

**FSOR APPENDIX A: SUMMARY AND RESPONSE TO COMMENTS SUBMITTED DURING 45-DAY PERIOD**

Response #	Summary of Comment	Response	Comment #(s)	Bates Label
<b>Rotation of the Player-Dealer Position</b>				
<b>ARTICLE 7. GAMES</b>				
<b>§ 2076. Games with a Player-Dealer Position; Rotation; Operation of Game.</b>				
1.	The commenter recommends adding subdivision (d) to this section as bolded and underlined: <b><u>(d) Game play shall be monitored by the BGC to ensure the rules of the game and play pursuant thereto render the maintenance of or operation of a bank impossible.</u></b>	This comment was considered but not incorporated. Proposed section 2076, subdivision (a)(3) requires that the offer of the player-dealer position must be visible to surveillance cameras. This will ensure that there is documentation of the dealers' compliance, or noncompliance, with the game rules. This allows the Bureau to monitor compliance with the regulations as the comment suggests.	29-10	RPD-0352
<b>- § 2076 (a)</b>				
2.	The Bureau lacks authority to prohibit all player-dealer games that do not include the Bureau's selected rules because only the Legislature can define crimes and penalties related to unlawful banking games.	This comment was considered but not incorporated. The comment does not propose alternative language for the regulation. The Bureau's reasoning and legal authority to promulgate these regulations have been provided in the Initial Statement of Reasons and Notice of Proposed Action. Proposed Section 2076, subdivision (a) does not define crimes and penalties, but merely prohibits game play that does not comply with its rules.	1-3, 4-2	RPD-0007 – RPD-0008, RPD-0057; RPD-0193 – RPD-0195
3.	The commenter claims the proposed regulations unjustly single out licensed proposition players. They dictate when they can accept the player-dealer position, and when they can bet against other players. The same restrictions do not apply to anyone else.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The intended purpose of the proposed regulation is to provide guidance on when the use of TPPPS in cardrooms does not violate the prohibition against banked games in Penal Code section 330. Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11, make it explicit that an illegal bank can be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. Those sections also define when a game will not be considered a banking game and require that the player-dealer position be continuously and systematically rotated among each of the participants during the play of the game. The proposed regulation does not unjustly single out licensed proposition players but ensures that approved games comply with Penal Code section 330. Additionally, if the Department	18-1, 847-1	RPD-0291; RPD-013-TR

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		finds that the maintenance or operation of a bank is rendered impossible under the rules of a player-dealer game, acceptance of the player-dealer position is not required.		
4.	A.B. 1416 (2000) defined banking games and explicitly prohibited them unless structured under specific exceptions. The current Player-Dealer structure complies with these statutory requirements. Existing law already accounts for the issue the Bureau claims to be addressing. Therefore, the regulations are redundant and unnecessary.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Assembly Bill 1416 (2000) amended the Gambling Control Act by (1) adding a definition of “banking game” or “banked game,” (2) adding a definition of “player-dealer” and “controlled game that features a player-dealer position,” and (3) codifying the practice in gambling establishments of contracting with third parties to provide “proposition player services.” Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 define when a game will <i>not</i> be considered a banking game and requires that the player-dealer position be rotated among each of the participants during the play of the game. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The proposed regulations require that the player-dealer position actually rotates, on a continuous and systematic basis, as required by Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. For the reasons set forth in the ISOR, the regulation is necessary.	3-1	RPD-0171; RPD-0174 – RPD-0175
5.	The proposed regulations conflict with Penal Code section 330.11. The statute does not state that participants must accept the player-dealer position. The proposed regulations appear to assume that the manner in which Cardrooms and TPPPS have been offering approved controlled games is not in compliance with Penal Code section 330.11. The proposed regulations disregard players’ freedom to	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. No authority holds that the mere “offer” of the player-dealer position is sufficient to remove a game from the banking game prohibition; <i>Oliver v. County of L.A.</i> (1997) 66 Cal.App.4th 1397 explicitly held that an offer alone is insufficient to prevent the maintenance or operation of a bank. Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11, make it explicit that an illegal bank can be maintained by persons other	3-7, 16-1, 830-2, 842-1, 871-1 874-1	RPD-0174 – RPD-0177; RPD-0286 – RPD-0287; RPD-006-TR; RPD-011-TR; RPD-023-TR; RPD-024-TR

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	choose whether they accept to take the player-dealer role, effectively forcing participation.	than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. Those sections also define when a game will not be considered a banking game and require that the player-dealer position be continuously and systematically rotated among each of the participants during the play of the game. The proposed regulation requires that player-dealer games continuously and systematically rotate the player-dealer position to avoid violating Penal Code section 330. Additionally, if the Department finds that the maintenance or operation of a bank is rendered impossible under the rules of a player-dealer game, acceptance of the player-dealer position is not required.		
6.	The regulations should prohibit cardrooms from limiting who may serve as the player-dealer. The current language sets arbitrary criteria for the player-dealer role. The commenter states that employees, licensees, and TPPPs should not count toward the two-player rotation requirement, and if they are playing at the table, they should be required to wear an identification badge that identifies them as an employee.	This comment was considered but not incorporated. Business and Professions Code section 19984 allows for TPPPS, and for cardrooms to contract with TPPPS without limitation as to the number of TPPPS per table. The purpose of the proposed regulations is to ensure that the player-dealer position rotates among the players in a continuous and systematic manner, as required by Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. Requiring employees to wear name badges or placing additional rotation exclusions on employees, licensees, or TPPPS would go beyond the scope of the proposed regulations and disrupt game play more than necessary to achieve compliance with the relevant statutes.	22-5, 26-5, 27-5, 28-5, 30-5	RPD-0313; RPD-0336; RPD-0341; RPD-0345; RPD-0357 – RPD-0358
<b>- § 2076 (a)(1)</b>				
7.	The proposed regulations fail to clarify whether it is possible for one player to act as a player-dealer for repeated hands. Additionally, subdivision (a)(1) mandates that the player-dealer position be offered to each player after each hand but does not mandate that any player accept the offer. The mere "offering" of the position does not mean that position is <i>actually</i> rotated on a continuous basis, as required by the law.	This comment was considered but not incorporated. Subdivision (a)(1) provides that the player-dealer position may only be occupied by a person seated at the table, and that the position shall be offered to other seated players at the table before every hand. The required offer of the player-dealer position prior to the start of every hand creates an opportunity for the player-dealer position to be continuously rotated. Additionally, subdivision (a)(4) requires the player-dealer position to actually rotate to at least two players (or if	21-4	RPD-0306

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	Furthermore, this provision would allow extended control of the dealer position by one player, creating banking conditions.	only one player, to one player at least two times) other than the TPPPS every 40 minutes, or the game must end. The proposed regulations would ensure the player-dealer position would not remain with one party for an unrestricted time during the play of a controlled game featuring a player-dealer position, which would then allow that person to maintain or operate a bank.		
8.	The Player-Dealer regulations are inconsistent with legislative intent and enabling statutes. Removed language from Assembly Bill (AB) 1416 cannot be used as a basis for interpreting statutes. For two decades, the Bureau has correctly interpreted Penal Code section 330.11 to permit game rules where the player-dealer position rotates every two hands. Courts generally respect such long-standing agency interpretations, and the industry has relied on this interpretation for over two decades.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. No authority holds that offering the player-dealer position every two hands, or the mere “offer” of the player-dealer position, is sufficient to remove a game from the banking game prohibition; <i>Oliver v. County of L.A.</i> (1997) 66 Cal.App.4th 1397, 1408-09, explicitly held that an offer alone is insufficient to prevent the maintenance or operation of a bank. Assembly Bill 1416 (2000) amended the Gambling Control Act by (1) adding a definition of “banking game” or “banked game,” (2) adding a definition of “player-dealer” and “controlled game that features a player-dealer position,” and (3) codifying the practice in gambling establishments of contracting with third parties to provide “proposition player services.” Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 define when a game will <i>not</i> be considered a banking game, and that definition requires that the player-dealer position be rotated among each of the participants during the play of the game. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens and therefore does not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The proposed regulations require that the player-dealer position actually rotates, on a continuous and systematic basis, as required by Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11.	4-14, 8-3, 846-3	RPD-0227; RPD-0265 – RPD-0267; RPD-012-TR

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9.	In Section 2076, subdivision (a)(1), the word “other” lacks a referent and is unclear. Historically, the position rotated every two hands since the 1880s, and the Bureau has never justified changing this long-standing practice. The ISOR offers no evidence of statutory basis for increasing the frequency of offers, and <i>Oliver</i> provides no support for this change.	This comment was considered but not incorporated. The use of the term “other seated players” matches the language in Business and Professions Code section 19805, subdivision (ag). Additionally, no authority holds that the mere “offer” of the player-dealer position is sufficient to remove a game from the banking game prohibition; <i>Oliver v. County of L.A.</i> (1997) 66 Cal.App.4th 1397, 1408-09, explicitly held that an offer alone is insufficient to prevent the maintenance or operation of a bank. The proposed language requiring the offer of the player-dealer position prior to the start of every hand creates an opportunity for the player-dealer position to be continuously rotated.	4-13, 4-14	RPD-0227
10.	This provision states that the player-dealer position may only be occupied by a “person” seated at the table. It is unclear whether the Bureau means that the singular “person” is intended to prohibit backline, shared or direct wagers. Requiring the player-dealer to be seated at the table is unnecessary since wagers (shared, backline, direct) already prevent banking.	This comment was considered but not incorporated. In <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397, 1408, the court held that “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.” Thus, it is possible that under the game’s rules, a TPPPS may act as a bank even when not taking the role of the player-dealer. Accordingly, a game might be found to be an illegal banked game, no matter who is acting as the bank, if the game’s rules allow the possibility that a person, entity, or an observer may maintain or operate a bank. ( <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397, 1408; <i>Kelly v. First Astri Corp.</i> (1999) 72 Cal.App.4th 462, 492.) This language is necessary to implement Business and Professions Code section 19805, subdivision (ag), which defines player-dealer as a position that rotates among seated players, and to prevent a TPPPS from maintaining or operating a bank even when not acting as the player-dealer or when not seated at the table.	1-18	RPD-0057
11.	Requiring the player-dealer position to be offered before every hand, rather than after every two hands, is overly burdensome and is unsupported by any judicial decision or other source of law. There is no necessity, authority, or consistency with court	This comment was considered but not incorporated. No authority holds that offering the player-dealer position every two hands or the mere “offer” of the player-dealer position is sufficient to remove a game from the banking game prohibition; <i>Oliver v. County of L.A.</i> (1997) 66 Cal.App.4th 1397, 1408-09, explicitly held that an offer	1-19	RPD-0058

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	decisions for any requirement that the player-dealer position be offered after every hand. Further, offering the player-dealer position after every hand is impractical. The proposed rule would slow down the game significantly and discourage participation.	alone is insufficient to prevent the maintenance or operation of a bank. Currently approved games featuring a player-dealer position do not all require that rotation of the player-dealer position actually happens, which does not comply with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The Department considered the alternative game rule that the player-position be offered every two hands instead of every hand. This alternative, although less burdensome, is less effective at ensuring that the player-dealer position actually rotates on a continuous and systematic basis to at least two players other than a TPPPS player within 40-minute intervals, as proposed in section 2076, subdivision (a)(4).		
12.	Subdivision (a)(1)'s requirements that 1) the player-dealer position be offered to other seated players before each hand and 2) the rules specify how the player-dealer position is selected and rotated are not authorized by Business & Professions Code §19805(ag). The proposed requirements constitute legislation by the Bureau. Furthermore, they are likely to impede the play of games and discourage gameplay.	This comment was considered but not incorporated. An administrative agency is authorized to "fill in details" of a statutory scheme, including defining a disputed term or phrase used in the statute. The absence of a specific statute regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency's expertise. ( <i>Wendz v. State Dept. of Education</i> (2003) 93 Cal.App.5th 607, 623-624.) Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 define when a game will <i>not</i> be considered a banking game and requires that the player-dealer position be rotated among each of the participants during the play of the game. The proposed regulations require that the player-dealer position actually rotates on a continuous and systematic basis, as required by Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11.	3-9	RPD-0177
<b>- § 2076 (a)(2)</b>				
13.	The proposal's language requiring signage to inform players about their options and the rotation of the player-dealer position should not state that players	This comment was considered but not incorporated. Proposed Section 2076, subdivision (a)(2) provides that a written notice shall be placed at each table informing patrons when a player may accept	16-6	RPD-0288

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	assuming the player-dealer position cannot win or lose more than the amount that they wager. As currently drafted, the proposed language could lead to the collapse of the industry, leaving many longtime employees without jobs.	<p>the player-dealer position. The written notice shall provide a specific statement that: (1) any player can assume the player-dealer position when it is offered, and (2) the player-dealer cannot win or lose more than the amount the player-dealer wagers. This language is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c).</p> <p>The Standardized Regulatory Impact Assessment evaluates the economic impact of the proposed regulations within California's regulated gambling framework. When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, which prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the regulation is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 198205, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a player-dealer position.</p>		
14.	The words "fixed and limited wager" are absent from subdivision (a)(2). The proposed regulation fails to enforce limits on how much the player-dealer can win or lose, ignoring the requirements of Penal Code section 330.11. As a result, TPPPS, who have a substantial interest in the outcome of the card games, will be able to hold the player-dealer position for extended periods, while they compete one against the many, and pay all winners and collect from all losers. As such, the regulations will not prevent TPPPS	This comment was considered but not incorporated. Business and Professions Code section 19984 allows for the regulation and licensing of TPPPS, and for cardrooms to contract with TPPPS. The licensing of TPPPS businesses is governed by the Commission's regulations. Section 2076, subdivision (a)(2) is intended to provide a simplified notice of the limitation on how much the player-dealer may win or lose, as prescribed in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The Bureau-approved game rules of any game featuring a rotating player-dealer position will already include the language suggested by	21-6, 23-1, 24-5, 25-5	RPD-0307 – RPD-0308; RPD-0317; RPD-0323 – RPD-0324; RPD-0331 – RPD-0332



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	from operating or maintaining a bank and therefore allow for banked games as defined in Penal Code section 330.11. Unless a provision is added to limit the aggregate wagers of all other game participants to no more than the player-dealer's wager, there is nothing stopping a player-dealer from collecting from all losers.	the comment, and each game's rules will be made available to persons participating in those games. The notice provided by section 2076, subdivision (a)(2), is intended to be truncated as it would be unduly burdensome to require that the notice includes a detailed recounting of each game's rules concerning how much the player-dealer may win or lose. There is no need to repeat the statutory language "fixed and limited wager" in the regulations.		
15.	The commenter recommends adding the following underlined and bolded language: "The player that assumes the player-dealer position cannot win or lose more than the amount they wager <u><b>on any single round of play. If the player-dealer does not have sufficient funds to cover all wagers, players will not get paid and wagers will be settled according to the approved game rules. Such rules must comply with subdivision(b) herein and expressly prohibit the TPPPS from covering wagers when not occupying the player-dealer position.</b></u> "	This comment was considered but not incorporated. Section 2076, subdivision (a)(2) is intended to provide a simplified notice of the limitation on how much the player-dealer may win or lose, as prescribed in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The Bureau-approved game rules of any game featuring a rotating player-dealer position will already include the language suggested by the comment, and each game's rules will be made available to persons participating in those games. The notice provided by section 2076, subdivision (a)(2) is intended to be truncated as it would be unduly burdensome to require that the notice includes a detailed recounting of each game's rules concerning how much the player-dealer may win or lose.	29-3	RPD-0351
16.	A new requirement that cardrooms must provide written notice at each table is not necessary because cardrooms already provide substantial notice to participants that any player can accept the player-dealer position when offered, and that players cannot win or lose more than the amount they wager.	This comment was considered but not incorporated. The purpose of the notice is to inform patrons that (1) any player can assume the player-dealer position when it is offered, and (2) the player-dealer cannot win or lose more than the amount the player-dealer wagers. Codification of the notice requirement is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c), to help inform the public, and to help to ensure that the requirements of these regulations are followed.	1-20	RPD-0058
17.	Subdivision (a)(2) is not authorized by Business & Professions Code §19805(c), (ag) as alleged by the Bureau. The proposed requirements constitute	This comment was considered but not incorporated. An administrative agency is authorized to "fill in details" of a statutory scheme. The absence of a specific statute regarding the regulation of	3-10	RPD-0177



