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December 12, 2019

VIA EMAIL AND US MAIL

Susanne George
Department of Justice, Bureau of Gambling Control
P.O. Box 168024
Sacramento, CA 95816-8024

BGC_Regulations@doj.ca.gov

RE: Proposed Changes to Game Play

Dear Ms. George,

Pursuant to Ms. Shimazu's letter of December 3, 2019, we submit the following comments regarding changes to the player rotations system.

The Bureau Would be Exceeding its Statutory Authority

Business and Professions Code section 19841(b) delegates all authority to ensure that game rules comply with state laws to the California Gambling Control Commission. The Bureau is granted authority to approve the play of a game, and place restrictions on "how a controlled game may be played." (Business and Professions Code section 19826(g) emphasis added.)

The concept language regarding the player dealer position appears to go beyond the authority granted to the Bureau to approve the play of games and to place restrictions on game play and ventures into the area of ensuring game play complies with state law. The proposed language is not restricted to a single game but to all games. However, the plain language of Business and Professions Code section 19826(g) limits the Bureau's authority to restrictions on how a game is played, not how all card games must be played.

Any Regulation promulgated by the Bureau that exceeds its statutory power and usurps the authority granted to the California Gambling Control Commission by the Legislature is subject to a judicial declaration that the Regulation is void. No protestations that it is

merely an exercise of administrative discretion can sanctify such an unsupported and invalid regulation.

The proposed language exceeds the Bureau's statutory authority and is seizing the authority of the Commission to ensure that game play complies with state law.

We therefore urge the Bureau to refer their concerns to the Commission and not to exceed the scope of its authority.

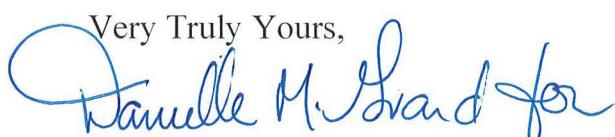
The Proposed Changes Are Inapposite To Existing Law

Penal Code section 330.11 provides in relevant part, "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 or operation of a bank impossible by other means."

The newly proposed language forces every player to either accept the position of player-dealer or sit out of the game. This is a mandate acceptance of the player-dealer position by every person at the table or the game cannot be played. This is inapposite to the plain language of Penal Code 330.11. The statute provides that the Legislature does not intend to mandate acceptance of the deal, and that the Bureau must make a finding that the rules of the game make the operation of a bank impossible by other means. Again, the Bureau has to make this determination as to each game and cannot shirk its Legislative mandate.

Conclusion

The proposed language exceeds the regulatory function of the Bureau and challenges the plain language of Penal Code 330.11. We urge the Bureau to consider its scope of authority when adopting any new regulation. We also request that the Bureau consider the significant impact a fundamental change like this would make to an industry that is providing jobs and tax revenue to the People of California.

Very Truly Yours,

Danielle M. Grandjean
Jarrett P. Blonien