



PICAYUNE RANCHERIA OF THE CHUKCHANSI INDIANS TRIBAL GAMING COMMISSION

October 26 2023

Andreia McMillen
Staff Services Manager
Department of Justice
Bureau of Gambling Control

P.O. Box 168024
Sacramento, CA 95816-8024

Via email to: BGC_Regulations@doj.ca.gov

RE: Draft Concept Language for Player-Dealer Rotation and Blackjack Games

Dear Ms. McMillen,

Thank you for the opportunity to submit comments in response to draft concept language circulated by the California Department of Justice ("DOJ"). These comments are submitted on behalf of the Picayune Rancheria of the Chukchansi Indians, a federally recognized tribe authorized under the Indian Gaming Regulatory Act (IGRA) to operate house-banked card games in California under a duly approved Tribal-State compact. We also appreciate the opportunity to address our concerns and viewpoints regarding the recent concept papers on the effective regulation of banked games in California offered by non-tribal commercial cardrooms and the issue of Blackjack games being operated in violation of existing law by the same non-tribal entities.

We appreciate the extensive history of previous statewide discussions regarding the concepts that are addressed in the DOJ's proposed language. However, we are concerned that the proposed language appears to disregard the existence and significance of Tribal-State compacts in this context. Preserving the unique status and rights of California's federally recognized tribes is a critical requirement throughout the regulatory process.

With respect to the effective regulation and enforcement of house-banked card games operated by non-tribal commercial cardrooms in California, we emphasize the importance of establishing transparent and consistent guidelines that respect the clear exclusivity outlined in our Tribal-State compact. Any regulations or language introducing ambiguity or altering established operational rules will require focused effort to prevent conflicts with our existing agreements. New rules that impede on Tribal exclusivity will not be acceptable to the extent that the rules violate our existing agreement with the State of California.

Specifically, it is the opinion of our tribe that:

- 1) The proposed draft concept language related to the rotation of the player-dealer position, providing that “...*The player-dealer position shall rotate to at least two players other than the (Third Party Proposition Player) every 40 minutes or the game shall end,*is inadequate to prevent constructive house banked games from occurring without effective enforcement by the State of California; and
- 2) The proposed “modification” of existing approved blackjack-style games is inadequate to prevent the illegal operation of the game of blackjack, including the advertisement and operation of the game by non-tribal commercial cardrooms throughout California.

We request that the California Bureau of Gambling Control evaluate the potential ramifications of implementing regulatory changes that may impact our exclusive Tribal-State compact rights. We also strongly urge the Bureau to enforce effective measures against non-tribal commercial cardrooms that engage in the unlawful operation of house-banked games. It is important that the Bureau collaborate with our tribe and other federally recognized tribes in California to ensure that the regulations respect our sovereignty and uphold the commitments made between our tribe and the State of California.

We encourage an open dialogue with the California Bureau of Gambling Control to further discuss these concerns and to find mutually agreeable solutions that protect our compact rights while accommodating the State's regulatory objectives. We deeply value the partnership between our tribe and the State of California and remain steadfast in our commitment to upholding the highest standards of fairness, legality, and transparency within the gaming industry.

It is our hope that the current efforts will finally lead to concrete results, ensuring that we do not simply repeat the past endeavors of the State of California, which resulted in unproductive meetings without meaningful enforcement of existing laws or the establishment of any new regulations to effectively prevent non-tribal California cardrooms from operating illegal house-banked games.

Thank you for your consideration of these crucial matters. We anticipate a continued collaboration for the mutual benefit of all stakeholders involved.