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	legislation by the Bureau. The Bureau does not explain why it is requiring written notice rather than imposing limitations on game rules consistent with Business & Professions Code § 19826(g).	an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency's expertise. ( <i>Wendz v. State Dept. of Education</i> (2003) 93 Cal.App.5th 607, 623-624.) The written notice requirement is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c), to help inform the public, and to help to ensure that the requirements of these regulations are followed.		
<b>- § 2076 (a)(3)</b>				
<b>18.</b>	Requiring a verbal and physical offer with each hand is unnecessary, burdensome, and unclear, especially since players already know they can accept every two hands. Asking up to eight times per hand would only annoy players and slow down the game. A simpler method – one verbal indication with a clear physical motion visible to surveillance—would be sufficient and practical. This would achieve compliance without disrupting gameplay.	This comment was considered but not incorporated. Requiring a verbal and physical offer after every hand is necessary to ensure that patrons are advised of when they may occupy the player-dealer position in an overt and consistent manner. In particular, if any patrons have visual or auditory disabilities or impairments, the combined verbal and physical offer will accommodate those patrons. The purpose of this language is to create an opportunity for patron participation as the player-dealer, with clear verbal and physical indications as to when a patron may occupy the player-dealer position. The Bureau determined that these objectives outweighed any potential slow-down in game play.	1-21	RPD-0058 – RPD-0059
<b>19.</b>	Commenters recommend this section be amended to state that the offer of the player-dealer position be made audibly and visibly, such that it is verifiable by regulatory personnel and surveillance.	This comment was considered but not incorporated. The proposed language already requires that both verbal and physical offering of the player-dealer position be provided, and also requires that the offer be visible to surveillance cameras.	22-3, 26-3, 27-3, 28-3, 30-3	RPD-0313; RPD-0335; RPD-0340; RPD-0345; RPD-0357 – RPD-0358
<b>20.</b>	Subdivision (a)(3) is not authorized by Business & Professions Code §19805 subdivisions (c) and (ag) and as alleged by the Bureau. The proposed requirements constitute legislation by the Bureau. Furthermore, they are likely to impede the play of games and	This comment was considered but not incorporated. An administrative agency is authorized to “fill in details” of a statutory scheme. The absence of a specific statute regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue	3-11	RPD-0177

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	discourage gameplay.	and instead deferred to and relied upon the agency's expertise. ( <i>Wendz v. State Dept. of Education</i> (2003) 93 Cal.App.5th 607, 623-624.) The verbal and physical offer requirement is necessary to ensure that patrons are overtly and consistently advised of when they may occupy the player-dealer position. The verbal and physical offer of the player-dealer position will also accommodate patrons with visual or auditory impairments. The purpose of this language is to create an opportunity for patron participation as the player-dealer, with clear verbal and physical indications as to when a patron may occupy the player-dealer position.		
<b>- § 2076 (a)(4)</b>				
<b>21.</b>	Subdivision (a)(4) fails to ensure continuous and systematic rotation among <i>all</i> participants and could allow one player to hold the player-dealer position for a significant number of hands. The plain language of the words "amongst each of the participants" in Penal Code section 330.11 clearly means that <i>every player</i> must take a turn in the player-dealer position to comply with the statute and case law.	This comment was considered but not incorporated. The proposed rotation requirement operates to actually require rotation on a fixed basis based upon time and the number of persons between which the player-dealer position must be rotated. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 do not prescribe what rotation "schedule" would constitute continuous and systematic rotation. Thus, the Bureau may implement a method of rotation that is based upon a reasonable interpretation of those statutes. Ensuring actual rotation of the player-dealer position on a continuous and systematic basis can be accomplished with less restrictive measures. As explained in the Initial Statement of Reasons, the proposed 40-minute rotation requirement ensures fair distribution of the dealer role across all players and prevents monopolization of the dealer position. The proposed language is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11.	21-5, 24-4, 25-4, 838-1	RPD-0307; RPD-0322 – RPD-0323; RPD-0330 – RPD-0331; RPD-009-TR
<b>22.</b>	The commenter questions whether the Bureau has the capacity to track and enforce the 40-minute rotation requirement. The proposed regulations	This comment was considered but not incorporated. The comment does not propose alternative language. The Bureau's enforcement methods, procedures, and penalties are not a subject of these	21-8, 24-7, 25-7, 838-3	RPD-0310; RPD-0324 – RPD-0325;

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	appear would permit prolonged banking activity, contradicting statutory safeguards against banked games. There is no meaningful penalty for violations.	regulations. Additional enforcement methods and procedures could be considered in a future rulemaking package if there is non-compliance with the requirements.		RPD-0333; RPD-009-TR
23.	The 40-minute rule is insufficient to meet Penal Code section 330.11's "continuous and systematic" requirement. The 40-minute limitation is easily avoided by "ending" a game after 39 minutes and immediately starting a new 39-minute game. The section should also be clarified to state that ending and restarting a game does not reset the rotation clock and require rotation in a shorter timeframe.	This comment was considered but not incorporated. The proposed rotation requirement operates to actually require rotation on a fixed basis based upon time and the number of persons between which the player-dealer position must be rotated. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 do not prescribe what rotation "schedule" would constitute continuous and systematic rotation. Thus, the Bureau may implement a method of rotation that is based upon a reasonable interpretation of those statutes. With respect to the comment concerning ending and restarting the game, the Bureau decided that the threat of ending the game, if no other individual assumed the player-dealer position, will be a deterrent. Additional enforcement methods and procedures could be considered in a future rulemaking package if there is non-compliance with the requirements. However, the Bureau's enforcement methods and procedures are not a subject of these current proposed regulations.	22-4, 26-4, 27-4, 28-4, 30-4	RPD-0313; RPD-0335 – RPD-0336; RPD-0340 – RPD-0341; RPD-0345; RPD-0357
24.	The commenter questions whether the 40-minute time period for a single player to maintain the player-dealer position meets the requirements for the player-dealer position to be continuously and systematically rotated.	This comment was considered but not incorporated. The proposed rotation requirement operates to actually require rotation on a fixed basis based upon time and the number of persons between which the player-dealer position must be rotated. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 do not prescribe what rotation "schedule" would constitute continuous and systematic rotation. Thus, the Bureau may implement a method of rotation that is based upon a reasonable interpretation of those statutes.	868-1	RPD-022-TR
25.	The commenter recommends adding the following underlined and bolded language and deleting the italicized language: "The player-dealer position shall rotate <b><u>continuously and systematically to another</u></b>	This comment was considered but not incorporated. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 do not include a requirement that the player-dealer position rotate after two consecutive hands. The proposed	29-4	RPD-0351

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	<i>player after every two consecutive hands to at least two players other than the TPPPS every 40 minutes or the game shall end. If there is only one player at the table in addition to the TPPPS, the player-dealer position shall rotate to that player a minimum of two times every 40 minutes, or the game shall end."</i>	regulations require that the player-dealer position actually rotates, on a continuous and systematic basis, as required by Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The statutes do not prescribe a rotation schedule. Thus, the Bureau may implement a method of rotation that is based upon a reasonable interpretation of those statutes.		
26.	The regulations should specify that a TPPPS player-dealer must participate in each game in which another player occupies the player-dealer position. This would ensure that a player has the same opportunity to win from the TPPPS player as that TPPPS player enjoyed while occupying the player-dealer position.	This comment was considered but not incorporated. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 do not require a TPPPS to play when the player-dealer position rotates.	23-2	RPD-0317
27.	The 40-minute rotation requirement to a minimum of two players is arbitrary, unworkable and lacks supportive evidence, especially when no patrons are available to rotate the position. There is no evidence to determine at what point a player, even a TPPPS, becomes a bank.	This comment was considered but not incorporated. The purpose of this language is to ensure that the player-dealer position is actually rotated among the players in a continuous and systematic manner. This is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 and in violation of Penal Code section 330. In a standard controlled game with six to eight players, the average hand takes approximately three minutes. With six to eight players, this means each player could serve as a player-dealer once or twice in a 40-minute period. The proposed regulations require rotation to at least two players aside from the TPPPS, leading to approximately two full rounds of player-dealer rotation within 40 minutes. The Bureau determined that the timeframe is reasonable, as it creates an opportunity for distribution of the player-dealer role across all players within a typical 40-minute game, preventing monopolization of the player-dealer position. The fixed timeframe in the proposed regulations would not allow the game to remain with one party for an unrestricted time to ensure that person does not maintain or operate a bank.	4-15, 16-4	RPD-0227; RPD-0287

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28.	This provision requires at least two players to assume the player-dealer position every 40 minutes, which lacks legal basis, clarity, and necessity, and is overly burdensome. The proposal does not adequately explain how the two-player minimum and 40-minute maximum requirements will prevent banking. Penal Code section 330.11 already provides a safe harbor, making the requirement unnecessary. The proposal does not explain why acceptance of the player-dealer position by any particular number of non-TPPPS participants is the sole means of curing a purported banking issue. The Bureau's estimates for the length of time required for a "round of play" are inaccurate, and it is impossible to measure how many players are at a table in a 40-minute period. The proposal fails to explain whether "dead spreads," when the table is open but no one is wagering, should be counted in a 40-minute time limit.	This comment was considered but not incorporated. The purpose of this language is to ensure that the player-dealer position is actually rotated among the players in a continuous and systematic manner. This is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 do not prescribe what rotation "schedule" would constitute continuous and systematic rotation. Thus, the Bureau may implement a method of rotation that is based upon a reasonable interpretation of those statutes. The comment does not provide an alternate proposal for evaluating whether a player has maintained or operated a bank.	1-22	RPD-0059 – RPD-0062
29.	This provision unfairly burdens TPPPS players with disfavored treatment. No evidence supports the claim that requiring multiple acceptances of the player-dealer role prevents banking. Prohibiting TPPPS from placing backline wagers, combined wagers, or direct bets makes the game less appealing and fails to prevent the maintenance or operation of a bank. Under the proposed rules, a participant with the same financial strength and risk tolerance of a TPPPS could act as a bank without being subject to any restrictions.	<p>This comment was considered but not incorporated. The intended purpose of the proposed regulation is to provide guidance on when the use of TPPPS in cardrooms does not violate the prohibition against banked games in Penal Code section 330. The purpose of the language is to ensure that the player-dealer position is actually rotated among the players in a continuous and systematic manner. This is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11.</p> <p>With respect to the comment about the limitation on wagers and direct bets, under certain currently Bureau-approved games rules, a TPPPS may act as a bank even when not taking the role of the player-dealer. The proposed language in subdivisions (b)(1) and(b)(2) is</p>	1-15	RPD-0047 – RPD-0051

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		necessary to ensure that TPPPS do not maintain or operate a bank even when not occupying the player-dealer position. The intent of the regulation is not to single out or unduly burden TPPPS, but rather to clarify the role of a TPPPS and ensure the player-dealer position would not remain with the TPPPS for an unrestricted time during the play of a controlled game featuring a player-dealer position, thereby preventing a TPPPS from maintaining or operating a bank.		
30.	No time period during which the dealer-player position must actually rotate is required by Business & Professions Code §19805 subdivisions (c) and (ag) or Penal Code §330.11. This provision constitutes legislation by the Bureau. It is sure to discourage players from playing.	This comment was considered but not incorporated. The purpose of this language is to ensure that the player-dealer position is actually rotated among the players in a continuous and systematic manner. This is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. <i>Oliver v. County of L.A.</i> (1997) 66 Cal.App.4th 1397, 1408-09, explicitly held that an offer of the player-dealer position alone, without actual rotation, is insufficient to prevent the maintenance or operation of a bank. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 define when a game will <i>not</i> be considered a banking game, and that definition requires that the player-dealer position be rotated among each of the participants during the play of the game. An administrative agency is authorized to “fill in details” of a statutory scheme. The absence of a specific statute regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency’s expertise. ( <i>Wendz v. State Dept. of Education</i> (2003) 93 Cal.App.5th 607, 623-624.) The statutes do not prescribe a rotation schedule. Thus, the Bureau may implement a method of rotation that is based upon a reasonable interpretation of those statutes.	3-12	RPD-0177

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<b>- § 2076 (a)(5)</b>				
31.	The proposed mechanism only requires play to stop temporarily, which is insufficient as a deterrent. Recommend enforcement mechanisms, such as financial penalties or enforcement actions for violations, otherwise illegal banking will continue unchecked.	This comment was considered but not incorporated. The proposed regulation would require that the player-dealer position actually rotates to another person in order for a game to resume. The Bureau decided that the threat of ending the game, if no other individual assumed the player-dealer position, will be a deterrent. Additional enforcement methods and procedures could be considered in a future rulemaking package if there is non-compliance with the requirements. But the Bureau's enforcement methods and procedures are not a subject of these current proposed regulations.	21-9, 838-2	RPD-0311; RPD-009-TR
32.	The commenter recommends adding the following underlined and bolded language to the end of subdivision(a)(5): <b><u>"Play may not resume at the table until after the shuffling of all cards and new game begins"</u></b> .	This comment was considered but not incorporated. Under the proposed regulations, a game cannot be resumed until a new player accepts the player-dealer position. A new person assuming the player-dealer position does not require the start of a "new" game, commenced by the shuffling of all cards. The regulations do not prohibit the start of a new cardroom game after the unrotated game has ended. For example, if an approved blackjack-style game ends because the player-dealer position did not actually rotate, the regulation does not prohibit the players from starting a new or different game, like poker.	29-5	RPD-0352
33.	Subdivision (a)(5) makes no provision for what happens after closure of the game. It is unclear whether the regulations prohibit the table from immediately reopening.	This comment was considered but was not incorporated. Subdivision (a)(5) states that a game may be resumed when another person accepts the player-dealer position. The regulations do not prohibit the start of a new game after an unrotated game has ended. For example, if an approved blackjack-style game ends because the player-dealer position did not rotate, the regulation does not prohibit the players from also starting a different game, like poker.	4-16	RPD-0228
34.	This provision is vague and causes confusion about when and how games must stop or restart. It is unclear whether the stoppage applies only at the table, to players who move to a new table, or starting a new game after a table is cleared. The SRIA suggests	This comment was considered but not incorporated. The commentary in the SRIA does not conflict with the proposed language and is for purposes of conducting an economic impact analysis. The proposed regulation would require that the player-dealer position actually rotates to another person in order for a	1-23	RPD-0062 – RPD-0063



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	“if no rotation occurs, the game must stop. However, it is possible that a new, different game could immediately commence at the same table”. The SRIA (p.15) does not clarify what constitutes a different game. This creates uncertainty and potential disruptions.	game to resume. Subdivision (a)(5) states that a game may be resumed when another person accepts the player-dealer position. The regulations do not prohibit the start of a different game after an unrotated game has ended. For example, if an approved blackjack-style game ends because the player-dealer position did not rotate, the regulation does not prohibit the players from starting a different game, like poker.		
35.	The proposed regulations are unworkable and cause confusion about when and how games must stop or restart. It is unclear whether the stoppage applies only at the table, to players who move to a new table, or starting a new game after a table is cleared. This creates uncertainty and potential disruptions.	This comment was considered but not incorporated. The proposed regulation would require that the player-dealer position actually rotates to another person in order for a game to resume. Subdivision (a)(5) states that a game may be resumed when another person accepts the player-dealer position. The regulations do not prohibit the start of a different game after an unrotated game has ended. For example, if an approved blackjack-style game ends because the player-dealer position did not rotate, the regulation does not prohibit the players from starting a different game, like poker. The regulation applies to the game being played, in which the time limit has been reached and for which no rotation has occurred for the player-dealer position. The regulation does not apply to all games being played at other tables by other players, in which the time limit for the player-dealer rotation has not been reached.	855-2	RPD-017-TR
36.	No requirement of stopping the game under any circumstance is authorized by Business & Professions Code §19805 subdivisions (c) and (ag) or Penal Code §330.11. This provision constitutes legislation by the Bureau. It is sure to discourage players from playing and drive them away.	This comment was considered but was incorporated. The purpose of this language is to provide a self-executing means of enforcing the required rotation of the player-dealer position. Enforcement of the regulation would be implemented through mandated stoppage of game play. This subdivision is necessary to ensure that the player-dealer position actually rotates continuously and systematically so as not to bring a game within the definition of a banking game as specified in Business and Professions Code section 19805, subdivision (c). An administrative agency is authorized to “fill in details” of a statutory scheme. The absence of a specific statute	3-13	RPD-0177 – RPD-0178

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		regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency's expertise. (Wendz v. State Dept. of Education (2003) 93 Cal.App.5th 607, 623-624.) The statutes do not prescribe a rotation schedule. Thus, the Bureau may implement a method of rotation, including stopping the game until a rotation occurs and someone assumes the player-dealer position, that is based upon a reasonable interpretation of those statutes via a proposed regulation.		
<b>- § 2076 (a)(6)</b>				
<b>37.</b>	The commenter recommends deleting this subdivision.	This comment was considered but not incorporated. The purpose of section 2076, subdivision (a)(6) is to allow the current round of play to finish if the 40-minute mark is reached during that round of play. This is necessary to avoid any actual or perceived unfairness that may result if a round of play with wagers on the table is not complete when the game is required to stop (e.g., if the game were to stop while some players have been paid out while others have not).	29-6	RPD-0352
<b>38.</b>	Subdivision (a)(6) relates to the 40-minute rule but fails to define what a "round of play" means. This provision is too vague to be enforceable. Without a clear definition of "round of play", it risks inconsistent application and unnecessary burdens.	This comment was considered but not incorporated. With respect to the comment asserting that the term "round of play" needs to be defined, the Department has determined that it did not have to be defined in this package because it is understood as the play of a controlled game from start to end, i.e., the placing of wagers culminating in the payment of winnings or collection of wagers. Controlled game rules currently approved by the Bureau contain the word "round of play" in describing how the game is played from start to finish. If the rotation of the player-dealer position has not occurred as prescribed in proposed section 2076, subdivision (a)(4), and there is an active round of play in progress, that round of play may be completed before the game ends as specified in proposed	1-24	RPD-0063

