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Attorney General

Lytle Letter

State of California
DEPARTMENT OF JUSTICE



BUREAU OF GAMBLING CONTROL
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December 20, 2007

Mr. Halg Kelegian, President
Southern California Cardroom Association
7301 Eastern Avenue
Bell Gardens, CA 95816

Mr. Kermit Schayltz, President
Golden State Gaming Association
7433-C Greenback Lane
Citrus Heights, CA 95841

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

Dear Messrs. Kelegian and Schayltz:

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 banked game does not include a controlled game if the published rules of the game feature a player-dealer position and provide that this position must be continuously and systematically rotated amongst 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 preclude the house, another entity, a player, or 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 acceptance of the deal by every player if the division finds that the rules of the game render the maintenance of or operation of a bank impossible by other means.

It is the view of the Bureau of Gambling Control that by enacting section 330.11, the Legislature intended to insure that in player-dealer style games, all seated players must be afforded the temporary opportunity to wager against multiple players at the table. To fulfill this legislative intent the Bureau of Gambling Control has mandated that all game rules 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

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act as player-dealer for two consecutive hands before the opportunity is rotated to the next player.

The Bureau of Gambling Control inspects licensed card room casinos to observe whether the opportunity to act as the player-dealer is continuously and systematically offered to all seated players must be required by the rules 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 game procedures, described above, are properly followed.

I hope that this letter addresses your question.

Sincerely,


ROBERT E. LYTLE
Bureau Chief

For EDMUND G. BROWN JR
Attorney General

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