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October 26, 2023

Bureau of Gambling Control
Attn: Regulations
P.O. Box 168024
Sacramento, CA 95816-8024

Re: Proposed Regulations Concerning Rotation of Player-Dealer Position

Dear Sir or Madam:

I write on behalf of Artichoke Joe's to comment on the concept language for regulations governing rotation of the player-dealer position which was circulated on September 11, 2023.

I. Section 2077(a)

This regulation would require (1) that in player-dealer games, cardrooms offer the player-dealer position around the table after every hand and (2) that every 40 minutes, at least two players other than the player-dealer accept the position. Such a regulation would be inconsistent with the Penal Code and with public policy and would not be authorized by the Gambling Control Act, all as discussed below.

A. Inconsistency with Penal Code

No statute requires rotation of the player-dealer position among the players at a game. Penal Code §330 prohibits "any banking game," but that prohibition does not require rotation of the position. Section 330 reads:

> Every person who deals, plays, or carries on, opens, or causes to be opened, or who conducts, either as owner or employee, whether for hire or not, any game of faro, monte, roulette, lansquenet, rouge et noire, rondo, tan, fan-tan, seven-and-a-half, twenty-one, hokey-pokey, or any banking or percentage game played with cards, dice, or any device, for money, checks, credit, or other representative of value, and every person who plays or bets at or against any of those prohibited

> games, is guilty of a misdemeanor, and shall be punishable by a fine not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six months, or by both the fine and imprisonment.

This statute can be divided into two parts. The first part applies to any person who "deals, plays, or carries on, opens, or causes to be opened, or who conducts" the specified games. The second part applies to the person "who plays or bets at or against" any of the specified games. *People v. Lung* (1886) 70 Cal. 515. In modern day language, the first part is directed at the "house" which spreads the game, and the second part is directed at the players.

The Penal Code does not define the term "banking games." However, case law does, and the proposed regulations would not be consistent with the term as construed by prevailing case law.

Sullivan v. Fox

In the 1980s, California cardrooms began to offer games that are very different than the much more familiar games played in Nevada. In Nevada, the house is a participant in the game, taking on all the players at the table, accepting all bets, and enjoying odds in its favor. In California, the house simply does not play. It spreads the game but is not a player in the game. It does not take on any players and does not make or accept any bets. Rather, the games feature a "player-dealer" position, where a player plays in the dealer position and takes on the other players in head-to-head play. The cardroom charges a rental fee, as allowed under case law. Further unlike in casinos, the player-dealer makes a fixed wager, rather than take on all players and accept all bets.

The first case to construe the term "banking game" as applied to the new player-dealer games was *Sullivan v. Fox* (1987) 189 Cal.App.3d 673. The case arose in the First District Court of Appeal, and Artichoke Joe's was the main plaintiff. *Sullivan* discussed banking games and percentage games at length. The court started its discussion writing:

> Banking game has come to have a fixed and accepted meaning: the *"house" or "bank"* is a participant in the game, taking on all comers, paying all winners, and collecting from all losers.
> [Emphasis Added.]

The court then construed the terms "banking game" and "percentage game" as they relate to one another, and explained how these two types of games were complementary. This discussion also clarified that both of the terms "house" and "bank" refer to the same person, namely, the person who spreads the game:

> [T]he Legislature adopted the 'banking or percentage game' test as a flexible means of reaching *two evils* perceived by the Legislature. The first pertains to situations where *the house is actually involved in play,* its status as the ultimate source and repository of funds dwarfing that of all other participants in the game. This is covered by section 330's prohibition against banking games. The other situation finds the house in a more passive role. *Where the house is not directly participating in game play,* it can still be involved if it collects a percentage from the game. This percentage may be computed from the amount of bets made, winnings collected, or the amount of money changing hands. The percentage may be assessed collectively or individually. Regardless of the precise formula employed, the *house* benefits. The *house* has no interest in the outcome of play, but it is far from *disinterested* in the amount of play. It is in the enviable position of obtaining profit without incurring risk of loss from the actual play. *Its actual participation is nil, thereby distinguishing it from the banking game situation*, but it nevertheless gains. In any event, *the house derives benefit from commercial gambling, the elimination of which is the legitimate objective of statutes such as section 330.*
>
> *Sullivan,* at 679 (Emphasis added)

Thus, *Sullivan* read section 330 to focus on the house's involvement in the game, and to prohibit the only two possibilities that exist: one, when the house is *directly involved in play as a participant in the game,* and the other, *when the house is not directly participating in game play*, but is involved indirectly.