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		subdivision (a)(5). A round of play did not have to be defined in this package because it is understood as the dealing, wagering, playing, and payment of winnings or collection of wagers. The purpose of this language is to allow a round of play that has commenced when the 40-minute mark is reached. This is necessary to avoid any actual or perceived unfairness that may result if a round of play with wagers on the table is not complete when the game is required to stop (e.g. if the game were to stop while some players have been paid out while others have not).		
<b>- § 2076 (a)(7)</b>				
<b>39.</b>	The commenter recommends adding the following underlined and bolded language to the end of subdivision (a)(7): <b><u>“and shall not have a financial relationship with that owner, employee or TPPPS”.</u></b>	This comment was considered but not incorporated. Penal Code section 330.11 allows for the rotation of a player-dealer position and Business and Professions Code section 19984 allows for cardrooms to contract with TPPPS for these services. Commission regulations already govern TPPPS licensing requirements, including the financial relationship described in the proposed comment. (See Cal. Code Regs., tit. 4, §§ 12002, 12005, 12270-12278.)	29-7	RPD-0352
<b>40.</b>	Subdivision (a)(7) restricts multiple representatives of the same TPPPS from sitting at the same table. This also prevents them from collectively accepting the player-dealer role. This restriction is unjustifiable and discriminatory as it undermines flexibility in play and does not advance the Bureau’s stated purpose of preventing banking.	This comment was considered but not incorporated. Allowing more than one TPPPS at a table would create a situation where the player-dealer position would rotate just between the TPPPS and not to an individual patron. Multiple TPPPS in the same game would circumvent the proposed regulations and the TPPPS would collectively maintain a bank. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 specifically prohibit “the house, another entity, a player, or an observer from maintaining or operating as a bank during the course of the game,” and allowing the TPPPS to serve in the player-dealer role would violate this prohibition and circumvent the proposed regulations.	1-25	RPD-0063
<b>41.</b>	Subdivision (a)(7) is not required by Business & Professions Code §19805 subdivisions (c) and (ag), §19984 or Penal Code §330.11. It constitutes	This comment was considered but not incorporated. Allowing more than one TPPPS to occupy the player-dealer position would likely result in the TPPPS being involved in every hand dealt and the	3-14	RPD-0178

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	legislation by the Bureau. It is sure to discourage players from playing and drive them away.	player-dealer position would never rotate away from the TPPPS, allowing them to collectively maintain a bank. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 specifically prohibit “the house, another entity, a player, or an observer from maintaining or operating as a bank during the course of the game,” and allowing the TPPPS to play in every hand with another patron would violate this prohibition and circumvent the proposed regulations. An administrative agency is authorized to “fill in details” of a statutory scheme. The absence of a specific statute regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency’s expertise. ( <i>Wendz v. State Dept. of Education</i> (2003) 93 Cal.App.5th 607, 623-624.)		
<b>- § 2076 (b)</b>				
<b>42.</b>	Subdivision (b) attempts to bar certain wagering forms by TPPPS participants not in the player-dealer role. The Bureau lacks authority to impose these restrictions; Business and Professions Code, section 19843 allows wagers “with a single-seated player” or behind seated players (See <i>Huntington Park, supra</i> , 206 Cal.App.3d at p. 245; <i>Sullivan, supra</i> , 189 Cal.App.3d at p. 677, fn. 2.). Restrictions conflict with legislative authorization and increase (not decrease) the risk of banking, which is counterproductive to the Bureau’s stated goals.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. The Department is authorized to adopt regulations reasonably related to its functions and duties under the Gambling Control Act and is responsible and has discretion for approving the play of any controlled game, including modifying restrictions and limitations on how a controlled game may be played. <i>Oliver</i> held that “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.” Thus, it is possible that under the game’s rules, a TPPPS may act as a bank even when not taking the role of the player-dealer. The purpose of the regulations is to prevent a TPPPS player from maintaining or operating a bank even when not acting as the player-dealer. The regulations will also prevent a player-dealer position from remaining with a TPPPS for an unrestricted amount of time. This will ensure games offered in California cardrooms do not fall	1-26	RPD-0064

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		within the definition of a prohibited banking game or banked game under Business and Professions Code section 19805, subdivision (c).		
43.	The proposed regulations prohibit licensed proposition players from placing backline wagers, combined wagers, or direct bets outside the player-dealer position. When proposition players bet alongside the acting player-dealer, they diversify the betting action on the table. The commenter questions why the Bureau would want to prevent these types of bets.	This comment was considered but not incorporated. <i>Oliver</i> held that “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.” Thus, it is possible that under the game’s rules, a TPPPS may act as a bank even when not taking the role of the player-dealer. Accordingly, a game might be found to be an illegal banked game, no matter who is acting as the bank, if the game’s rules allow the possibility that a person, entity, or an observer may maintain or operate a bank. ( <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397, 1408; <i>Kelly v. First Astri Corp.</i> (1999) 72 Cal.App.4th 462, 492.) This language is necessary to implement Business and Professions Code section 19805, subdivision (ag), and to prevent a TPPPS from maintaining or operating a bank even when not acting as the player-dealer.	18-4	RPD-0292
44.	The commenter proposes an alternative approach, player trust, that would provide a structured and supervised method for holding and disbursing funds without violating the statutory prohibition on house-banked games. Commenter claimed that the alternative approach ensures transparency, regulatory oversight, and fairness while preserving the core principle of rotating player-dealers, as outlined in Penal Code section 330.11. Commenter claimed this was a viable approach, and that the Bureau has not acknowledged or evaluated this approach in the current rulemaking process.	This comment was considered but not incorporated. The comment does not provide sufficient specificity about what player trust is, or support for the Bureau to make any modifications to the text. Without further information from the commenter, the Department is unable to respond. The Bureau believes the proposed regulations are the best approach to ensure games offered in California cardrooms do not fall within the definition of a prohibited banking game or banked game under Business and Professions Code section 19805, subdivision (c).	9-9	RPD-0273
45.	Commenter recommends adding subdivisions (3) and (4) as bolded and underlined below:	This comment was considered but not incorporated. The additional language proposed by the comment had been considered before, in the previous version of these regulations that the Bureau had	29-9	RPD-0352

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	<p><b><u>“(3) Allow any person to place a wager as a supplement to the wager of the person occupying the player-dealer position.</u></b></p> <p><b><u>(4) Allow any person to combine funds to place a single wager, regardless of whether either person is an active, seated participant in the game.”</u></b></p>	proposed in 2023. After comments received in the previous version, the Bureau determined that these two additional restrictions would interfere with other persons’ ability to place backline bets and would not significantly affect the ability of a TPPPS to maintain or operate a bank. Instead, the current language in section 2076, subdivision (a)(7), prohibits the TPPPS from settling wagers when they are not in the player-dealer position, the effect of which is that combined wagers with the TPPPS when the TPPPS is not in the player-dealer position will be prohibited.		
<b>- § 2076 (b)(1)</b>				
<b>46.</b>	The ISOR states that subdivision (b)(1) is necessary to prevent the TPPPS from maintaining or operating a bank when not occupying the player-dealer position. However, the proposed regulations would prohibit a one-on-one bet between two people, and banking is taking on multiple players. This regulation is not authorized or necessary.	This comment was considered but not incorporated. <i>Oliver</i> held that “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.” Thus, it is possible that under the game’s rules, a TPPPS may act as a bank even when not taking the role of the player-dealer. Accordingly, a game might be found to be an illegal banked game, no matter who is acting as the bank, if the game’s rules allow the possibility that a person, entity, or an observer may maintain or operate a bank. ( <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397, 1408; <i>Kelly v. First Astri Corp.</i> (1999) 72 Cal.App.4th 462, 492.) This language is necessary to implement Business and Professions Code section 19805, subdivision (ag), and to prevent a TPPPS from maintaining or operating a bank even when not acting as the player-dealer.	4-17	RPD-0228
<b>47.</b>	This prohibition is not required by Business & Professions Code §19805 subdivisions (c) and (ag), §19984 or Penal Code §330.11. It removes an opportunity for playing the game with an available player at the table. It constitutes legislation by the Bureau.	This comment was considered but not incorporated. <i>Oliver</i> held that “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.” Thus, it is possible that under the game’s rules, a TPPPS may act as a bank even when not taking the role of the player-dealer. Accordingly, a game might be found to be an illegal banked	3-15	RPD-0178

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		game, no matter who is acting as the bank, if the game's rules allow the possibility that a person, entity, or an observer may maintain or operate a bank. ( <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397, 1408; <i>Kelly v. First Astri Corp.</i> (1999) 72 Cal.App.4th 462, 492.) This language is necessary to implement Business and Professions Code section 19805, subdivision (ag), and to prevent a TPPPS from maintaining or operating a bank even when not acting as the player-dealer.		
48.	The commenter recommends adding "or indirectly" to this subdivision.	This comment was considered but not incorporated. The Bureau determined that the proposed change would interfere with other persons' ability to place backline bets and would not significantly affect the ability of a TPPPS to maintain or operate a bank. Instead, the current language in section 2076, subdivision (a)(7), prohibits the TPPPS from settling wagers when they are not in the player-dealer position, the effect of which is that combined wagers with the TPPPS when the TPPPS is not in the player-dealer position will be prohibited.	29-8	RPD-0352
<b>- § 2076 (b)(2)</b>				
49.	This section is missing the word "to." It appears that the regulations would not allow the TPPP "to settle" any wagers at the table when the TPPP is not occupying the designated player position. This section prohibits one-on-one bets between two people. However, these bets should not be considered banking activities because banking is taking on multiple players. Therefore, this regulation is not authorized or necessary. In addition, the word "settle" is unclear. In casinos, the house settles the bets by collecting from losers and paying off the winners. In cardrooms, if the TPPP loses and they have chips out in play, the house dealer might settle. Also, in cardrooms either the TPPPS or the house may	<p>This comment was considered but not incorporated. The suggested change to include the word "to" is non-substantive. The player-dealer is the only person permitted to wager against multiple players at the same table. Subdivision (b)(2) is necessary to ensure that a person who is not acting as the player-dealer position does not maintain or operate a bank.</p> <p>With respect to the comment asserting that the term "settle" is unclear, the Department has determined that it did not have to be defined in this package because it is understood as the final step to mark the bet as complete, and payment of winnings or collection of wagers to payers. Controlled game rules currently approved by the Bureau contain the word "settle" with respect to the collection of losses and payment of winnings. And, the term "settle" is used in</p>	4-18	RPD-0228 – RPD-0229



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	be seen as settling the bets depending on certain situations (e.g. if TPPPS lacks chips, then the house might settle.).	case law, referring to the same. (See e.g., <i>Huntington Park Club Corp. v. County of Los Angeles</i> (1988) 206 Cal.App.3d. 241, 245-246; <i>Oliver, supra</i> , 66 Cal.App.4th at p.1405.) Under certain currently Bureau-approved games rules, a TPPPS may settle wagers and act as a bank even when not taking the role of the player-dealer. The proposed language would prevent the game from falling withing the definition of a banking game under Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11.		
50.	This prohibition is not required by Business & Professions Code §19805 subdivisions (c) and (ag), §19984 or Penal Code §330.11. It places pressure on all players and the TPPP to settle wagers during the play of the game and effectively slows the game. It constitutes legislation by the Bureau.	This comment was considered but not incorporated. The comment is interpreted to be an observation rather than a specific recommendation to change the regulations and does not propose alternative language for the regulation. <i>Oliver</i> held that “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.” Thus, it is possible that under the game’s rules, a TPPPS may act as a bank even when not taking the role of the player-dealer. Accordingly, a game might be found to be an illegal banked game, no matter who is acting as the bank, if the game’s rules allow the possibility that a person, entity, or an observer may maintain or operate a bank. ( <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397, 1408; <i>Kelly v. First Astri Corp.</i> (1999) 72 Cal.App.4th 462, 492.) This language is necessary to prevent a TPPPS from maintaining or operating a bank even when not acting as the player-dealer. The Department determined that this objective outweighed any potential slow-down in game play. An administrative agency is authorized to “fill in details” of a statutory scheme. The absence of a specific statute regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency’s expertise. ( <i>Wendz v. State Dept. of Education</i> (2003) 93 Cal.App.5th 607, 623-624.)	3-16	RPD-0178

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<b>- § 2076(c)</b>				
<b>51.</b>	Subdivision (c) provides that no more than one TPPPS can service a game, but it is not clear if the subdivision prohibits two different TPPPS at the same table, or two employees from the same TPPPS at the same table. If the intent is to prohibit two TPPPS companies at the same table, the subsection does not make sense, considering that multiple TPPPS may be contracted with a cardroom simultaneously. (See 4 Cal. Code Regs. § 12270(b)(5) and (g)).	This comment was considered but not incorporated. Allowing more than one person to occupy the player-dealer position would likely result in the TPPPS being involved in every hand dealt and the player-dealer position would never rotate away from the TPPPS to the other players in a continuous and systematic manner. This continuous and systematic rotation is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 specifically prohibits “the house, another entity, a player, or an observer from maintaining or operating as a bank during the course of the game.”	4-19, 16-5	RPD-0229; RPD-0287
<b>52.</b>	Restricting proposition-player services does nothing to prevent banking. The proposal would prohibit more than one licensed proposition player from participating in any cardroom game. But the test for a banking game is whether one specific player is taking on all comers, paying all winners, and collecting from all losers. The commenter questions the necessity of limiting the number of proposition players participating in the game. Allowing more than one licensed proposition player increases the likelihood that there will be multiple players offering wagers during any given hand.	This comment was considered but not incorporated. Allowing more than one person to occupy the player-dealer position would likely result in the TPPPS being involved in every hand dealt and the player-dealer position would never rotate away from the TPPPS to the other players in a continuous and systematic manner. This continuous and systematic rotation is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 specifically prohibits “the house, another entity, a player, or an observer from maintaining or operating as a bank during the course of the game.”	9-10, 18-3, 847-2	RPD-0273 – RPD-0274; RPD-0291 – RPD-0292; RPD-013-TR
<b>53.</b>	No legal authority exists for this restriction; it is inconsistent with law and prior practice. Having two TPPPS would facilitate acceptance of the player-dealer role, and the Commission’s regulations are	This comment was considered but not incorporated. Allowing more than one person to occupy the player-dealer position would likely result in the TPPPS being involved in every hand dealt and the player-dealer position would never actually rotate away from the	1-27, 9-9, 853-2	RPD-0064; RPD-0273; RPD-015-TR

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	written so that representatives of multiple TPPPS providers may play at the same table. The proposal overlooks lawful alternatives, including player trust, which provides a method for holding and disbursing funds without violating the statutory prohibition on house-banked games. The Department has not provided evidence that current player-dealer rotation practices have led to regulatory abuse, consumer harm, or increased litigation. The Gambling Control Act provides that the Bureau may recommend limitations on games to the Commission but does not provide authority to promulgate regulations prohibiting games statewide. The proposed regulations would prohibit all games featuring a player-dealer position that do not contain the rules specified in section 2076.	TPPPS to the other players in a continuous and systematic manner. This continuous and systematic rotation is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 specifically prohibits “the house, another entity, a player, or an observer from maintaining or operating as a bank during the course of the game.” The Bureau believes the proposed regulations are the best approach to ensure games offered in California cardrooms do not fall within the definition of a prohibited banking game or banked game under Business and Professions Code section 19805, subdivision (c). An administrative agency is authorized to “fill in details” of a statutory scheme. The absence of a specific statute regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency’s expertise. ( <i>Wendz v. State Dept. of Education</i> (2003) 93 Cal.App.5th 607, 623-624.)		
54.	This prohibition is not required by Business & Professions Code §19805 subdivisions (c) and(ag), §19984 or Penal Code §330.11. It constitutes legislation by the Bureau.	This comment was considered but not incorporated. Allowing more than one person to occupy the player-dealer position would likely result in the TPPPS being involved in every hand dealt and the player-dealer position would never rotate away from the TPPPS to the other players in a continuous and systematic manner. This continuous and systematic rotation is necessary to ensure that the game does not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 specifically prohibits “the house, another entity, a player, or an observer from maintaining or operating as a bank during the course of the game.” The Bureau believes the proposed regulations are the best approach to ensure games offered in	3-17	RPD-0178

