



November 19, 2018

**VIA ELECTRONIC AND U.S. MAIL**

(bgc\_regulations@doj.ca.gov)

Stephanie Shimazu  
Bureau of Gambling Control  
P.O. Box 168024  
Sacramento, California 95816-8024

**RE: BANKER POSITION ROTATION WORKSHOPS**

Dear Chief Shimazu:

The California Nations Indian Gaming Association “CNIGA” writes to provide the Bureau of Gambling Control our written comments for the regulatory workshops it is conducting on rotation of the player-dealer position in California card rooms.

We want to make four fundamental points. The first is that California law prohibits anyone (other than a tribal nation with a compact) from playing banked card games. The card rooms, however, have for many years violated this prohibition, and the State has done nothing about it, a point proven by the fact that the card rooms to this day continue to play the illegal banked games.

Second, we believe that banking even a single hand of a card game makes that an illegal banked game. Even if that were not true, there should be little for the Bureau to do at the workshops, because the Bureau and the card rooms have already established an industry standard for rotation of the player-dealer position. For many years, the card rooms have submitted to the Bureau rules for their games, which rules the Bureau has approved and features on its website. Almost every single rule provides that the player-dealer position must be offered or actually rotate every two hands. Thus, the card rooms and the Bureau – with neither input nor influence from the tribes – have determined what “continuously rotated” means under Penal Code section 330.11. There is therefore no reason to re-examine what the Bureau and card rooms have already agreed upon.

Third, if the Bureau insists on conducting that re-examination, the rotation of the player-dealer position can *never* exceed two hands. An important foundational point is that the Bureau cannot expand the scope of gaming in California. Stated otherwise, the Bureau must strictly maintain the prohibition on banked card games. With this in mind, we note that common and accepted definitions of the word “continuously” are “without break” and “constantly.” These definitions leave no room for the card rooms to argue that their current practices are legal. They also leave no room to justify the 60 minute rotation standard the Bureau espoused in its June 30, 2016 guidelines. Indeed, we believe the word “continuously” and any of its definitions leave no room to argue for any rotation standard besides every hand.

**Protecting the sovereign right of California tribes to operate gaming on their lands.**

Bureau Chief Stephanie Shimazu

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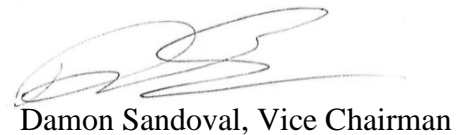
Finally, we want to emphasize that there must be a significant and enforceable penalty if the card rooms violate the rotation standard resulting from the Bureau's rulemaking process. We feel it is necessary to raise this point, because in its June 30, 2016 guidelines, the Bureau included what was nothing more than an illusory remedy if the card rooms failed to rotate the player-dealer position within the prescribed 60 minute time frame. As noted above, we believe the player-dealer position must actually rotate every hand (or perhaps the industry-standard two), and if it does not, the game must stop, and cannot begin again, until another player who has no business relationship with the cardroom or a third party proposition player takes that position.

The 38 member tribes of the California Nations Indian Gaming Association believe it is long past time to stop the card rooms' illegal gaming. We therefore ask the Bureau to enforce the law and respect the tribes' exclusive right to offer banked card games.

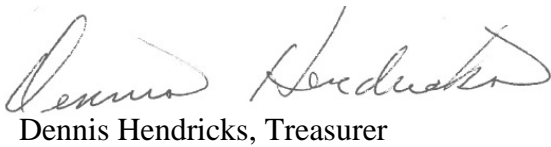
Sincerely,



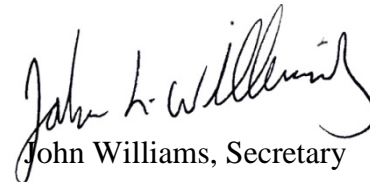
Steve Stallings, Chairman



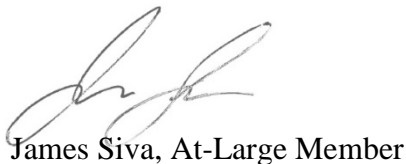
Damon Sandoval, Vice Chairman



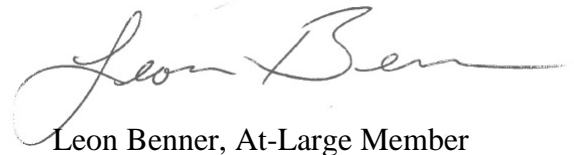
Dennis Hendricks, Treasurer



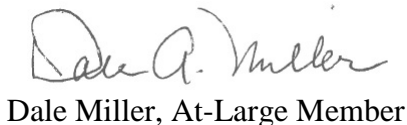
John Williams, Secretary



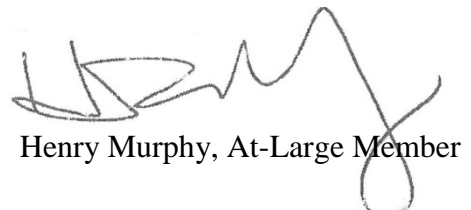
James Siva, At-Large Member



Leon Benner, At-Large Member



Dale Miller, At-Large Member



Henry Murphy, At-Large Member