The court also explained the purpose of the law: to prevent the house from "deriv[ing] benefit from commercial gambling." The house is not to be involved either directly or indirectly in the game but was to be a "disinterested" party.

In pai gow, the house was not a participant in the game and so the game was not a banking game. The role of the players was irrelevant to this analysis, as

was the fact that the player-dealer placed a fixed bet or that the player-dealer position rotated. Rotation of the deal played no part in the analysis.

Sullivan's construction of section 330 serves to promote an important public policy, that the house remain "disinterested" in the games. When the house is prohibited from participating either directly or indirectly in the player-dealer games, its role is limited to that of an independent and neutral referee, to protect the integrity of the game. The house employs dealers and floormen to deal the cards and enforce the rules. They watch for mistakes and for signs of cheating. The house has no interest in the outcome of the games and no share in the amount bet or won.

In contrast, when the house is a banker, there is no independent referee who runs the games and maintains the integrity of the game. The house has an interest in the game, and hires employees to protect the house's bankroll. This is what distinguishes California games from casino games.

Walker v. Meehan

The *Sullivan* decision became a cornerstone of the law, and was followed in three similar cases. The second case was *Walker v. Meehan* (1987) 194 Cal.App.3d 1290, a case which also arose in the First District. Although no issue of banking game was raised (see *Walker*, ftnt 5), in construing the term percentage game, the court agreed that section 330 was directed at the role of the house. The court concluded from *Sullivan*, "...the evil sought to be controlled by section 330 is the house having an interest in the game, whether through acting as banker or taking a percentage of the wagers." *Walker*, p. 1296. The court further wrote, "The Legislature must have intended that the house not link its profits to the profits derived from gambling, whether or not it participated as the banker." (*Walker*, at 1300.) Like the *Sullivan* court, the *Walker* court read section 330 to focus on the house's role and to prohibit the interest of the house in the game. Rotation of the player-dealer position was irrelevant.

Second District Court of Appeal Cases

The last two cases which considered if player-dealer games were banking games arose in the Second District Court of Appeal in Los Angeles. In the third case, *Huntington Park Club Corp. v. County of Los Angeles* (1988) 206 Cal.App.3d 241, the County argued "that the house does not have to participate in the game in

order for a banking game under section 330 to be found," (pp. 249-250) and that "the proscription applies equally to the 'house' and the 'bank' as two separate and different types of participants," (Ftnt. 6), an incorrect read of *Sullivan*, as we already have seen. The County's argument ignored *Sullivan*'s reading that section 330 focused on the house and the house's two possible roles, one covered by the term "banking game" and the other by the term "percentage game." The County also ignored the public policy reason for section 330 identified by Sullivan, namely to achieve the "disinterest" of the house. Rather, the County read section 330 to prohibit a type of game that did not even exist back in 1885.

The *Huntington Park* court dismissed the County's argument for lack of evidence. The court quoted the definition of banking game from *Sullivan* defining banking game, and ruled that the game was not a banking game "since the record does not establish that either plaintiffs (the house) or any other entity maintains or operates a 'bank'." (p. 250.) In a footnote, the court wrote that "no issue had been raised as to whether a 'banking game' would result if a person other than the 'house' were to maintain and operate the 'bank,'" and then concluded, "We do not reach and do not decide that question." (Ftnt 6] Again rotation was not discussed and was not a factor in this holding.

In the fourth case, *City of Bell Gardens v. County of Los Angeles* (1991) 231 Cal.App.3d 1563, the County again argued that the play of the player-dealers turned the game into an illegal banking game, but here the court held that in *Huntington Park* the court had considered that issue and ruled against the County and the County was barred from relitigating the issue under the doctrine of res judicata. The court summarized the discussion in *Huntington Park*, quoting the definition in *Sullivan* and then writing that in *Huntington*, the court had "expressly acknowledged that players, not card clubs, serve as dealers on a rotating basis" and had ruled against the County. The holding in *Bell Gardens* was based on res judicata and not on the existence of rotation.