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		California cardrooms do not fall within the definition of a prohibited banking game or banked game under Business and Professions Code section 19805, subdivision (c). An administrative agency is authorized to “fill in details” of a statutory scheme. The absence of a specific statute regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency’s expertise. ( <i>Wendz v. State Dept. of Education</i> (2003) 93 Cal.App.5th 607, 623-624.)		
<b>§ 2077. Effect on Regulations on Previously Approved Games; Effect on Regulations on Pending Game Applications.</b>				
55.	Section 2077 provides for the review by the Bureau of previously approved games or modifications for determination of compliance with proposed section 2076. It is unclear whether games not compliant with proposed section 2076 could continue to be played during the 180-day period (60 days for cardrooms’ submissions and 120 for BGC review). Commenter recommends delaying the effectiveness of section 2076 (one year), which was similar to how it was done recently by the Commission with modifications to the surveillance regulations.	No change has been made in response to this comment. The Bureau has considered and determined that delaying the implementation of these regulations is not more effective in carrying out the purpose and intent of the Department. Additionally, games that are found not to be in compliance with the proposed regulations, and are later disapproved, would fall within the ambit of Business and Professions Code section 19943.5, and the cardrooms offering such games would no longer be allowed to offer those disapproved games. (Cal. Code Regs., tit. 11, § 2038; see Pen. Code, § 337j, subd. (e)(1); see also Bus. & Prof. Code, §§ 19805, subds. (f), (g), (k), (l), (o), (q), 19826, subd. (g), 19943.5.)	4-20	RPD-0229
56.	The requirement for a second approval of all current rules for games featuring a player-dealer position reveals the Bureau’s departure from its responsibility to implement legislative direction in rulemaking.	This comment was considered but not incorporated. The adoption of general rules in a regulation cannot replace the Bureau’s obligation to review and approve specific games. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11.	3-18	RPD-0178
57.	Cardrooms should not be permitted to continue to operate games, for 180 days or longer, that violate the regulations. This current section allows cardrooms to continue operating for certain periods	This comment was considered but not incorporated. These games were previously approved by the Bureau, and we believe that a phased-out approach is appropriate. The intent of the proposed regulations is to establish a procedure to review currently approved	23-3	RPD-0317 – RPD-0318

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	of time even though the Bureau has deemed them unlawful.	or pending player-dealer games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. The Bureau needs time, after the effective date of the regulations, to determine whether a game's approved or revised rules comply with the proposed regulations. If a previously Bureau-approved game is not modified, but is now prohibited by the regulations, the Bureau will withdraw its previous approval. The purpose of this language is to provide notice to the regulated industry of the consequences of not submitting a request for review pursuant to proposed section 2076. This language is necessary to discontinue non-complaint games featuring the player-dealer rotation once the regulations become effective.		
<b>- § 2077(a)</b>				
<b>58.</b>	This provision is burdensome. The 60-day deadline is too short as typical approvals take much longer. The commenter suggests that the regulations provide for a longer time period –at least 180 days – to provide sufficient time for cardrooms to submit any necessary applications. A longer period would be necessary if the Bureau proceeds at the same time with both this rulemaking and the rulemaking concerning blackjack-style games, because cardrooms would need to address both sets of new rules at once.	This comment was considered but not incorporated. The proposed change is not more effective in implementing the statutory policy. The provision, as modified, allows a gambling enterprise to delay compliance once the regulations become effective. In drafting the regulations, the Bureau has weighed the burden on gambling enterprises with the purpose of the proposed regulatory action and determined that the 60-day review period meets both objectives, since these proposed regulations deal with just one aspect of a game's rules, i.e., rotation of the player-dealer position, as opposed to an entirely different set of game rules. The intent of the proposed regulations is to establish a procedure to review currently approved or pending games featuring the rotation of the player-dealer position, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review.	1-28	RPD-0065
<b>- § 2077(f)</b>				
<b>59.</b>	It is unclear what modifications are barred during this approximately half-year period (60 days for submitting modifications to game rules and 120 days for approving or disapproving such modifications, as	No change has been made in response to this comment. The process set forth in section 2077, subdivision (a) applies only to modifications of a game's rules with respect to the rotation of the player-dealer position. Game rule modifications outside the scope specified in	1-29	RPD-0065 – RPD-0066

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	described in subdivision (b)). The Bureau has no legal basis to prohibit modifications to game rules that are not inconsistent with this proposal. The proposal is more burdensome than necessary and inconsistent with law; it could halt cardroom flexibility.	section 2077, subdivision (f) are required to follow the procedures otherwise set forth in the Bureau's regulations. Game modifications other than for purposes of compliance with section 2076 necessitate additional time for review to ensure that the proposed modification is compliant with the Act and other laws governing the play of controlled games. Thus, this requirement would restrict the modifications allowed to accommodate the anticipated high volume of submissions.		
60.	Subdivision (f) prohibits all game modifications except those submitted under section 2077 subdivision(a), which conflicts with section 2075 (a) because it requires cardrooms to apply for modifications to previously approved blackjack-style games. This inconsistency makes compliance impossible and violates the APA's requirement for consistency.	This comment was considered but not incorporated. Game modifications other than for purposes of compliance with section 2076 necessitate additional time for review to ensure that the proposed modification is compliant with the Act and other laws governing the play of controlled games. Thus, this requirement would restrict the modifications allowed to accommodate the anticipated high volume of submissions. The timeline for review in the blackjack-style game reviews is independent from the timeline set forth in section 2077 and is expected to be followed separately.	1-30	RPD-0066
<b>- § 2077(g)</b>				
61.	Subdivision (g) provides that failing to submit game modifications in time deems the corresponding game automatically non-compliant with the regulations. This exceeds the Bureau's authority, lacks due process, and allows unilateral action without a hearing. This provision also violates constitutional protections by permitting summary revocation.	This comment was considered but not incorporated. Under the proposed regulations, a cardroom owner may request review of a currently approved game to ensure that it complies with the regulations. The regulation also describes the consequence if a cardroom does not request review—the Department will withdraw its approval and provide notice to the cardroom. The cardroom will then have 10 days to object and seek further review by the Department. Additionally, any license, permit, or approval under the Gambling Control Act is a revocable privilege, and no holder acquires any vested right therein or thereunder. (Bus. & Prof. Code, § 19801, subd. (k).)	1-31	RPD-0066 – RPD-0067
<b>- General Policy Concerns</b>				
62.	The regulations fail to address Baccarat and urge the Bureau to address this game directly.	This comment was considered but not incorporated. Baccarat games featuring a rotating player-dealer will be required to comply with the	22-1, 26-1 27-1, 28-2, 30-1	RPD-0312; RPD-0334;

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		proposed regulations. If the game cannot be played in compliance with these rules, then the game would be denied. The regulation of other aspects of specific games, such as Baccarat, are not the subject of the proposed regulations.		RPD-0339; RPD-0344; RPD-0356
63.	Commenters view the regulations as a good first step in clarifying legal boundaries of games offered in state-licensed cardrooms. Some commenters also expressed concern about consistent enforcement of the regulations and suggest adding meaningful penalties for violations. Frequent noncompliance and violations should have serious repercussions.	This comment was considered but not incorporated. The Bureau's enforcement methods and procedures are not a subject of these regulations.	22-2, 26-2, 27-2, 28-1, 30-2, 851-1	RPD-0312; RPD-0334; RPD-0339; RPD-0344 and RPD-0346; RPD-0356; RPD-014-TR
64.	More stringent regulation of TPPPS, including regulations that require disclosure and review of TPPPS funding sources and prohibit cardroom owners and licensees from having any direct or indirect interest in a TPPPS or TPPPS funding source.	This comment was considered but not incorporated. Regulation of TPPPS is not the subject of these regulations. The licensing of TPPPS businesses is governed by the Commission's regulations.	22-7, 26-7, 27-7, 28-7, 30-7	RPD-0313; RPD-0336; RPD-0341; RPD-0346; RPD-0358
65.	Tribal facilities operate under a strict regulatory system. No such system exists for cardrooms as the Bureau does not have the capacity to ensure its regulations are enforced. This issue is systemic and must be addressed by the Bureau.	This comment was considered but not incorporated. The Bureau's enforcement methods and procedures are not a subject of these regulations. The general purpose of these regulations is to specify minimum standards for rules of a controlled game featuring a rotating player-dealer position and how that position should be rotated in order to prevent the maintenance or operation of a bank. The regulations are intended to better enforce the prohibition on banking games by requiring actual rotation of the player-dealer position, disallowing a person from acting as the player-dealer for an unlimited amount of time, and prohibiting other forms of wagering that would allow a person to maintain or operate a bank while not in the player-dealer position.	23-4	RPD-0318
66.	The regulations as currently drafted fall short of preventing activities deemed illegal under the California Constitution, state statutes, and judicial precedent. They fail to prohibit cardrooms from	This comment was considered but not incorporated. Penal Code section 330.11 allows controlled games with the rotation of a player-dealer position and Business and Professions Code section 19984 allows for cardrooms to contract with TPPPS for these services.	23-5, 24-1, 25-1, 31-3, 831	RPD-0318; RPD-0319; RPD-0326; RPD-0363;



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	unlawfully operating banked card games or to protect the tribes' exclusive rights to operate those games pursuant to their class III gaming compacts.			RPD-006-TR
<b>67.</b>	Tribal governments request the inclusion of tribal perspectives in helping craft regulations.	In accordance with the Administrative Procedure Act, the Department provided all interested parties, including tribal governments, with an opportunity to participate in the rulemaking process, including a 45-day public comment period during which written feedback on the proposed regulations could be submitted. Additionally, the Department conducted duly noticed regulatory hearings to provide interested parties, including tribal governments, with an additional opportunity to present oral statements for the record. In 2023, the Department engaged in pre-rulemaking activity by proposing concept language and soliciting input from all interested stakeholders.	28-10	RPD-0347 – RPD-0348
<b>68.</b>	The commenter urges the Bureau to provide explicit and easily comprehensible regulations to minimize any unnecessary confusion or misinterpretation.	This comment was considered but not incorporated. The comment does not provide sufficient specificity or support for the Department to make any modifications to the text. The comment does not propose alternative language, and without further information from the commenter, the Department is unable to respond.	28-11	RPD-0348
<b>69.</b>	The commenter urges the Bureau to withdraw the regulations and enforce the prohibition on banked games against cardrooms.	This comment was considered but not incorporated. Banking games are already prohibited under Penal Code section 330. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. No regulations currently govern the approval of games featuring a rotating player-dealer position. Some approved games featuring a player-dealer position do not require the rotation of the player-dealer position and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The Department's enforcement methods and procedures are not a subject of these regulations.	24-2, 25-2	RPD-0319; RPD-0327
<b>70.</b>	The commenter believes the proposed regulations have been weakened as compared to the Bureau's	This comment was considered but not incorporated. The comment does not provide sufficient specificity or support for the Department	29-1	RPD-0349

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	2023 concept language.	to make any modifications to the text. The comment does not propose alternative language. It is unclear in what respect the commenter believes the proposed regulations have been "weakened," and without further information from the commenter, the Department is unable to respond.		
71.	The proposed regulations can be circumvented unless every table is monitored and audited. Even if properly monitored and audited, cardrooms can minimize the impact of the regulation by having a constant rotation of open tables such that every five minutes a few tables close while new tables open, so that each table only stays open for 40 minutes. The proposed rule should include a provision that a closed table is required to stay closed for a minimum period of time. Instead of adopting this flawed regulation, the Bureau should adopt a "bright line" of no banked games whatsoever, including the prohibition of permissible variations of games.	This comment was considered but not incorporated. The Department's enforcement methods and procedures are not a subject of these regulations and could be considered in a future rulemaking package if there is non-compliance with the requirements. Banking games are already prohibited under Penal Code section 330. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. No regulations currently govern the approval of games featuring a rotating player-dealer position. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens and therefore does not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11.	31-6	RPD-0364
72.	Any interpretation of the meaning of "continuously and systematically rotated amongst each of the participants during the play of the game" must take into account and comply with the three statutory requirements of the player dealer position as well as California constitutional, statutory, and case law that establishes, as a matter of law, what is and what is not a prohibited "banking game" within the meaning of California law. Commenter states the cardroom industry did not want the Bureau to issue any regulations and agrees with the cardroom industry that none may be necessary as long as the Bureau chooses other enforcement options that commenter had provided in comment 29-11.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The comment does not provide sufficient specificity or support for the Department to make any modifications to the text. The Department's enforcement methods and procedures are not a subject of these regulations. The proposed regulations provide guidance when the use of TPPPS in cardrooms does not violate the prohibition against banked games in Penal Code section 330. Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11, make it explicit that an illegal bank can be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. Those sections also define when a game will not be considered a banking game and require that the player-dealer position be continuously	29-2	RPD-0350

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		and systematically rotated among each of the participants during the play of the game. The proposed regulation requires that player-dealer games actually require continuous and systematic rotation of the player-dealer position to avoid violating Penal Code section 330.		
<b>73.</b>	Commenters provide information and the legal history concerning the prohibition of banking games and Tribes having the exclusive right to operate banking card games in California under Federal and State Law.	No change has been made in response to these comments. The comments do not address the regulations and do not suggest any modifications be made to the regulation text.	24-3, 25-3, 29-11, 31-2	RPD-0320 – RPD-0322; RPD-0327 – RPD-0329; RPD-0353 – RPD-0355; RPD-0362
<b>74.</b>	Commenters support and adopt arguments made by Munger, Tolles & Olson LLP on behalf of the cardroom industry (California Gaming Association (CGA); Communities for California Cardrooms (CCC) and California Cardroom Alliance (CCA). Commenters assert that the proposed changes lack legal support, exceed the Bureau’s statutory authority, and would have a detrimental impact on the cardroom industry, jeopardizing jobs and the local economies benefiting from the cardrooms’ operations.	This comment was considered but not incorporated. The Bureau has reviewed and given due consideration to each comment submitted and addressed specifically each comment from Munger, Tolles & Olson LLP. The Bureau’s responses to those comments are set forth in this document. No change has been made in response to comments that the Bureau lacks authority or that the regulations lack legal support. Bus. & Prof. Code, § 19826, subd. (f) allows the Department to promulgate rules and regulations for the implementation of the Act. For the reasons set forth in the ISOR, the regulation is necessary. No change has been made in response to comments that the regulations will have a detrimental impact on the cardroom industry and the local economies that benefit from their operations. This comment is interpreted to be an observation rather than a specific recommendation to change these regulations.	6-1, 7-1, 8-2, 11-1, 12-1, 13-1, 14-1, 15-1, 20-1, 64-1, 813-1, 832-4, 860-3	RPD-0262; RPD-0263; RPD-0265; RPD-0279; RPD-0280; RPD-0282; RPD-0283; RPD-0285; RPD-0300; RPD-0417; RPD-1217; RPD-007-TR; RPD-019-TR
<b>75.</b>	The commentator supports and adopts arguments made by the California Cities Gaming Authority.	This comment was considered but not incorporated. The Bureau has reviewed and given due consideration to each comment submitted and addressed specifically each comment from California Cities Gaming Authority. The Bureau’s responses to those comments are set forth in this document.	76-3, 77-5, 78-4	RPD-0436; RPD-0438; RPD-0440
<b>76.</b>	The regulations are burdensome, unnecessary, and unsupported. The industry has complied with and	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation.	1-8, 3-2, 4-1, 5-1, 8-4, 9-2, 9-12,	RPD-0027; RPD-0171;

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	relied on the Bureau's long-standing interpretation that certain games were legal. Some commenters state the Bureau approved each game through a review process. BGC's new interpretation contradicts this history and creates uncertainty. CA law/court precedent has not changed but the Bureau now seeks to classify these changes as illegal. Under California law, the continued operation of an established lawful business with vested rights is subject to heightened protection.	An administrative agency may change its interpretation of a statute rejecting an old construction and adopting a new one. ( <i>DiCarlo v. County of Monterey</i> (2017) 12 Cal.App.5th 468, 487.) After reevaluating the legality of the use of TPPPS in cardrooms, the Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. No regulations currently govern the approval of games featuring a rotating player-dealer position. Some currently approved games featuring a player-dealer position do not all require that rotation of the player-dealer position actually happens and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The proposed regulation aims to address this problem by adopting consistent rules for player-dealer rotation and prohibiting certain types of wagers to prevent unlawful banking activity. The proposed regulations will create uniform standards for Bureau review, improve transparency and enhance public safety. Additionally, any license, permit, or approval under the Gambling Control Act is a revocable privilege, and no holder acquires any vested right therein or thereunder. (Bus. & Prof. Code, § 19801, subd. (k).)	10-5, 12-2, 14-4, 18-2, 19-2, 36-5, 38-5, 39-5, 40-5, 41-5, 42-5, 45-2, 46-2, 48-2, 50-2, 51-2, 54-2, 56-2, 57-2, 58-2, 59-2, 60-2, 61-2, 66-2, 67-2, 68-2, 69-2, 71-4, 76-2, 77-3, 78-3, 79-2, 80-2, 81-2, 82-2, 83-2, 84-2, 85-2, 88-4, 95-2, 96-2, 98-2, 99-2, 816-2, 817-1, 818-2, 819-1, 822-1, 823-4, 826-1, 835-2, 839-3, 843-1, 844-1, 845-1, 846-1, 854-1, 854-2, 855-1, 856-1, 857-2, 859-1, 860-1, 861-4, 867-1, 874-2	RPD-0192 – RPD-0193; RPD-0260; RPD-0266 – RPD-0268; RPD-0271; RPD-0274; RPD-0278; RPD-0280; RPD-0283; RPD-0287; RPD-0291; RPD-0294; RPD-0373; RPD-0377; RPD-0379; RPD-0380; RPD-0384; RPD-0385; RPD-0388; RPD-0390; RPD-0393; RPD-0396; RPD-0398; RPD-0402; RPD-0405; RPD-0406; RPD-0407; RPD-0409; RPD-0411; RPD-0413; RPD-0420; RPD-0422;

