

STATE OF IOWA
DEPARTMENT OF INSPECTIONS AND APPEALS

PETITION FOR DECLARATORY ORDER * FILING NO.
Filed by Trestle Corporation Limited *
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COMES NOW, Trestle Corporation Limited [hereinafter “Trestle Co”] and files this
Petition for Declaratory Order with the Department of Inspections and Appeals [hereinafter the
“Department”], and requests and declaratory ruling from the Department of Inspections and
Appeals [hereinafter the “DDA”] pursuant to Iowa Code Section 17A.9 and 481 Iowa
Administrative Code chapter 3.

Petitioner requests that the Department declare the following:

- 1) Trestle Co’s device known as “Games of Skill” is an electrical and mechanical amusement device that is lawful to own, possess, and offer for use by any person at any location because it complies with the provisions set forth in Iowa Code Section 99B.52(1).
- 2) Trestle Co’s device known as “Games of Skill” is an electrical and mechanical amusement device that award a prize, but the outcome is primarily determined by the skill or knowledge of the operator; therefore, the electrical and mechanical amusement device is not subject to the registration provisions set forth in Iowa Code sections 99B.53(1).
- 3) Trestle Co’s device known as “Games of Skill” is an electrical and mechanical amusement device that awards a prize, but the outcome is primarily determined by the skill or knowledge of the operator; therefore, the use of the electrical and mechanical device is not subject to the penalty provisions set forth in Iowa Code sections 99B.54.
- 4) That Trestle Co’s device known as “Games of Skill” is an electrical and mechanical amusement device that awards a prize, but is not an illegal gambling device under Iowa Code section 725.9.

I. STATEMENT OF FACTS

GAMES OF SKILL is a vertical screen skill device. Below is a description of the device and its respective skill functions.

1. The *Games of Skill* is a machine that offers two (2) different game themes that a player may select to play.

2. The *Games of Skill* device contains a touch screen display and two external buttons that are used to navigate throughout the terminal.
3. A player inserts money into the *Games of Skill* device through a bill acceptor located at the front of the cabinet. The bill acceptor accepts U.S. notes of varying denominations.
4. The *Games of Skill* device contain a ticket printer which, when the collect button on the exterior of the machine is pressed, or by pressing the “REDEEM” onscreen icon, prints a ticket that can be redeemed.
5. The *Games of Skill* device contain a “Nudge” feature, which must successfully completed before the prize can be won.
6. The *Games of Skill* device contains the “Skill It” feature, which determines the actual prize that will be awarded based on the patron’s performance using the feature.
7. The *Games of Skill* device contains a “Follow Thru” feature, which provides the patron with an opportunity to win up to 106% of the play level used in the base game. This feature always is available to the patron unless the patron has obtained a prize value greater than their initial play.
8. The *Games of Skill* devices offer several meters and logs on accounting, and maintains its own accounting data.
9. Each game theme includes a Help feature. Activating the Help feature within a game theme produces a screen which furnishes explanations and the pay tables for the active game theme. The Help feature can be activated at any time prior to the engagement of play.

Nudge Feature

The *Games of Skill* device is a nudge style game. Upon selection of a game theme and play level, the player must activate the “Play” button which will initiate game play. As configured, when game play is initiated, the reels will spin and stop automatically or the patron may select the “Stop” button to manually stop the reels. Alternatively, the game display can be configured to display “Shutters” instead of spinning reels.

When game play is initiated on either of the game themes, an undecided reel outcome is displayed and the patron must make a decision to “Nudge” the symbols either left or right to essentially select the desired symbol in order to align a winning combination. During the *Nudge* function, a symbol position on one of the reels will be vertically split in half, displaying two (2) possible symbol combination outcomes. The “Nudge” function provides two (2) nudge buttons, which will be displayed to the patron side-by-side. The nudge buttons indicate the direction in which the symbols will be nudged, either left or right in order to select the desired symbol. The *Nudge* function requires the patron to evaluate the reels and select one of the buttons in order to nudge the symbols either left or right to align a winning symbol combination and complete the process. Alternatively, the game allows for the patron to select the desired symbol to nudge by simply using the touch screen displays to select the symbol instead of selecting the nudge buttons.

The *Nudge* function must be completed within a thirty (30) second time limit. Should a player fail to either nudge the symbols in the correct direction to obtain a winning combination, or complete the nudge function within the time limit, the potential prize will be forfeited.

Skill It Feature

The *Games of Skill* device also contains the “Skill It” feature. The *Skill It* feature is presented after each successful completion of the *Nudge* feature. The *Skill It* feature provides the patron with the opportunity to receive between 55% up to 110% of the potential prize that was attained during the *Nudge* feature. The *Skill It* feature presents the patron with a circular meter (similar to a speedometer) with an arrow indicator that will traverse from side-to-side at a uniform speed. The *Skill It* meter contains various percentages ranging from 55% up to 110% (displayed in 10% percent increments starting from 55% up to 110% and from 110% back down to 55%), which can potentially modify the prize amount that was attained during the *Nudge* feature. The available percentages are arranged on the meter starting with 110% at the center most position of the meter and the 55% in the two furthest positions from the center position of the meter.