So none of these four original cases found the player-dealer games to be banking games. The two that explicitly found otherwise did not base their decision on the existence of rotation. After *Bell Gardens*, there were no other cases challenging the legality of player-dealer games for seven years. *Sullivan* and its progeny seemed to have settled the law. Nor was there any public outcry about this result.

Oliver v. County of Los Angeles (Second District)

In 1998, the Second District in Los Angeles issued a decision in *Oliver v. County of Los Angeles* (1998) 66 Cal.App.4th 1397 which purported to follow *Sullivan* but which in fact controverted it. *Oliver* involved a game called Newjack, a variant of blackjack. Just like in the prior cases, Newjack involved a player-dealer who would play one-on-one against each of the other players at the table. Just like in the prior cases, the player-dealer had to post a fixed bet and was at risk only for the amount bet. And just like in the prior cases, the player-dealer position rotated continuously and systematically around the table, a factor that had not been relevant to the outcome in the prior cases.

The *Oliver* court cited *Sullivan* with approval. The court repeated that the Legislature adopted the "'banking or percentage game' test as a flexible means of reaching two evils." It twice quoted *Sullivan*'s definition of banking game, including the sentence that the "house is actually involved in play" (pp. 1404 and 1407) and its definition of percentage game, including the line that a percentage game is "where the house is not directly participating in game play...." (p. 1404.)

The *Oliver* court then acknowledged that in Newjack, the house was not involved in play and under the rule set down in *Sullivan*, the game was not considered a banking game. (p. 1407.)

However, the *Oliver* court then proceeded to announce a different interpretation of section 330. The court held that if there was a potential for the player-dealer position to stay with one player "for a long time," the game was a banking game. The court observed that in *Huntington Park*, that court was not required to answer the question whether a game can be a banking game "if a person other than the 'house' were to maintain and operate the 'bank.'" The *Oliver* court held that the rules regarding rotation made it possible for a player-dealer to function as a bank. The court wrote: "[A] game will be determined to be a banking game if under the rules of that game, it is possible that the house, another entity, a player, or an observer can maintain a bank or operate as a bank during the play of the game." The court reasoned that if the other players at the table decline to accept the player-dealer position,

> "a player with a significant amount of money to bet can hold the position of player-dealer *for a long time*, and thus keep the inherent playing advantage for him or herself. The effect would be a banked

game because it could then be said of such a player that he or she is 'taking on all comers, paying all winners, and collecting from all losers." (p. 1409.)

Criticism of Oliver

The *Oliver* court claimed to be following *Sullivan* (pp. 1406-1407) and "expand[ing]" on the analysis in the footnote in *Huntington Park* (p. 1408), but the opinion shows no understanding of *Sullivan* or of the public policy served by section 330 as construed by *Sullivan*. Under *Sullivan*, the only factual issue was the *house's* role in the game and whether the *house* is acting as a bank. Under *Sullivan*, if the *house* is not acting as a bank, the game is not a banking game. In *Oliver*, the court changed the definition of banking game to include players. This holding is at variance with the focus in *Sullivan* on the *house* and with *Sullivan's* construct on section 330 and the duality that served as a foundation for the *Sullivan* definition of "percentage game." If the term "banking game" applies not just to the house, but also to other players, then the construction of the term "percentage game" by the *Sullivan* court no longer holds. Section 330 does not set up a duality, and the terms banking game and percentage game do not have that complimentary relationship, one where the *house* is directly involved in play and the other where the *house* is not directly involved in play but still has an interest in the outcome of play. The holding in *Oliver* also ignores the two part structure of section 330, as first observed in *Lung*, where the first part of the statute addresses the role of the house, and the second, the role of the players.

The *Oliver* decision has a further defect. Newjack did not satisfy one of the basic requisites of a banking game, namely that the banker take on *all* comers and *all* wagers. In Newjack, as in pai gow, the player-dealer posts a fixed bet, and may or may not be taking on all wagers. The court addressed this in a footnote, but its only response was that other characteristics of banking games were present. (Fn. 5.) Given that taking on all comers is a fundamental aspect of the definition, the lack of this element should have been fatal.