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				RPD-0424; RPD-0425; RPD-0427; RPD-0436; RPD-0438; RPD-0440; RPD-0441; RPD-0442; RPD-0443; RPD-0444; RPD-0445; RPD-0446; RPD-0447; RPD-0451; RPD-0462; RPD-0464; RPD-0467; RPD-0469; RPD-1222; RPD-1224; RPD-1227; RPD-002-TR; RPD-003-TR; RPD-004-TR; RPD-008-TR; RPD-010-TR; RPD-011-TR; RPD-012-TR; RPD-016-TR; RPD-017-TR; RPD-018-TR; RPD-019-TR; RPD-022-TR;

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
				RPD-024-TR
77.	For more than twenty years, Lucky Chances Casino and other cardrooms have operated under DOJ-approved Game and Gambling Establishment Approval (GEGA) rules that structure rotation opportunities in accordance with Penal Code § 330.11. The Bureau's proposal contradicts the CGCC's 2009 regulatory model, which prioritized accountability over arbitrary limits. Worse, the Bureau ignores viable alternatives, such as the Player Trust model, that could address concerns without overreach or disruption.	<p>This comment was considered but not incorporated. The comment does not provide sufficient specificity or support for the Bureau to make any modifications to the text. The Gambling Control Act, a comprehensive scheme for statewide regulation of legal gambling, is administered by both the Department and the Commission and gives the Department the responsibility to adopt regulations reasonably related to its functions and duties and includes the responsibility and discretion to approve games including modify restrictions and limitations on how a game may be played. The authority to withdraw approval of previously approved games is implied by the Department's plenary authority to approve a game.</p> <p>To the extent that the comment suggests a "Player Trust" model in which player funds are collected, and against which players wager against, such a fund has previously been found to constitute a bank. The "players' pool prize system" in <i>Hotel Employees &amp; Restaurant Employees Int'l Union v. Davis</i> (1999) 21 Cal.4th 585 was described as: "one or more segregated pools of funds that have been collected from player wagers, that are irrevocably dedicated to the prospective award of prizes in authorized gaming activities, and in which the house neither has acquired nor can acquire any interest. The tribe may set and collect a fee from players on a per play, per amount wagered, or time-period basis, and may seed the pools in the form of loans or promotional expenses, provided that the seeding is not used to pay prizes previously won." (<i>Id.</i> at p. 601.) This "players' pool prize system" was found to constitute a bank, <i>Hotel Employees &amp; Restaurant Employees Int'l Union v. Davis</i> (1999) 21 Cal.4th 585, 607-609, and so the use of the same system here would likewise be unlawful.</p>	9-12	RPD-0274
78.	The Bureau provides little to no evidence to support the benefits associated with the proposed regulations and how player-dealer games threaten public health,	This comment was considered but not incorporated. Under the Gambling Control Act (Act), the Department has the authority and responsibility to ensure that cardrooms do not contravene California	1-14, 3-8, 9-6, 78-2	RPD-0045 – RPD-0046; RPD-0176;

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	safety and, or welfare. Claims of risk are speculative and unsupported by data. In reality, the proposal would reduce transparency and fairness, increase litigation, and create unfair burdens on regulated establishments.	law. The Act provides that public trust requires comprehensive measures be enacted to ensure that permissible gambling will not endanger public health, safety, or welfare, is free from criminal and corruptive elements, and conducted honestly and competitively. (Bus. & Prof. Code, §§ 19801, subds. (g), (h); 19826, subd. (b).) The proposed benefits were provided in the ISOR and Notice of Proposed Action. These benefits include, but are not limited to, providing guidance to the public and regulated industry on what game rules will be allowed, and ensuring that games offered in California gambling establishments are not played in a manner that is prohibited by California law.		RPD-0272 – RPD-0273; RPD-0440
79.	The proposed regulations would constitute a radical change in enforcement of the law triggered by a non-existing change in the law. The proposed regulations raise concerns over potential political motivations. It appears that the proposed regulations are supported by unfounded complaints by cardrooms' competitors, tribes, which offer Nevada style-gaming and make far more money and seek to monopolize the industry.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. No regulations currently govern the approval of games featuring a rotating player-dealer position. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The proposed regulations aim to require consistent rules for player-dealer rotation and prohibit certain types of wagers to prevent unlawful banking activity. Additionally, the proposed regulations will create uniform standards for Bureau review, improve transparency and enhance public safety.	4-12, 14-6, 90, 832-2, 854-2, 856-2, 860-2, 867-2	RPD-0226, RPD-0229 – RPD-0230; RPD-0283; RPD-0457; RPD-007-TR; RPD-017-TR; RPD-018-TR; RPD-019-TR; RPD-022-TR
80.	The commenter claims the Department of Justice is acting to appease wealthy tribal gaming interests, rather than protecting California's citizens or economy.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. As explained in the Initial Statement of Reasons, the Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the	5-4	RPD-0260



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		proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. No regulations currently govern the approval of games featuring a rotating player-dealer position. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens, and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The proposed regulations aim to require consistent rules for player-dealer rotation and prohibit certain types of wagers to prevent unlawful banking activity. Additionally, the proposed regulations will create uniform standards for Bureau review, improve transparency and enhance public safety.		
81.	The proposed regulations are unnecessary and do not comply with the Government Code / Administrative Procedure Act. The Bureau has failed to meet the mandated requirements to adopt new regulations and has refused to provide persuasive legal authority and reasoning. The Bureau and Attorney General have failed to provide <i>actual reasons</i> and need for these new regulations and an explanation as to why these regulations are the least restrictive means for achieving the Bureau's goals. The regulations do not demonstrate the need for these rules and do not explain the new restrictions after having approved such games for decades. The regulations also lack clarity.	<p>This comment was considered but not incorporated. The Department's reasoning and legal authority to promulgate these regulations are set out in the Initial Statement of Reasons and Notice of Proposed Action. The intended purpose of the proposed regulations is to provide guidance on when the use of TPPPS in cardrooms does not violate the prohibition against banked games in Penal Code section 330. Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11, make it explicit that an illegal bank can be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. Those sections also define when a game will not be considered a banking game and require that the player-dealer position be continuously and systematically rotated among each of the participants during the play of the game. The proposed regulation requires that player-dealer games actually require continuous and systematic rotation of the player-dealer position to avoid violating Penal Code section 330.</p> <p>An administrative agency may change its interpretation of a statute rejecting an old construction and adopting a new one. (<i>DiCarlo v.</i></p>	1-13, 8-5, 9-8, 10-4, 12-4, 14-5, 77-4, 823-3, 832-3, 835-3, 845-2, 860-6	RPD-0045; RPD-0268 – RPD-0270; RPD-0273; RPD-0277; RPD-0281; RPD-0283; RPD-0438; RPD-003-TR; RPD-007-TR; RPD-008-TR; RPD-012-TR; RPD-019-TR

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		<i>County of Monterey</i> (2017) 12 Cal.App.5th 468, 487.) After reevaluating the legality of the use of TPPPS in cardrooms, the Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. Moreover, this comment does not propose alternative language for the proposed regulation, and the Department's view is that the regulatory text is sufficiently clear.		
82.	The proposed regulations lack legal support, ignore established precedent under which cardrooms have been legally and successfully operating for decades, and exceed the Bureau's statutory authority under the Gambling Control Act , thereby conflicting with legislative intent and controlling law. The Act does not authorize the Bureau to adopt regulations pertaining to the play of any game.	This comment was considered but not incorporated. The Department's reasoning and legal authority to promulgate these regulations are set out in the Initial Statement of Reasons and Notice of Proposed Action. The Department is authorized to adopt regulations reasonably related to its functions and duties under the Gambling Control Act and is responsible and has discretion for approving the play of any controlled game, including modifying restrictions and limitations on how a controlled game may be played. The purpose of the regulations is to ensure that games offered in California cardrooms do not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and to specify the approval procedures. An administrative agency is authorized to "fill in details" of a statutory scheme. The absence of a specific statute regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency's expertise. ( <i>Wendz v. State Dept. of Education</i> (2003) 93 Cal.App.5th 607, 623-624.)	1-1, 3-4, 4-2, 8-6, 9-1, 10-1, 14-2, 32-3, 33-2, 34-2, 36-4, 38-4, 40-4, 41-4, 42-4, 45-3, 46-3, 48-3, 50-3, 51-3, 54-3, 56-3, 57-3, 58-3, 59-3, 60-3, 61-3, 65-1, 67-3, 68-3, 70-2, 72-2, 73-2, 74-2, 75-2, 79-2, 80-2, 86-2, 87-3, 95-3, 96-3, 98-3, 99-3, 816-3, 822-3, 832-5, 845-3, 853-1, 860-4, 865-1	RPD-0006; RPD-0172 – RPD-0174; RPD-0193 – RPD-0194; RPD-0268; RPD-0271; RPD-0277; RPD-0283; RPD-0366; RPD-0368; RPD-0370; RPD-0373; RPD-0377; RPD-0380; RPD-0384; RPD-0385; RPD-0388; RPD-0390; RPD-0393; RPD-0396; RPD-0399; RPD-0402; RPD-0405;

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				RPD-0406; RPD-0407; RPD-0409; RPD-0411; RPD-0413; RPD-0419; RPD-0422; RPD-0424; RPD-0426; RPD-0428; RPD-0430; RPD-0432; RPD-0433; RPD-0441; RPD-0442; RPD-0448; RPD-0450; RPD-0462; RPD-0464; RPD-0467; RPD-0469; RPD-1222; RPD-003-TR; RPD-007-TR; RPD-012-TR; RPD-015-TR; RPD-019-TR; RPD-021-TR
<b>83.</b>	Because the proposed regulations seek to impose new rules about gaming that restrict the play of games permitted by law, they constitute legislation and public policy making by the Department of Justice, which is the Executive Branch of Government.	This comment was considered but was not incorporated. Business and Professions Code section 19826, subdivision (g) grants the Bureau authority and discretion to approve the play of any controlled game, including modifying restrictions and limitations on how a game may be played. This is being implemented by the	3-4, 3-6, 4-9, 854-3	RPD-0172 – RPD-0174; RPD-0174; RPD-0204 – RPD-0205;

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	Thus, the Regulations are foreclosed under the separation of powers doctrine. Commenters state it would be the Legislature's role, not the roles of the Executive Branch (the Department) to extend statutory prohibitions to cover games featuring the player-dealer position. Commenters state that regulations also impede on rule of judiciary insofar as it seeks to interpret statutes that authorize the manner in which controlled games may be played. Further, commenters assert that the regulations attempt to expand section 330 to cover designated player games would render the statute void for vagueness.	Bureau's authority to promulgate regulations related to its responsibilities. An administrative agency is authorized to "fill in details" of a statutory scheme. The absence of a specific statute regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency's expertise. ( <i>Wendz v. State Dept. of Education</i> (2003) 93 Cal.App.5th 607, 623-624.) When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.)		RPD-017-TR
84.	The legislature has long known of and accepted the Bureau's approval of player-dealer games without changing the law, which implies approval of this practice. Legislative history shows 330.11 was meant to confirm the legality of existing practices, not impose new requirements. The statute does not require universal acceptance of the dealer position or rigid rotation limits. Instead, it acknowledges flexibility consistent with long-standing cardroom practices. The Bureau's interpretation of the statute improperly expands the statute and contradicts the Legislature's role and legislative history.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. The Department's reasoning and legal authority to promulgate these regulations are set out in the Initial Statement of Reasons and Notice of Proposed Action. The Department is authorized to adopt regulations reasonably related to its functions and duties under the Gambling Control Act and is responsible and has discretion for approving the play of any controlled game, including modifying restrictions and limitations on how a controlled game may be played. The purpose of the regulations is to ensure that games offered in California cardrooms do not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and to specify the approval procedures. The Legislature's silence on a statute does not establish acquiescence or confirmation. "Unpassed bills as evidence of legislative intent, have little value." ( <i>Carter v. California Dept. of Veterans Affairs</i> (2006) 38 Cal.4th 914, 927.) A court cannot "draw conclusions" about legislative intent based on the absence of legislative action. ( <i>Mejia v. Reed</i> (2003) 31 Cal.4th 657, 668.)	1-11, 854-3	RPD-0038 – RPD-0041; RPD-017-TR

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85.	Business and Professions Code § 19943.5 protects licensees who operate under game rules approved by the Bureau. Penalizing these licensees by invalidating approved conduct would violate due process and undermine the integrity of the Bureau's prior guidance.	No change has been made in response to this comment. Business and Professions Code section 19943.5 provides a "safe harbor" for licensees who offer for play games that are later found unlawful. The proposed regulations do not operate to initiate any criminal, administrative, or civil action with respect to the games. However, games that are found not to be in compliance with the proposed regulations, and are later disapproved, would fall within the ambit of Business and Professions Code section 19943.5 for the time periods in which those games were approved, and no liability would attach so long as the cardrooms cease offering disapproved games. (Cal. Code Regs., tit. 11, § 2038; see Pen. Code, § 337j, subd. (e)(1); see also Bus. & Prof. Code, §§ 19805, subds. (f), (g), (k), (l), (o), (q), 19826, subd. (g), 19943.5.)	9-4	RPD-0272

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86.	Business and Professions Code section 19826 grants the Bureau the authority to enforce laws, not rewrite them. This proposal by the Bureau would effectively rewrite the statute, imposing a rigid structure where the Legislature has explicitly allowed flexibility. The Bureau's attempt to redefine this statute through vague terms like 'meaningful opportunity' or 'mechanism to compel rotation' exceeds the agency's statutory authority.	This comment was considered but not incorporated. The Department has authority and discretion to interpret, implement and enforce Penal Code section 330. The Department's exercise of discretion must be reasonable. An administrative agency may change its interpretation of a statute rejecting an old construction and adopting a new one. ( <i>DiCarlo v. County of Monterey</i> (2017) 12 Cal.App.5th 468, 487.) The Gambling Control Act gives the Department the responsibility to adopt regulations reasonably related to its functions and duties and includes the responsibility and discretion to approve games and modify restrictions and limitations on how a controlled game may be played. (Bus. & Prof. Code, § 19826, subd. (g).) The purpose of the regulations is to ensure that games offered in California cardrooms do not fall within the definition of a banking game or banked game under Business and	9-3	RPD-0271

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		Professions Code section 19805, subdivision (c) and to specify the approval procedures.		
87.	Statewide rulemaking authority lies with the California Gambling Control Commission (Commission), not the Bureau. The Bureau is charged with reviewing and approving only individual game applications and may only recommend limitations on gaming to the Commission. Commission authority does not extend to prohibiting play of permitted games unless a violation is found and a proceeding is conducted; it would not make sense to impose these restrictions on the Commission's authority if the Bureau also had the same authority without the same restrictions. Only the legislature can define crimes and penalties. The regulations contain prohibitions on the statutorily permitted use of the player-dealer position and thus exceed the Bureau's limited role.	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. The Gambling Control Act is administered by both the Bureau of Gambling Control in the Department and the Commission and gives the Department authority to adopt regulations reasonably related to its functions and includes the responsibility and discretion to approve the play of any controlled game, including modifying restrictions and limitations on how a controlled game may be played. (Bus. &amp; Prof. Code, § 19826, subd. (g).) The purpose of the regulations is to ensure that games offered in California cardrooms do not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and to specify the approval procedures.</p> <p>Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11, make it explicit that a bank may be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. Those sections also define when a game will not be considered a banking game and require that the player-dealer position be continuously and systematically rotated among each of the participants during the play of the game. The proposed regulation requires that player-dealer games actually require continuous and systematic rotation of the player-dealer position to avoid violating Penal Code section 330. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11.</p>	1-2, 3-5, 4-2, 4-4, 14-3, 853-1, 853-3	RPD-0007; RPD-0173; RPD-0193 – RPD-0195; RPD-0195; RPD-0283; RPD-015-TR
88.	The Bureau's proposal is based on a fundamental misapprehension of the law and the nature of CA cardroom games. The ban on banking games was	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. Business and Professions Code section 19805, subdivision (c), and	1-7, 4-6, 832-6, 860-5	RPD-0014 – RPD-0027; RPD-0196 –