During the *Skill It* feature, the patron is provided with a “Stop” button, which is used to stop the arrow indicator on the meter. The patron will be able to attain 100% of the potential win by successfully stopping the arrow indicator within the 100% range of the *Skill It* meter.

The further away from the center line that the patron stops the arrow indicator, the lower the actual prize value will be. The *Skill It* feature grants the patron twenty-five (25) seconds to complete the process. Should the patron allow the timer to reach zero (0), any potential prize will be forfeited. The outcome of the *Skill It* feature will determine the actual prize that the patron will receive. For example, if the potential prize that was attained during the *Nudge* feature was .50, and the patron stops the arrow indicator precisely on the center line, the patron will receive 110% of the potential prize, which would equate to a prize amount of .55. In this example, if the patron stops the arrow indicator at 55%, the patron will receive a prize equal to .28.

Follow Thru Feature

The *Games of Skill* device contains a “Follow Thru” feature. The *Follow Thru* feature becomes available when a patron is availed to a game outcome that does not have a potential winning outcome or in cases where the patron does not successfully complete the nudge function. The *Follow Thru* bonus feature will provide the patron with an opportunity to win up to 106% of the play level used in the base game. For example, in cases where the patron enters the *Follow Thru* feature with a play level of 1.00, successfully completing the *Follow Thru* feature will award a prize equal to 1.06. However, in cases where the patron enters the *Follow Thru* feature with a play level which causes the prize from the *Follow Thru* feature to have a residual value, the prize is rounded down to the nearest whole cent. For example, in cases where the patron enters the *Follow Thru* bonus feature with a play level of .25, successfully completing the *Follow Thru* feature will award a prize equal to .26 (the prize is rounded down to this amount).

The *Follow Thru* bonus feature is similar to the children's game "Simon", whereby the patron must repeat a sequence. When the patron elects to play the *Follow Thru* feature, the game will display a page detailing the "instructions" for the *Follow Thru* feature. The game will display a 3x3 grid of nine (9) colored circles. These circles will illuminate in a random sequence that the patron will have to repeat, starting with one (1) circle being lit. The patron will need to follow (repeat) the correct sequence for a total of six (6) rounds of play, with each sequence adding another circle, until a total of six (6) sequences are successfully completed. If performed successfully, the patron is assured a prize of 106% of the purchase price to play the game.

If the patron fails to complete the six (6) sequences, either by touching the wrong symbol, or by having approximately twenty (20) seconds of inactivity, the feature will end and no prize will be awarded. Upon completion of the "*Follow Thru*" bonus feature, the game will return to its normal operating state. The "*Follow Thru*" feature is offered if the patron successfully completes the nudge function to align a winning symbol combination.

The *Follow Thru* bonus feature ensures that the patron has the opportunity to win a prize for every play initiated on *GAMES OF SKILL*. In other words, the *Follow Thru* feature provides the patron with an opportunity to win a prize 100% of the time. Additionally, when the patron has the opportunity to access the *Follow Thru* feature, successfully completing the feature awards a prize up to 106% of the play level used in the base game.

II. STATEMENT OF THE LAW

Iowa Code § 17A.9(1)(a) (2015) provides that "[a]ny person may petition an agency for a declaratory order as to the applicability to specified circumstances of the statute, rule or order within the primary jurisdiction of the agency."

PETITIONER HEREBY REQUESTS THAT:

- 1) The lab report for "GAMES OF SKILL" be reviewed by the agency;
- 2) That a live or remote inspection of the equipment and its features be conducted;
- 3) That a ruling be issued that:
 - a) Trestle Co's device known as "Games of Skill" is an electrical and mechanical amusement device that is lawful to own, possess, and offer for use by any person at any location because it complies with the provisions set forth in Iowa Code Section 99B.52(1).
 - b) Trestle Co's device known as "Games of Skill" is an electrical and mechanical amusement device that award a prize, but the outcome is primarily determined by the skill or knowledge of the operator; therefore, the electrical and mechanical

amusement device is not subject to the registration provisions set forth in Iowa Code sections 99B.53(1).

- c) Trestle Co's device known as "Games of Skill" is an electrical and mechanical amusement device that awards a prize, but the outcome is primarily determined by the skill or knowledge of the operator; therefore, the use of the electrical and mechanical device is not subject to the penalty provisions set forth in Iowa Code sections 99B.54.
- d) That Trestle Co's device known as "Games of Skill" is an electrical and mechanical amusement device that awards a prize, but is not an illegal gambling device under Iowa Code section 725.9.

RESPECTFULLY SUBMITTED ALONG WITH THE LAB REPORT ON THIS
25TH DAY OF FEBRUARY, 2021.



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