The *Oliver* decision further failed to address the public policy issue raised by *Sullivan*. As long as the house is not a participant in the game and has no direct or indirect interest in the outcome of the game, it assumes a role of a neutral operator. Even if only the third party player accepts the deal, as long as the house has no direct or indirect interest in the outcome of the game, that remains true. The house employs dealers and floormen to accomplish the all-important task of maintaining

game integrity. The house conducts the deal, enforces the game rules, and watches both for mistakes and for signs of cheating. Acceptance of the position by more than one player is not needed to maintain the independence of the house and its role in running a fair game. The *Oliver* court failed to consider this.

Instead, the *Oliver* court injected a new concern, the advantage of a player over the others. The concern over the advantage had been a concern when the house both banked the game and held an advantage. But in that case, there was no neutral operator. Where the house is not a participant in the game, and a player holds the advantage, the concern is not the same. Where the house is not a participant in the game, it can police the game and prevent cheating. The *Oliver* court failed to consider this significant difference. The house's role as a neutral party ensures that the game is run fairly. The player's advantage in the game is the enticement to take the risk and the reward for taking it. But as long as the house is a neutral referee, the Legislature's concerns as identified by *Sullivan*, is satisfactorily addressed.

Oliver created a split in authority between the First District Court of Appeal in the Bay Area and the Second District in Los Angeles. The California Supreme Court denied review, but with three of the seven judges voting to grant review. The Supreme Court has not since then had occasion to resolve these conflicting decisions.[1]

We also note that in 2000, when the Indian tribes sought adoption of Proposition 1A, the Voter Information Guide for Prop 1A, the argument in favor of approval of tribal gaming argued that banked games are "where the ***house*** has a stake in the outcome of the game." (Emphasis added.)

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[1] In *Hotel Employees and Restaurant Employees v. Davis* (1999) 21 Cal.4th 585, the high court held that games with a player pool constituted illegal house banked games and that the pool was a bank in nature if not in name. Because of the operator's interest in the pool, it was a house bank. In dicta, the court added that even if the pool did not belong to the house, it would still be an illegal bank citing *Oliver* for the proposition that "a banking game, within the meaning of Penal Code section 330's prohibition, may be banked by someone other than the owner of the gambling facility." However, the court showed no awareness of the split in authority between *Sullivan* and *Oliver*, let alone any intent to resolve that conflict in this dicta.

Legislature and Section 330.11

After the *Oliver* decision, the Legislature stepped in to protect the cardrooms, first, in 2000, and then, to complete the job, in 2001. In 2000, the Legislature passed AB 1416 which added section 330.11 to the Penal Code.[2] Section 330.11 set forth a definition of the term "banking game" which included not just the house but also players as the bank. Section 330.11 also included a safe harbor test to avoid being classified as a banking game. To qualify for the safe harbor, the player-dealer 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 a bank during the course of the game." Regarding acceptance of the position, the statute explicitly states:

> "For purposes of this section, it is not the intent of the Legislature to mandate acceptance of the deal by every player if the department finds that the rules of the game render the maintenance of or operation of a bank impossible by other means."

Significantly, the Legislature in AB 1416 also added a section to the GCA requiring licensing of third party players, tying these together, and clearly endorsing this new type of play. TPPs are well-funded to absorb the risks and the temporary ups and downs of acting as the player-dealer position, and thus served another public policy. As will be further discussed below, they provide an entity that is funded to absorb the risks of the player-dealer position and shield other players from the wide fluctuations of that position and the possibility of suffering crippling loses of such large wagers. Last, AB 1416 added a definition of player-dealer games to section 19805 which defined player-dealer games as games in which the player-dealer position is rotated.

Artichoke Joe's raised the issue that there was a conflict in the case law, and that the definition of banking game in AB 1416 was in conflict with *Sullivan*. The Attorney General was critical of the definition of banking game for other reasons. Governor Davis signed the bill but issued a signing statement that the bill

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[2] The Legislature added the same definition to the Gambling Control Act (section 19805(c)), but the GCA only uses the term one other time, in section 19802 stating legislative findings.

includes language that may be inconsistent with authoritative decisional law and will require clean-up.

In 2001, the Legislature amended section 330.11 to delete the definition of banking game and left the statute just as a safe harbor test for player-dealer games. (AB 54.) Legislative Counsel issued an opinion (#9041) that section 330.11 an amended was constitutional, and the Attorney General said that his concerns had been satisfied. Governor Davis signed AB 54 and issued a signing statement saying that his concerns had been satisfied.