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	narrowly intended to prevent house-backed games, not player-dealer structures where the house has no role in wagers or payouts. Player dealer games (long approved in CA) are distinct from casino-banked or house-backed games in both structure and operation. Because the proposal treats them as equivalent, it conflicts with established law, fails APA requirements, and unjustifiably threatens lawful gaming activity.	Penal Code section 330.11, make it explicit that a bank may be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. Those sections also define when a game will not be considered a banking game and require that the player-dealer position be continuously and systematically rotated among each of the participants during the play of the game. The proposed regulation requires that player-dealer games actually require continuous and systematic rotation of the player-dealer position to avoid violating Penal Code section 330. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11.		RPD-0199; RPD-007-TR; RPD-019-TR
89.	The Proposal unfairly targets TPPPS participants with restrictions inconsistent with legislative authorization. The Legislature explicitly allowed their participation in player-dealer games under regulated conditions, meaning the Bureau's approach conflicts with legislative intent and exceeds the Bureau's authority. The legislative scheme does not contemplate any authority to restrict the manner in which a TPPPS player participates in a player-dealer game. The regulations propose to impose restrictions on TPPPS that discriminate among game participants, discourage TPPPS participation in player-dealer games, and tends to encourage more unlicensed, unregulated players entering player-dealer games to fill any void left by artificial limitations on TPPPPS participation.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Department disagrees with the comment's interpretation of the statutory scheme. The regulation is consistent with the language, structure, and intent of the law, and consistent with Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11. Those provisions make it explicit that a bank may be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. Those sections also define when a game will not be considered a banking game and require that the player-dealer position be continuously and systematically rotated among each of the participants during the play of the game. The proposed regulation requires that player-dealer games actually require continuous and systematic rotation of the player-dealer position to avoid violating Penal Code section 330. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11.	1-16, 846-2	RPD-0048 – RPD-0049; RPD-012-TR



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		Under the Gambling Control Act, the Department has the exclusive authority and responsibility to “[a]pprove the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played.” (Bus. & Prof. Code, §§ 19826, subd. (g) and 19943.5. The Department is directed to “adopt regulations reasonably related to its functions and duties as specified in [the Act].” (Id., § 19826 subd. (f).) The Department has determined that the regulations are necessary to interpret and implement Business and Professions Code section 19805, subdivision (c) and Penal Code sections 330 and 330.11 as for the benefit of the public as described in the ISOR and the revised SRIA. The intent of the proposed regulations is to establish a procedure to review currently approved or pending games featuring the rotation of the player-dealer position for compliance with Business and Professions Code section 19805, subdivision (c) and Penal Code sections 330 and 330.11 by requiring that the player-dealer position actually rotate during the play of controlled games featuring a rotating player-dealer position. The proposed regulations will create uniform standards for Bureau review, improve transparency and enhance public safety.		
90.	Commenters state that Penal Code section 330.11 and Bus. & Prof. Code, section 19805, subd. (c) only outline what a “banking ” or “banked” game does not include and does not purport to define what a “banking” or “banked” game does include, or otherwise outline requirements for player-dealer games. Commenters state that these provisions function as a safe harbor, and not a requirement for player-dealer games, and argue this interpretation is supported by the legislative history. The regulations requiring rotation and requiring that multiple accept the designated player position are inconsistent with these provisions.	<p>This comment was considered but not incorporated. Business and Professions Code section 19805, subdivision (c) mirrors Penal Code section 330.11, creating a limited exception to the banked game prohibition in Penal Code section 330. Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 define when a game will <i>not</i> be considered a banking game. Part of that definition is the requirement that the player-dealer position be rotated amongst each of the participants during the play of the game. This ensures that such games do not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c).</p> <p>No authority holds that the mere “offer” of the player-dealer position is sufficient to remove a game from the banking game prohibition; <i>Oliver v. County of L.A.</i> (1997) 66 Cal.App.4th 1397</p>	1-10, 4-2, 4-11	RPD-0034 – RPD-0036; RPD-0193 – RPD-0195; RPD-0225 – RPD-0226

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	<p>Some commenters add that the definition of “player dealer” and a “controlled game featuring a player dealer” in section 19805, subd. (ag), also does not support the regulation in that it only clarifies the application of the safe harbor but was not intended as a substantive definition of “banking” game. Moreover, section 19805, subd. (ag) refers to “player participants” having the opportunity to wager against multiple players and the player-dealer position being rotated to other seated players, but does not prohibit backline, combined or direct wagers by seated players; indeed, it refers to “participants” (plural) being able to temporarily wager in the player-dealer position.</p> <p>Finally, the definition of player-dealer in section 19805, subd. (ag) is not incorporated as a limitation in section 19826, subd. (g), which authorizes the Bureau to approve controlled games. Nowhere does the Gambling Control Act restrict game approvals to player-dealer games as defined in section 19805, subdivision (ag).</p> <p>While section 19805, subd. (ag) requires rotation, under statute rotation consists of the offer of an opportunity to be the designated player, not the acceptance by more than one player at the table. This interpretation conflicts with the Legislature’s requirement that third party players be licensed—so that they could serve as designated players without limit.</p>	<p>explicitly held that an offer alone is insufficient to prevent the maintenance or operation of a bank. Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11, make it explicit that an illegal bank can be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. The proposed regulation requires that player-dealer games continuously and systematically rotate the player-dealer position to avoid violating penal code section 330. Section 2076, Subdivision (a)(1) provides that the player-dealer position may only be occupied by a person seated at the table, and that the position shall be offered to other seated players at the table before every hand. The required offer of the player-dealer position prior to the start of every hand creates an opportunity for the player-dealer position to be continuously rotated. Additionally, subdivision (a)(4) requires the player-dealer position to actually rotate to at least two players (or if only one player, to one player at least two times) other than the TPPPS every 40 minutes, or the game must end. The proposed regulations would ensure the player-dealer position would not remain with one party for an unrestricted time during the play of a controlled game featuring a player-dealer position, which would then allow that person to maintain or operate a bank.</p> <p>Additionally, if the Department finds that the maintenance or operation of a bank is rendered impossible under the rules of a player-dealer game, acceptance of the player-dealer position is not required. Also see response numbers # 3, 5, 7, and 16 for further information.</p> <p>An administrative agency is not limited to the exact provisions of a statute in adopting regulations to enforce its mandate. The absence of any specific statutory provisions regarding the regulation of [an issue] does not mean that such a regulation exceeds statutory authority. The administrative agency is authorized to ‘fill up the details’ of the statutory scheme. Moreover, standards for administrative application of a statute need not be expressly set</p>		

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	<p>Neither section 19826 nor any other law authorizes the Bureau to impose categorical, statewide prohibitions on approved games.</p>	<p>forth; they may be implied by a statutory purpose. The agency's authority includes the power to elaborate the meaning of key legislative terms. <i>Batt v. City &amp; Cnty. of San Francisco</i> (2010) 184 Cal.App. 4th 163, 171.</p> <p>With respect to the comment about the limitation on wagers and direct bets, under certain currently Bureau-approved games rules, a TPPPS may act as a bank even when not taking the role of the player-dealer. The proposed language in section 2076, subdivisions (b)(1) and (b)(2) is necessary to ensure that a TPPPS does not maintain or operate a bank even when not occupying the player-dealer position. The intent of the regulation is to clarify the role of a TPPPS and ensure the player-dealer position would not remain with the TPPPS for an unrestricted time during the play of a controlled game featuring a player-dealer position, thereby preventing a TPPPS from maintaining or operating a bank. Also see responses # 29, 42 and 43 for additional information.</p> <p>Under Business and Professions Code section 19801(k), game approvals are a revocable, privilege, and cardrooms do not acquire vested rights in such approvals. The Department's reasoning and legal authority to promulgate these regulations have been provided in the Initial Statement of Reasons and Notice of Proposed Action. The Gambling Control Act gives the Department of Justice the responsibility to adopt regulations reasonably related to its functions and duties and includes the responsibility and discretion to approve games and modify restrictions and limitations on how a game may be played. The authority to revoke previously approved games is implied by the Department's plenary authority to approve a game. The proposed regulations establish a procedure to review currently approved or pending games featuring the player-dealer position, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. Also see response #94 for further information.</p>		

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91.	The proposed regulations would effectively prohibit games involving a single-player due to the mandatory rotation requirement. A single-player scenario cannot comply because there would be no opportunity to rotate the dealer position among multiple participants. This restriction unnecessarily limits consumer choice and operational flexibility, effectively banning single-player games without providing any legal or practical justification. The proposed regulations would require dealers to rotate more frequently and eliminate third-party provider services if compensation is deemed to inhibit “true” rotation. This will likely reduce the availability of certain games and drive revenue declines.	<p>This comment was considered but not incorporated. Section 2076, subdivision (a)(4) would provide that if there is only one player at the table in addition to the TPPPS, the player-dealer position shall rotate to that player a minimum of two times every 40 minutes.</p> <p>No authority holds that the mere “offer” of the player-dealer position is sufficient to remove a game from the banking game prohibition; <i>Oliver v. County of L.A.</i> (1997) 66 Cal.App.4th 1397 explicitly held that an offer alone is insufficient to prevent the maintenance or operation of a bank. Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11, make it explicit that an illegal bank can be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. The proposed regulation requires that player-dealer games continuously and systematically rotate the player-dealer position to avoid violating penal code section 330.</p> <p>Section 2076, Subdivision (a)(1) provides that the player-dealer position may only be occupied by a person seated at the table, and that the position shall be offered to other seated players at the table before every hand. The required offer of the player-dealer position prior to the start of every hand creates an opportunity for the player-dealer position to be continuously rotated. Additionally, subdivision (a)(4) requires the player-dealer position to actually rotate to at least two players (or if only one player, to one player at least two times) other than the TPPPS every 40 minutes, or the game must end. The proposed regulations would ensure the player-dealer position would not remain with one party for an unrestricted time during the play of a controlled game featuring a player-dealer position, which would then allow that person to maintain or operate a bank. The intent of the proposed regulations is not to eliminate third-party provide services, but rather clarify the role of a TPPPS to prevent them from maintaining or operating a bank. The Bureau determined that these objectives outweighed any potential reduction in game play availability.</p>	9-13	RPD-0274

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		The Standardized Regulatory Impact Assessment evaluates the economic impact of the proposed regulations within California's regulated gambling framework. When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, which prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the regulation is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 198205, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a player-dealer position.		
<b>92.</b>	TPPPS in designated player games mitigate problem gambling. The proposed regulation will exacerbate problem gambling, by requiring players to accept the designated player position, because the requirement will force at least some portion of the body of players to bet more than they otherwise would. This will cause more gambling and lead to more problem gambling. When players reach their limit too early in the night, they will raise that limit so they can play longer. This would contravene the original purposes of Penal Code section 330.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. No regulations currently govern the approval of games featuring the rotation of the player-dealer position. The intent of the proposed regulations is to establish a procedure to review currently approved or pending games featuring the rotation of the player-dealer position, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. Additionally, the proposed regulation establishes a requirement that player-dealer games actually require continuous and systematic rotation of the player-dealer position to ensure that such games do not violate the banked game prohibition in Penal Code section 330. The statutory exception to the banked game prohibition contemplates that non-TPPPS players will participate as player-dealers.	4-7	RPD-0202 – RPD-0203
<b>93.</b>	The proposed regulations may have the unintended consequence of encouraging unlicensed individuals to serve as player-dealers, thereby introducing serious public safety and compliance risks, including money laundering. For decades, the use of licensed,	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. No regulations currently govern the approval of games featuring the rotation of the player-dealer position. The intent of the proposed regulations is to establish a procedure to review currently approved	4-8, 9-11	RPD-0203; RPD-0274

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	vetted TPPPS entities has ensured integrity and traceability. This rulemaking would disrupt that system without offering a more secure or practical alternative.	or pending games featuring the rotation of the player-dealer position, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. Additionally, the proposed regulation establishes a requirement that player-dealer games actually require continuous and systematic rotation of the player-dealer position to ensure that such games do not violate the banked game prohibition in Penal Code section 330. The statutory exception to the banked game prohibition contemplates that non-TPPPS players will participate as player-dealers.		
94.	The Bureau lacks authority to unilaterally revoke existing game approvals. Revocations must follow Commission procedures, which include due process protections such as notice, hearings, and judicial review. The proposal undermines constitutional due process by denying cardrooms the right to a fair hearing before an impartial decision maker. Automatic or summary revocation without notice or hearing is unconstitutional.	This comment was considered but not incorporated. The proposed regulations describe the process for a cardroom owner to request review of a currently approved game to ensure the game complies with the regulations. The regulations also describe the consequence if the cardroom owner does not request review—the Department will withdraw its approval and provide notice to the cardroom. The cardroom will then have 10 days to object and seek further review by the Department. This section is necessary to discontinue non-compliant games. Under Business and Professions Code section 19801(k), game approvals are a revocable privilege, and cardrooms do not acquire vested rights in such approvals.	1-5, 10-2	RPD-0008 – RPD-0011; RPD-0277
95.	The proposed regulations do not address how a player-dealer game qualifies as a banked game.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The intended purpose of the proposed regulations is to provide guidance on when the use of TPPPS in cardrooms does not violate the prohibition against banked games in Penal Code section 330. Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11, make it explicit that an illegal bank can be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. Those sections also define when a game will not be considered a banking game and require that the player-dealer position be continuously and systematically rotated among each of the participants during the play of the game. The proposed regulation requires that player-	10-3	RPD-0277

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		dealer games actually require continuous and systematic rotation of the player-dealer position to avoid violating Penal Code section 330.		
96.	The Bureau is responsible for enforcing the Gambling Control Act, not the Penal Code. The Bureau attempts to define a criminal law that applies to everyone with a regulation that applies just to licensees, creating the opportunity of the law being interpreted differently for everyone else.	This comment was considered but not incorporated. The rule of lenity applies to the interpretation of ambiguous criminal statutes and is inapplicable to administrative law. ( <i>Handyman Connection of Sacramento, Inc. v. Sands</i> (2004) 123 Cal.App.4th 867, 895-896.) The proposed regulations do not, and are not intended to be, used for purposes of criminal enforcement or an act to amend any gambling laws. Instead, the proposed regulations govern the administrative approval process of games featuring the player-dealer rotation. The Bureau is granted the authority to place restrictions and limitations on how a controlled game may be played. (Bus. & Prof. Code, § 19826, subd. (g).)	1-4, 4-3	RPD-0008; RPD-0194
97.	Since banking games are undefined, player-dealer games should not be criminalized by inference. Courts and the Legislature have both recognized the distinction between player-dealer and banking games, reinforcing leniency.	This comment was considered but not incorporated. The rule of lenity applies to the interpretation of ambiguous criminal statutes and is inapplicable to administrative law. ( <i>Handyman Connection of Sacramento, Inc. v. Sands</i> (2004) 123 Cal.App.4th 867, 895-896.) The proposed regulations do not, and are not intended to be, used for purposes of the criminal enforcement of gambling laws. Instead, the proposed regulations govern the administrative approval process of games featuring the player-dealer rotation.	1-12	RPD-0041 – RPD-0042
98.	<p>The Bureau’s reliance on <i>Oliver</i> as the foundation for its proposed regulations is legally unsound. <i>Oliver</i> does not provide the appropriate standard for determining when a banking game exists because: it contradicts settled law defining a “banking game;” ignores the Legislature’s acquiescence to prior court decisions defining the term; ignores relevant features of player-dealer games; and exhibits flawed analysis.</p> <p>In <i>Oliver</i>, the Court of Appeal determined that a game is banked if under the rules of the game, it is possible that the house, another entity, a payer, or</p>	This comment was considered but not incorporated. The comment disregards case law defining a banked game, including <i>Walker v. Meehan</i> (1987) 194 Cal.App.3d 1290, <i>Huntington Park Club Corp. v. County of Los Angeles</i> (1988) 206 Cal.App.3d 241, <i>City of Bell Gardens v. County of L.A.</i> (1991) 231 Cal.App.3d 1563, in which the courts expanded the definition of a banking game to include any person, entity, or observer as being capable of maintaining or operating a bank. (See also <i>Hotel Employees &amp; Restaurant Employees Int’l Union v. Davis</i> (1999) 21 Cal.4th 585, 605; <i>Kelly v. First Astri Corp.</i> (1999) 72 Cal.App.4th 462, 492; <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397, 1408.) <i>Oliver</i> held that “a game will be determined to be a banking game if under the rules of that game, it	1-9, 4-10, 9-5	RPD-0027 – RPD-0034; RPD-0211 – RPD-0216; RPD-0272



