82% at Wheeling Island and 89.75% at Charles Town Races.

### WISCONSIN

All Wisconsin casinos are located on Indian reservations and the Indian tribes are not required to release information on their slot machine percentage paybacks. However, according to the terms of the compact between the state and the tribes "for games not affected by player skill, such as slot machines, the machine is required to return a minimum of 80% and a maximum of 100% of the amount wagered."


### WYOMING

Wyoming has Indian casinos that offer Class II bingo-type gaming machines, plus traditional Class III slot machines.

The machines don't pay out in cash. Instead they print out a receipt which must be cashed by a floor attendant or taken to the cashier's cage. You can also make bets via a cashless system whereby you get a "smart" card and deposit money to that card's account. The machines will then deduct losses from, or credit wins to, your account.

No public information is available regarding the payback percentages on Wyoming's gaming machines.

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