Section 330.11 no longer defines the term "banking game" and no longer provides that the term applies to players. Section 330.11 takes no position on whether the term banked game depends only on the role of the house or also can depend on the role of players and does not attempt to resolve the conflict between *Sullivan* and *Oliver*. Further, in providing a safe harbor, section 330.11 makes clear that in requiring rotation of the player-dealer position, it is requiring only offer of the position. Section 330.11 does not impose any requirement regarding acceptance of the position. Even if a game does not satisfy the safe harbor, the game may be legal.

Is rotation in any form necessary to negate treatment as a banking game? Not according to the First District Court of Appeal. Neither section 330 nor section 330.11 require rotation. Section 330.11 makes clear that offering the deal is different from acceptance of the deal, and makes clear that not every player must accept the deal to qualify for the safe harbor. Nor does it require acceptance at all. Twice it prohibits the operation of a bank, but if the house and the TPP deal with one another at arm's length, so that the house remains independent of the TPP, there is no bank.

Given the state of law, the proposed regulation would be inconsistent with the Penal Code as currently construed in the First District Court of Appeal.

B. Conflict with Public Policies

The proposed regulation would also be contrary to important public policies, one being to reduce problem gambling, and another being to license and to regulate all persons having a significant involvement in gambling operations.

Policy to Reduce Problem Gambling

Preventing problem gambling is clearly a prevalent public policy in the Act, but the proposed regulations would increase problem gambling.

The same bill that created the Act, SB 8, also created the Office of Problem Gambling. The Act also requires cardrooms to pay a yearly fee to fund this Office. Commission regulations require cardrooms to have self-exclusion programs and self-restriction programs to address problem gambling. Commission regulations also require all cardrooms to have available materials about problem gambling in prominent spots and to post the phone number for the Problem Gambler's Helpline on advertising. Reducing and preventing problem gambling is understandably a major public policy issue.

But if the state mandates acceptance of the player-dealer position by players, that will cause a major shift in gambling from licensed TPPs, funded to manage the risks of the player-dealer position, to individual gamblers, who usually do not have the financial wherewithal to absorb those risks. As such it will inevitably and inescapably increase problem gambling.

The risks taken on by a player-dealer are substantial. The player-dealer takes on every other player at the table in one-on-one match-ups. Custom and convention is that the player-dealer place a wager sufficient to take on the wagers of all the other players at the table. For a TPP, the risks are smoothed out by the amount of time the TPP serves in that position. That is not true for other players. Their play time is much more limited and so their risk is amplified. Playing in this position can more quickly exhaust a player's bankroll for that visit and lead the player to overextend him- or herself. A player hoping to play for an hour or two would prefer to make smaller bets and spread the risk rather than to concentrate it all in a few big bets. For this reason, players often pass on the opportunity to occupy the player-dealer position. But if the Bureau adopts a regulation forcing players to accept the player-dealer position, players will end up betting more monies to cover all the bets at the table and will be exposing themselves to greater risks. Some players will end up taking on risks with which they are not comfortable. In order to get their full visit, some will play beyond their personal limits. Woe to those players who lose in the player-dealer position.

TPPs are funded to withstand that type of risk. The Bureau's proposed regulation would shift that risk to self-funded individuals who do not have the funds to handle it. For this reason, the proposal is ill-considered.

Policy to License All Persons with Significant Involvement in Gambling

The proposed regulation is also contrary to better control over gambling. Section 19801(i) of the Act states the public policy to license and regulate "all persons having a significant involvement in gambling operations." As discussed above, in 2000, the Act was amended to require licensing of TPPs. The Legislature felt that players who take the player-dealer position regularly had a significant involvement in gambling and needed to be licensed. This meant that their their source of funds must be vetted. Other players are not licensed.

If regulations are adopted which force regular players to take the player-dealer position and risk more monies, there would be a lot less control over the money flowing through cardrooms. For the same reason, the regulation is also contrary to efforts to prevent money laundering.