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	<p>an observer can maintain a bank or operate as a bank during the game. To the <i>Oliver</i> court, the relevant question was whether the rules allowed for the “potential” of banking; if it is possible that the player-dealer position does not have to rotate, then this potential circumstance has the effect of creating a banked game.</p> <p>The <i>Oliver</i> court did not recognize its inconsistency with <i>Sullivan v. Fox</i> (1987) 189 Cal.App.3d 673. In <i>Sullivan</i>, another Court of Appeal held that a “banking game” prohibited under Penal Code § 330 occurs only when a participant, typically the house, consistently covers all bets, collects from losers, and pays winners. The <i>Sullivan</i> court distinguished legal games involving third parties, where the house does not participate and banking duties rotate among players. The <i>Sullivan</i> court as well as other appellate courts, have upheld player-dealer games in which each player has the opportunity to act as dealer for two consecutive rounds, without any focus on whether a single player could remain in the player-dealer position for a long time, or whether the game mandated acceptance of a change in the dealer position at any particular time-interval. (See <i>Sullivan, supra</i>, 189 Cal. App.3d at pp. 676, fn. 2, 678; <i>Walker v. Meehan</i> (1987) 194 Cal.App.3d 1290; <i>Huntington Park Club Corp. v. County of Los Angeles</i> (1988) 206 Cal.App.3d 241; <i>City of Bell Gardens v. County of L.A.</i> (1991) 231 Cal.App.3d 1563.)</p> <p><i>Oliver</i> does not provide an explanation as to why offer-only rotation rules that create the potential that one player can occupy the player-dealer</p>	<p>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.” (<i>Oliver, supra</i>, 66 Cal.App.4th at p. 1408.) The inclusion of persons or entities, other than the house, that may maintain or operate a bank under <i>Oliver</i> was adopted by the California Supreme Court in <i>Hotel Employees &amp; Restaurant Employees International Union v. Davis</i> (1999) 21 Cal.4th 585, where the court stated 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.” (See <i>Hotel Employees &amp; Restaurant Employees Int’l Union, supra</i>, 21 Cal.4th at p. 605, citing <i>Oliver v. County of L.A.</i> (1999) 66 Cal.App.4th 1397, 1407-1409.) Furthermore, it is the <i>potential</i> that under the game’s rules a player may act as a bank determines whether the game is a banking game, not the current mode of play. (<i>Oliver, supra</i>, 66 Cal.App.4th at p. 1408.)</p> <p>Accordingly, a game might be found to be an illegal banked game, no matter who is acting as the bank, if the game’s rules allow the possibility that a person, entity, or an observer may maintain or operate a bank. (<i>Kelly v. First Astri Corp.</i> (1999) 72 Cal.App.4th 462, 492.) <i>Oliver</i>’s expansion of the banking game definition is not inconsistent with <i>Sullivan v. Fox</i> (1987) 189 Cal.App.3d 673, because that case did not consider the question of whether a bank may be operated by persons or entities <i>other than</i> the house, and merely recited what prior courts had considered the definition of a banking game without analyzing how that definition applied to the game at issue. (<i>Sullivan, supra</i>, 189 Cal.App.3d at pp. 678.) And, <i>Sullivan</i> was ultimately decided upon an analysis of the play of pai gow, and whether, under its rules, the game constituted a <i>percentage</i> game (<i>id.</i> at pp. 679-683). <i>Oliver</i>, on the other hand, specifically analyzed whether player-dealer games may be played as banking games. <i>Oliver</i> further held that the mere offer of the player-dealer position</p>		

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	<p>position, would make the game a “banking” game. If one participant occupies the player-dealer position for a long time, that is entirely a function of the other players’ choices. The <i>Oliver</i> court expressed a concern that a player-dealer could keep an inherent advantage for themselves, but this is never possible because the player has no influence on who will accept the player-dealer position next. Also, <i>Oliver</i> fails to account for aspects of cardroom player-dealer game rules that would prevent banking: for example, player-dealers place a fixed and limited wager, and therefore unlike a bank, have no obligation to take on all comers and pay all winners. Instead, they settle bets until their own bet is exhausted.</p> <p>Other significant problems with the <i>Oliver</i> decision include: the <i>Oliver</i> court failed to apply collateral estoppel arising from dismissal of a prior criminal action against the same plaintiffs; the facts in <i>Oliver</i> were not different from those in prior cases; under the rules of statutory construction, the court should not have looked to legislative history; and the court wrongly concluded that the purpose of Penal Code section 330 was to prohibit an “advantage” in the game.</p> <p>The Bureau is not bound by <i>Oliver</i> because the California Supreme Court has only adopted one part of <i>Oliver</i>, that a game may be banked by someone other than the owner of the gambling facility. The California Supreme Court has not held that a player-dealer game may be banked if a single player holds</p>	<p>does not prevent the maintenance or operation of a bank because the other players may repeatedly refuse to accept the player-dealer position, leaving the player-dealer position in the hands of a single person. (<i>Oliver, supra</i>, 66 Cal.App.4th at pp. 1408-1409.) Under <i>Oliver</i>, it is not relevant that the player-dealer position may stay with the same person for an unlimited amount of time as a result of the other players’ decisions. The fact that the rules allow this to occur is what brings a game within the definition of a banking game. (<i>Oliver, supra</i>, 66 Cal.App.4th at p. 1408.)</p> <p>The California Legislature, in its legislative findings, declared that the purpose of the Act is to regulate businesses that offer otherwise lawful forms of gambling games, to enact comprehensive measures to ensure that gambling is free from criminal and corruptive elements, and to provide for the strict and comprehensive regulation of all activities related to the operation of lawful gambling establishments. (Bus. &amp; Prof. Code, § 19801, subds. (a), (f), (g), (h).) The proposed regulations would further the Act’s policies, as well as the Legislature’s determination to prohibit banking games. While <i>Oliver</i> did not prescribe a particular method by which the Bureau may determine when or how a game may be a banking game, it is within the Bureau’s discretion under Business and Professions Code section 19826, subdivision (g), to place restrictions and limitations on how a controlled game may be played. The restriction and limitation placed upon player-dealer games in the proposed regulations deals specifically with the rotation of the player-dealer position for game review and approval purposes.</p>		

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	<p>the player-dealer position for a long time, nor has it cast doubt on “offer-only” rotation rules.</p> <p><i>Oliver</i> does not support the proposed regulations: it does not include a 40-minute time limit of play and is silent on how frequently the offer of the player-dealer position must be made. The proposed regulatory prohibition on more than one TPPPS player from participating at the table contradicts <i>Oliver</i> because it makes it less likely that multiple players will accept the player-dealer position, and the proposed regulatory restrictions on backline, shared, or direct wagers contradict <i>Oliver</i> because those wager mechanisms split the action on the player-dealer position and therefore ensure that no one player takes on all comers, pays all winners, and collects from all losers.</p> <p>Under settled California law, as long as rotation of the player-dealer position is systematic and the house abstains from play, the game structure is lawful.</p> <p>The proposed regulation attempts to rewrite judicially settled standards by imposing undefined concepts, such as “meaningful opportunity to bank,” and requiring mechanisms to compel rotation. These additions are not supported by the statute or its legislative history and represent an overreach of authority.</p>			

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<b>99.</b>	The commenter states they provided comments to the Bureau in 2023 during the informal rulemaking process, but it was ignored. They view the Bureau's approach as inadequate, unfair, and especially harmful to traditionally marginalized communities.	This comment was considered but not incorporated. The comment does not propose alternative language. Before commencing rulemaking, the Department reviewed and considered all public comments submitted during the pre-rulemaking phase, which are included in the rulemaking file. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public.	89-1	RPD-0453
<b>100.</b>	The Bureau has disregarded previous stakeholder feedback provided during the informal rulemaking period. The Bureau dismissed without considering reasonable alternatives proposed by industry and without providing reasoning, in violation of the APA.	This comment was considered but not incorporated. The comment does not propose alternative language. Before commencing rulemaking, the Department reviewed and considered all public comments submitted during the pre-rulemaking phase, which are included in the rulemaking file. Previously submitted comment letters did not suggest alternatives that were more effective at meeting the Bureau's objectives in regulating the approval of games featuring the rotation of the player-dealer position. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. . The intent of the proposed regulations is to establish a procedure to review currently approved or pending games featuring the rotation of the player-dealer position, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. The proposed regulations will create uniform standards for Bureau review, improve transparency and enhance public safety.	12-3	RPD-0280
<b>101.</b>	The Bureau has failed to consider reasonable alternatives such as: (1) codifying the Bureau's longstanding approach of approving offer-only player-dealer games; (2) focusing on ensuring that offers are appropriately made and can be freely accepted; (3) identifying less restrictive rotation rules and evaluating whether they are appropriate. The Bureau rejected less restrictive approaches such as the 2016 guidelines, which would have required clear offers of the player-dealer position at intervals but avoided mandatory acceptance. The 2016	This comment was considered but not incorporated. Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11, make it explicit that an illegal bank can be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. Those sections also define when a game will not be considered a banking game and require that the player-dealer position be continuously and systematically rotated among each of the participants during the play of the game. No authority holds that the mere "offer" of the player-dealer position is sufficient to remove a game from the banking game prohibition; <i>Oliver</i> explicitly held that an offer alone is	1-17, 846-2	RPD-0051 – RPD-0057; RPD-012-TR

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	framework was workable, better aligned with law, and far less burdensome. The Bureau should not promulgate the 2016 guidelines for many reasons, but they were less restrictive. Rather, there should be no change to the player-dealer games that are currently played. Regulations that are more restrictive than current practice are not required nor appropriate. The current proposal does not explain why a harsher 40-minute rule is preferable over the previously considered 60 minutes. The 2016 guidelines were also clearer as to what happens when the player-dealer position is not accepted and they did not target the TPPPS participants. Suggested other alternatives like a rotation rule tied to completion of a dealer shoe.	insufficient to prevent the maintenance or operation of a bank. The proposed regulation requires that player-dealer games actually require continuous and systematic rotation of the player-dealer position to avoid violating Penal Code section 330. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The reference to the Bureau's 2016 letter concerning rotation of the player-dealer position every 60 minutes does not control, as that prior attempt to implement a rotation requirement was reversed by the Office of Administrative Law. The Bureau's reasoning for implementing the proposed rule was explained in the Notice of Proposed Action and Initial Statement of Reasons.		
<b>102.</b>	The Bureau failed to provide a description of reasonable alternatives to the regulation and its reasons for rejecting those alternatives.	This comment was considered but not incorporated. The Department identified alternatives to the regulations in the Initial Statement of Reasons and the Standardized Regulatory Impact Statement. For example, the Department considered and rejected requiring rotation of the player-dealer position after every hand or after every two hands. The Department rejected this alternative because it was more burdensome and not more effective at ensuring compliance with the banked game prohibition in Penal Code section 330.	8-7, 846-2	RPD-0269 – RPD-0270; RPD-012-TR
<b>103.</b>	Reasonable alternatives to the proposed regulations were either ignored or dismissed as hypothetical, leaving no reasonable analysis or reasonable solutions. The Bureau did not explain the reasons for rejecting valid alternatives. This reinforces the view that the regulations impose unnecessary burdens without considering less harmful approaches. The regulations will disrupt all games by requiring the games be stopped, does not ensure that games with a player-dealer position do not become a banking	This comment was considered but not incorporated. Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11, make it explicit that an illegal bank can be maintained by persons other than the house, consistent with the holding in <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397. Those sections also define when a game will not be considered a banking game and require that the player-dealer position be continuously and systematically rotated among each of the participants during the play of the game. The Department has determined that the regulations are necessary to interpret and implement a statute for	3-26	RPD-0190 – RPD-0191

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	game as defined in Business and Professions Code section 19805(c), and because of its use of specific times for the required rotation, deviates from the controlling law that allows player-dealer games.	the benefit of the public. The proposed regulation requires that player-dealer games actually require continuous and systematic rotation of the player-dealer position to avoid violating Penal Code section 330. Some currently approved games featuring a player-dealer position do not require that rotation of the player-dealer position actually happens and therefore do not qualify for the exception in Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The Bureau's reasoning for implementing the proposed rule was explained in the Notice of Proposed Action and Initial Statement of Reasons. The Department identified alternatives to the regulations in the Initial Statement of Reasons and the Standardized Regulatory Impact Statement. For example, the Department considered and rejected requiring rotation of the player-dealer position after every hand or after every two hands. The Department rejected this alternative because it was more burdensome and not more effective at ensuring compliance with the banked game prohibition in Penal Code section 330. The Department also did not consider any proposed alternative requiring only that rotation of the player-dealer position be offered and not actually rotated as required by statute.		
<b>104.</b>	BGC should focus on curbing the proliferation of illegal activities, rather than imposing unsupported punitive regulations on compliant cardrooms.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Department enforcement activities are not the subject of these regulations.	6-2, 7-2, 11-2, 13-2, 15-2, 20-2, 64-4, 813-2	RPD-0262; RPD-0263; RPD-0279; RPD-0282; RPD-0285; RPD-0300; RPD-0417; RPD-1217
<b>105.</b>	Disrupting legal cardroom operations or restricting games often leads to an increase in illegal gambling. Since the pandemic, cardrooms have seen a surge in illegal gambling operations, often associated with criminal activity. This abrupt shift in regulatory approach not only threatens the stability of the local	This comment was considered but not incorporated. The comment does not propose alternative language for the regulation. Under the Gambling Control Act (Act), the Department has the authority and responsibility to ensure that cardrooms do not contravene California law. The Act provides that public trust requires comprehensive measures be enacted to ensure that permissible gambling will not	1-36, 32-5, 33-3, 34-3, 71-3, 72-4, 73-4, 74-4, 75-4, 79-4, 80-4, 81-4,	RPD-0046 – RPD-0047; RPD-0367; RPD-0368; RPD-0370; RPD-0427;

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	cardrooms but also harms the local jurisdiction communities including essential services and emergency response.	endanger public health, safety, or welfare, is free from criminal and corruptive elements, and conducted honestly and competitively. (Bus. & Prof. Code, §§ 19801, subds. (g), (h); 19826, subd. (b).) The proposed benefits were provided in the Initial Statement of Reasons and Notice of Proposed Action. These benefits include, but are not limited to, providing guidance to the public and regulated industry on what game rules will be allowed, and ensuring that games offered in California gambling establishments are not played in a manner that is prohibited by California law.	82-4, 83-4, 84-4, 86-3, 87-4, 89-6, 830-3, 835-5, 840-1, 865-4	RPD-0428; RPD-0431; RPD-0432; RPD-0434; RPD-0441; RPD-0442; RPD-0443; RPD-0444; RPD-0445; RPD-0446; RPD-0448; RPD-0450; RPD-0455; RPD-006-TR; RPD-008-TR; RPD-010-TR
<b>106.</b>	The proposed regulations appear to favor tribal gaming interests over game creators, innovators, and business owners, citing the challenge surrounding player-dealer positions as part of a trend of biased interpretations.	This comment was considered but not incorporated. The comment does not propose alternative language for the regulation. The general purpose of these regulations is to specify minimum standards for rules of a controlled game featuring a rotating player-dealer position and how that position should be rotated in order to prevent the maintenance or operation of a bank. The regulations are intended to better enforce the prohibition on banking games by requiring actual rotation of the player-dealer position, disallowing a person from acting as the player-dealer for an unlimited amount of time, and prohibiting other forms of wagering that would allow a person to maintain or operate a bank while not in the player-dealer position.	19-1	RPD-0293
<b>107.</b>	Why are the guidelines now shifting against industry and what assurance do stakeholders have that, after years of operating withing the same framework set forth by the Department, the goalposts will not simply be moved again? What protections do small vendors have from arbitrary reclassification? The	The comment was considered but not incorporated. The comment does not propose alternative language. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit	19-3	RPD-0294



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	industry has no idea what the tribes will have a problem with next.	casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, including its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California.		
108.	<p>The proposed regulations are inconsistent with Penal Code sections 330. The ISOR misstates the legal meaning of “banking game” because courts have long construed the term to apply only to house banked games, not to designated player games. In 1991, the Legislature amended Penal Code section 330 to conform the statute to a case, <i>Tibbetts v. Van de Kamp</i> (1990) 222 Cal.App.3d 389, which had recited the then existing definition of “banking game” articulated by <i>Sullivan</i>. The issue of “banking” should be focused on whether the house has an interest in the outcome of the game.</p> <p>The historical, judicial, and legislative records consistently show that designated player games differ from prohibited banked games under section 330. <i>Sullivan</i> held that “banking game” only means a house banked game, while <i>Oliver</i> rules that games where players serve in a role similar to a banker are also banked games. <i>Oliver</i> was a renegade ruling</p>	<p>This comment was considered but not incorporated. The comment disregards caselaw defining a banked game subsequent to <i>Sullivan v. Fox</i> (1987) 189 Cal.App.3d 673, including <i>Walker v. Meehan</i> (1987) 194 Cal.App.3d 1290, <i>Huntington Park Club Corp. v. County of Los Angeles</i> (1988) 206 Cal.App.3d 241, and <i>City of Bell Gardens v. County of L.A.</i> (1991) 231 Cal.App.3d 1563, in which the courts expanded the definition of a banking game to include any person, entity, or observer as being capable of maintaining or operating a bank. (See also <i>Hotel Employees &amp; Restaurant Employees Int’l Union v. Davis</i> (1999) 21 Cal.4th 585, 605; <i>Kelly v. First Astri Corp.</i> (1999) 72 Cal.App.4th 462, 492; <i>Oliver v. County of L.A.</i> (1998) 66 Cal.App.4th 1397, 1408.) <i>Oliver</i> held that “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.” (<i>Oliver, supra</i>, 66 Cal.App.4th at p. 1408.) It is the <i>potential</i> that under the game’s rules a player may act as a bank determines whether the game is a banking game, not the current mode of play. (<i>Ibid.</i>) Accordingly, a game might be found to be an illegal banked game, no matter who is acting as the bank, if the game’s rules allow the possibility that a</p>	4-5	RPD-0205 – 0213, RPD-0216 – RPD-0225

