December 20, 2007

Mr. Santa Katagian, President
Southern California Cardroom Association
2211 Eastern Avenue
Bell Gardens, CA 90201

Mr. Robert Scheidt, President
Golden State Gaming Association
7433-C Greenback Lane
Citrus Heights, CA 95610

RE: Penal Code Sections 330 and 330.11 in Player-Dealer Style Games

Dear Mr. Katagian and Scheidt:

You have inquired, with respect to compliance with Penal Code sections 330 and 330.11 in player-dealer style games, what the inspection practice of the Bureau of Gambling Control is in circumstances where, in the course of a given player-dealer style game, all players but one decline to occupy the player-dealer position. As you are aware, Penal Code section 330 prohibits banking games, and Penal Code section 330.11 provides, in relevant part:

"Banking game or banker's game does not include a controlled game if the established rules of the game feature a player-dealer position and provides that this position must be continuously and systematically rotated among each of the participants during the play of the game, ensure that the player-dealer is able to win or lose only a fixed and limited wager during the play of the game, and provide the house, another entity, or a player, as an observer from maintaining or operating as a bank during the course of the game."

For purposes of this section, it is not the intent of the Legislature to mandate augmentation of the deal by every player if the inspection finds that the rules of the game provide for the maintenance of or operation of a bank irresolvable by other means.

It is the view of the Bureau of Gambling Control that, by enacting section 330.11, the Legislature intended to ensure that in player-dealer style games, all seated players must be afforded the opportunity to wager against multiple players at the table. To fulfill this legislative intent the Bureau of Gambling Control has concluded that all games include a provision that the player-dealer position must continuously and systematically be offered to all seated players. Generally, acceptable rules require that each seated player have the opportunity to...
not as player-dealer for two consecutive hands before the opportunity is rotated to the next player.

The Bureau of Gambling Control insists licensed card rooms exercise to observe whether the opportunity to act as the player-dealer is continuously and systematically offered to all seated players at the table of all approved player-dealer style games. If, after a player acts as the player-dealer for two consecutive hands, the casino offers this opportunity to all other seated players in a manner that is verifiable by observers and surveillance cameras, the requirement that the opportunity to act as the player-dealer be continuously and systematically offered to all seated players has been satisfied.

It is the view of the Bureau of Gambling Control that as long as the opportunity to act as the player-dealer is continuously and systematically offered to all seated players, in accordance with the approved rules of the game, the fact that, at times, all players but one may decline the player-dealer position, does not render the game an illegal banking game as long as the same procedure, described above, is properly followed.

I hope that this letter addresses your question.

Sincerely,

[Signature]

ROBERT E. LYTLE
Bureau Chief

For EDMUND O. BROWN JR
Attorney General

cc: Robert Mishal, Sr. Assistant Attorney General, Department of Justice
    Mathew J. Campney, Assistant Bureau Chief, Bureau of Gambling Control

EXHIBIT B