Policy to Achieve Independence of Cardroom Not Furthered

The proposed regulations not only hinder public policies; they also fail to further any other policies. In particular, they do nothing to further the policy of maintaining the independence of the cardrooms and their role as neutral operators of the games. As long as the cardroom in not involved in the game, either directly or indirectly, its role as the neutral referee is secure. Rotation of the player-dealer position does nothing to further that policy. So requiring rotation of the player-dealer position serves only to defeat public policies.

C. Lack of Authority to Restrict Games By Regulation

The Department has no authority to construe or supplement the Penal Code by regulation. The general rule is that "only the Legislature can define crimes." *People v. Figueroa* (1999) 68 Cal.App.4th 1409. "Only the Legislature, not an administrative body, may determine what conduct is unlawful." *Id.* "The underpinnings of this nondelegation rule include the constitutional provision vesting legislative power in the Legislature, which requires the Legislature to make fundamental policy decisions (Cal. Const., art. IV, §1...)." *Id.*

The purpose of the Gambling Control Act is "to regulate businesses that offer otherwise lawful forms of gambling games." (19801(f).) The Department administers the Gambling Control Act, and its role is limited to that Act. It has authority to adopt regulations to govern its administration of the Act, but the Department has no authority to adopt regulations interpreting Penal Code sections 330 or 330.11.

The Department's authority to adopt regulations under the Gambling Control Act is very limited. In contrast, the Commission is given broad powers to adopt regulations to regulate cardrooms. In particular, section 19841(b) requires the Commission to adopt regulations to "provide for the approval of game rules and equipment by the department to ensure fairness to the public and compliance with state laws." Further, section 19842, imposes limits on the Commission's powers to restrict games by requiring the Commission to conduct a proceeding to determine if a game violates the law. Section 19842(a) reads,

> "The commission shall not prohibit, on a statewide basis, the play of any game or restrict the manner in which any game is played, unless the commission, in a proceeding pursuant to this article, finds that the game, or the manner in which the game is played, violates a law of the United States, a law of this state, or a local ordinance."

This section allows restrictions to be imposed on games only to prevent violation of a law.

Section 19826(g), entitled "Responsibilities of department", provides that the department shall have the responsibility to "Approve the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played." This does not authorize the Department to adopt regulations interpreting the Penal Code. Further, this section must be understood in the context of the Commission's authority.

Penal Code §330.11 provides that acceptance of the deal is not required "if the division finds that the rules of the game" render the maintenance or operation of a bank impossible by other means. This is not a grant of authority to adopt regulations. Further, note that when this section was enacted in 2000, the Commission had not yet been created, and the Bureau's predecessor (the Division of Gambling Control) was the sole regulator.

II. Regulation 2077(b)

Section 2077(b)(2) would restrict various gaming practices, including backline bets on the player-dealer position, pooling of wagers, and direct bets between players. None of these proposed regulations are authorized, necessary, or consistent with the law.

Again, as discussed above, section 19842 of the Act contemplates the commission having the powers to restrict gaming practices and requires the Commission to conduct a proceeding to determine that the game violates the law. No such proceeding has been conducted.

(b)(1) and (2) Backline Wagering

The Gambling Control Act expressly authorizes backline betting. Section 19843 allows other players to place wagers "with a single seated player upon whose hand the wagers are placed." See also *Huntington Park*, 206 Cal.App.3d at 245 ("More than one participant may wager on a hand.") That statute applies to all positions, including the player-dealer position, and the proposed regulation would conflict with the statute. Further, the proposed regulation would serve to limit non-TPP acceptance of the player-dealer position, not to further it.

(b)(1) and (4) Pooling

These regulations would prevent pooling of funds in the player-dealer position. However, section 19843 of the Act allows this practice, and the regulation would conflict with the statute.

(b)(3) Direct Bets

This proposed regulation would prohibit private wagers between two players. These are not banked bets but are side bets in fixed amounts which both parties have to consent to. Thus, this regulation is not authorized or consistent with statutory law.

III. Regulation 2077(c)

The proposed regulation would provide that only one TPP can offer services at a table in a player-dealer game. There is no legal authority for such a

requirement. To the contrary, Commission regulations expressly allow more than one TPP at a table. See 4 Cal. Code Regs. §12270(b)(5) and (g).

Conclusion

As seen the proposed regulations would not be consistent with the Penal Code or with public policy and would not be authorized by the Gambling Control Act. For these reasons, such regulations should not be adopted.

Sincerely,
Alan Titus