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	<p>that created a split in authority with <i>Sullivan</i>. After <i>Oliver</i>, the Legislature made attempts to preserve <i>Sullivan</i> and modify <i>Oliver</i>. The result of those efforts were amendments to Penal Code section 330.11 and Business &amp; Professions Code section 19805 to allow a safe harbor if the rules of the game feature a player-dealer position, provide that this position must be continuously and systematically rotated amongst each of the participants during the game, ensure that the player-dealer is above to win or lose only a fixed and limited wager during 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. However, the Legislature did not redefine banking game, demonstrating acceptance of prior caselaw, <i>Sullivan</i>. Given the split in judicial decisions and the Legislative intent, the proposed regulations are inconsistent with section 330.</p>	<p>person, entity, or an observer may maintain or operate a bank. (<i>Kelly v. First Astri Corp.</i> (1999) 72 Cal.App.4th 462, 492.) <i>Oliver</i>'s expansion of the banking game definition is not inconsistent with <i>Sullivan v. Fox</i> (1987) 189 Cal.App.3d 673, because that case did not consider the question of whether a bank may be operated by persons or entities <i>other than</i> the house, and merely recited what prior courts had considered the definition of a banking game without analyzing how that definition applied to the game at issue. (<i>Sullivan, supra</i>, 189 Cal.App.3d at pp. 678.) And, <i>Sullivan</i> was ultimately decided upon an analysis of the play of pai gow, and whether, under its rules, the game constituted a <i>percentage</i> game (<i>id.</i> at pp. 679-683). <i>Oliver</i>, on the other hand, specifically analyzed whether player-dealer games may be played as banking games. This definition of a banking game was adopted by the California Supreme Court in <i>Hotel Employees &amp; Restaurant Employees International Union v. Davis</i> (1999) 21 Cal.4th 585, where the court stated 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." (See <i>Hotel Employees &amp; Restaurant Employees Int'l Union, supra</i>, 21 Cal.4th at p. 605, citing <i>Oliver v. County of L.A.</i> (1999) 66 Cal.App.4th 1397, 1407-1409.) The characterization of <i>Oliver</i> as a "renegade" ruling does not comport with the California Supreme Court's apparent adoption of <i>Oliver</i>'s definition of a banking game.</p> <p>The California Legislature, in its legislative findings, declared that the purpose of the Act is to regulate businesses that offer otherwise lawful forms of gambling games, to enact comprehensive measures to ensure that gambling is free from criminal and corruptive elements, and to provide for the strict and comprehensive regulation of all activities related to the operation of lawful gambling establishments. (Bus. &amp; Prof. Code, § 19801, subds. (a), (f), (g), (h).) The proposed regulations would further the Act's policies, as well as</p>		

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		the Legislature's determination to prohibit banking games. The Legislature's silence on a statute does not establish acquiescence or confirmation. "Unpassed bills as evidence of legislative intent, have little value." ( <i>Carter v. California Dept. of Veterans Affairs</i> (2006) 38 Cal.4th 914, 927.) A court cannot "draw conclusions" about legislative intent based on the absence of legislative action. ( <i>Mejia v. Reed</i> (2003) 31 Cal.4th 657, 668.)		
<b>109.</b>	The Bureau's proposal is unnecessary because the Bureau has ample authority to investigate, approve, and pursue other remedies to address violations of the statutes that prohibit banking games.	This comment was considered but not incorporated. The Department does not currently have regulations governing rotation of the player-dealer position in a controlled game. The proposed regulations establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c), and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11. As a result, the proposed regulations will create uniform standards for Bureau review, improve transparency and enhance public safety.	3-3, 856-3	RPD-0171 – RPD-0172, RPD-0175; RPD-018-TR
<b>110.</b>	California Constitution, article IV, section 19(e) prohibits the Legislature from enacting a law that would permit a banking game. Thus, Penal Code section 330.11 must be interpreted to prohibit a game that would be an unlawful banking game.	This comment was considered but not incorporated. The proposed regulations are consistent with the language, structure, and intent of the law. Penal Code section 330.11 allows controlled games with the rotation of a player-dealer position and Business and Professions Code section 19984 allows for cardrooms to contract with TPPPS for these services. The proposed regulations specify minimum standards for rules of a controlled game featuring a rotating player-dealer position and how that position shall be rotated in order to prevent the maintenance or operation of a bank. The proposed regulations better enforce the prohibition on banking games by disallowing a person from acting as the player-dealer for an unlimited amount of time and prohibit other forms of wagering that would allow a person to maintain or operate a bank.	21-2	RPD-0304 – RPD-0305

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<b>111.</b>	Cardrooms fail to comply with rotation requirements, allowing single players or TPPPS entities to act as the bank. TPPPS fund the games, assume the player-dealer role, and effectively operate like banks. Allowing the use of TPPPS violates the requirement in Penal Code section 330.11 that precludes an entity from maintaining or operating as a bank. Courts have emphasized that every player must rotate through the dealer role, otherwise the game violates Penal Code section 330.11 or an observer can maintain a bank or operate a bank during the play of the game. Since the rules of the game do not bar TPPPS from maintaining or operating as a bank, the game rules must mandate acceptance of the deal by every player.	This comment was considered but not incorporated. The proposed regulations are consistent with the language, structure, and intent of the law. Penal Code section 330.11 allows controlled games with the rotation of a player-dealer position and Business and Professions Code section 19984 allows for cardrooms to contract with TPPPS for these services. The proposed regulations would address the problem of allowing the maintenance or operation of a bank in controlled games featuring a rotating player-dealer position by requiring that the rules provide that rotation of the player-dealer position actually occur. The proposed regulations would impose limitations on games featuring a rotating player-dealer position and the corresponding game rules.	21-3, 24-6, 25-6	RPD-0305; RPD-0324; RPD-0332 – RPD-0333
<b>112.</b>	Commenters suggest amending the regulations to prohibit zero-collection games. Regulations should set minimum collection requirements and prohibit paying, rewarding, or otherwise incentivizing the collection of fees of other players.	This comment was considered but not incorporated. The comment falls outside of the scope of the rulemaking as described in the Notice of Proposed Rulemaking published on April 11, 2025. Fees or collection of fees is not a subject covered in the proposed regulations.	22-6, 26-6, 27-6, 28-6, 30-6	RPD-0313; RPD-0336; RPD-0341; RPD-0346; RPD-0358
<b>113.</b>	The commenter states that regulations should not infringe upon the rights of tribal nations or established tribal gaming compacts, or hinder economic stability provided by tribal gaming enterprises.	No change has been made in response to this comment. The comment falls outside of the scope of the rulemaking as described in the Notice of Proposed Rulemaking published on April 11, 2025. The proposed regulations do not entail the subject areas of tribal nations, tribal gaming compacts, or tribal gaming enterprises. The proposed regulations address the problem of allowing the maintenance or operation of a bank in controlled games featuring a rotating player-dealer position by requiring that the rules provide that rotation of the player-dealer position actually occur. The proposed regulations would also prohibit specified forms of wagering in order to prevent the maintenance or operation of a bank by any person. The regulations would impose limitations on games featuring a rotating player-dealer position and the corresponding game rules.	28-8	RPD-0347

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<b>114.</b>	Rather than promulgating a rule implying there is a lawful form of banked gaming if there is continuous and systematic rotation of the player dealer position, the Bureau is better advised to enforce case law.	This comment was considered but not incorporated. The proposed regulations are consistent with the language, structure, and intent of the law. The proposed regulations specify minimum standards for rules of a controlled game featuring a rotating player-dealer position and how that position shall be rotated in order to prevent the maintenance or operation of a bank. The proposed regulations better enforce the prohibition on banking games by disallowing a person from acting as the player-dealer for an unlimited amount of time and prohibit other forms of wagering that would allow a person to maintain or operate a bank.	31-4	RPD-0363
<b>115.</b>	The proposed regulations fail to preclude TPPPS from maintaining or operating as a bank. For instance, the proposed regulations do not fix or limit the amount that a player-dealer may pay to cover all wagers in the game, nor prohibit TPPPS from holding the player-dealer position for extended periods while they compete against multiple players and pay all winners and collect from all losers. The proposed regulations should be strengthened to prohibit cardrooms from having any financial interest in TPPPS and prevent TPPPS from entering into contracts with cardrooms that enable them to operate banking games.	This comment was considered but not incorporated. The proposed regulations are consistent with the language, structure, and intent of the law. Penal Code section 330.11 allows controlled games with the rotation of a player-dealer position and Business and Professions Code section 19984 allows for cardrooms to contract with TPPPS for these services. The proposed regulations specify minimum standards for rules of a controlled game featuring a rotating player-dealer position and how that position shall be rotated in order to prevent the maintenance or operation of a bank. The proposed regulations better enforce the prohibition on banking games by disallowing a person from acting as the player-dealer for an unlimited amount of time and prohibit other forms of wagering that would allow a person to maintain or operate a bank. A portion of the comment requesting changes to the proposed regulations falls outside of the scope of the rulemaking as described in the Notice of Proposed Rulemaking published on April 11, 2025. Financial interests and contracts to operate banking games are not subjects covered in the proposed regulations.	21-7, 868-2	RPD-0309 – RPD-0310; RPD-022-TR
<b>116.</b>	The commenter poses the following questions: Has the Bureau approved the games rules for the card games that our card rooms offer? Have the card rooms violated any laws? What provisions of the Gaming Control Act? What provisions of the Penal Code? Has the Bureau notified our card rooms of	This comment was considered but not incorporated. A portion of the comment that entails questions regarding past approval of game rules, enforcement, and violations of laws is not directed at the proposed regulations or the rulemaking procedures followed. The Department disagrees with the comment that the proposed regulations will have a harsh impact on communities, as well as the	833-3	RPD-007-TR

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	these violations? When did the card rooms resolve the problem? And did you notify our city managers or police departments? And has the Bureau initiated any civil or criminal actions to enforce any of these violations? It appears that the proposed regulations have been written with the intent of devastating card rooms and without regard to the impact on our cities. The proposed regulations will have a harsh impact on our communities and there is no need for the proposed regulations.	intent of and the need for the proposed regulations. The proposed regulations specify minimum standards for rules of a controlled game featuring a rotating player-dealer position and how that position shall be rotated in order to prevent the maintenance or operation of a bank. The proposed regulations are intended to better enforce the prohibition on banking games by disallowing a person from acting as the player-dealer for an unlimited amount of time, and to prohibit other forms of wagering that would allow a person to maintain or operate a bank. Benefits of the proposed regulations include clear rules that will assist regulated industry and the public to avoid engaging in unlawful gambling activities and provide transparency and fairness in the standards the Bureau will apply when approving or disapproving games.		
117.	Commenters state that cardrooms are vital community partners by supporting local government programs (e.g. enforcement and recreational programs) and philanthropic contributions/ local nonprofits, youth programs, education initiatives, and public safety efforts. If the regulations go into effect, they will have a negative impact on local communities.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in cardrooms, even if cardrooms make charitable donations in their community. The intent of the proposed regulations is to establish a procedure to review currently approved	44-2, 45-1, 46-1 47, 48-1, 49-1, 50-1, 51-1, 52-1 53-1, 54-1, 56-1, 57-1, 58-1, 59-1, 60-1, 61-1, 62-1, 63-2, 64-2, 65-4, 66-1, 67-1, 68-1, 69-3, 87-2, 95-1, 96-1, 97-1, 98-1, 99-1, 816-1, 826-3, 828-2, 829-2, 833-2, 836-4, 839-2, 844-3, 863-2, 869-2	RPD-0387; RPD-0388; RPD-0390; RPD-0392; RPD-0393; RPD-0395; RPD-0396; RPD-0398; RPD-0400; RPD-0401; RPD-0402; RPD-0405; RPD-0406; RPD-0407; RPD-0409; RPD-0411; RPD-0413; RPD-0415; RPD-0416; RPD-0417; RPD-0419;

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		or pending player-dealer games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review.		RPD-0420; RPD-0422; RPD-0424; RPD-0425; RPD-0449; RPD-0462; RPD-0464; RPD-0466; RPD-0467; RPD-0469; RPD-1222; RPD-004-TR; RPD-005-TR; RPD-007-TR; RPD-009-TR; RPD-010-TR; RPD-011-TR; RPD-020-TR; RPD-023-TR
<b>118.</b>	Cardrooms are more than just a place to play—they are a vital social space that bring people together, support local jobs, and contribute to the city’s economy. Cardrooms provide a safe, well-regulated environment for responsible gambling. Many residents, including seniors and veterans, rely on it as a social outlet and gathering place. The commenter urges the Bureau to consider ways to address residents’ concerns while preserving cardrooms roles in their communities.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the	93, 825-2, 835-4	RPD-0460; RPD-004-TR; RPD-008-TR



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		statute and relevant case law. These regulations interpret and implement the plain language Penal Code section 330, its exceptions, and relevant case law. Penal Code section 330 prohibits banked games in California, even if cardrooms offer benefits to their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11.		
119.	Seven Mile Casino has long been a committed and generous partner in Chula Vista, providing ongoing support to local nonprofits, youth programs, educational initiatives, and environmental efforts. The commenter commends Seven Mile Casino for YMCA with financial and in-kind support. The casino has enabled YMCA to expand their outreach and enhance services they offer to local youth and families. The commenter urges the Bureau to carefully weigh the potential ripple effects the proposed regulations may have on businesses and non-profit organizations, neighborhoods, and families that rely on the support of cardrooms such as Seven Mile Casino.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even if cardrooms make charitable donations in their community. The intent of the proposed regulations is to establish a process for reviewing and approving	52-2	RPD-0400

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		games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11.		
120.	The commenter states the proposed regulations could significantly impact Seven Mile Casino and the broader Chula Vista community. New regulations from state and federal levels, while well-intentioned, end up harming communities. Local groups such as HOAs are already struggling with regulations like SB 326, and now, community partners like Seven Mile Casino might have to reduce their charitable contributions. This would affect vital programs such as bike helmet donations, scholarships, and honoring first responders. Seven Mile Casino has been a consistent, reliable supporter for 25 years, helping where others are not able to.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even if cardrooms make charitable donations in their community. The intent of the proposed regulations is to establish a procedure to review currently approved or pending player-dealer games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review.	816-4	RPD-1222

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<b>121.</b>	The commenter commends Seven Mile Casino for its strong community partnership in addressing hunger and nutrition insecurity. The casino has provided free event space, sponsored legislative forums, and supported outreach efforts that expended the coalition's impact. The commenter urges consideration of Seven Mile Casino's positive contributions when evaluating the proposed regulations.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even if cardrooms make charitable donations in their community. The intent of the proposed regulations is to establish a procedure to review currently approved or pending player-dealer games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review.	44-1	RPD-0387
<b>122.</b>	The commenter commends Seven Mile Casino for its consistent support of the Latino legal community, thereby strengthening its ability to empower Latino students and professionals while advancing equity and representation within the legal community. The casino has hosted and funded San Diego La Raza Lawyers Association's (SDLRLA) annual Bar Stipend events, covering venue and meal costs, for over 100 guests and helping the association provide more than \$35,000 in scholarships to law students	This comment was considered but not incorporated. No change has been made in response to this comment, which is interpreted to be an observation and commendation for Seven Mile Casino rather than a specific recommendation to change these regulations.	55	RPD-0404

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	preparing for the California Bar Exam. The casino has also connected SDLRA with local leaders and media to promote community programs.			
<b>- Regulatory Hearing</b>				
<b>123.</b>	The commenters expressed concern about the manner in which the Bureau conducted its public hearing on the proposed player-dealer rotation regulations. The hearing was held exclusively via Zoom, without offering an in-person option. This disenfranchised stakeholders without reliable internet or familiarity with virtual platforms. In-person options are necessary for equitable participation. The commenters emphasized procedural concerns pursuant to public accessibility envisioned under Government Code section 11346.8.	<p>This comment was considered but not incorporated. The Department sought public input by holding a public hearing for the regulations. Under the APA, any person may request a public hearing on any regulatory proposal by submitting a written request to the agency no later than 15 days prior to the close of the written comment period. (Gov. Code, §§ 11346.5, subd. (a)(17), 11346.8, subd. (a).) If no hearing is scheduled and nobody requests one, an APA public hearing is not required. However, agencies may schedule a public hearing as a matter of course even before it is requested.</p> <p>The Department scheduled a public hearing for these regulations before receiving a request from the public. To increase accessibility and participation by allowing any and all stakeholders to attend from anywhere without the need for travel, the Department scheduled a virtual Zoom meeting, with a telephone call-in option, instead of holding an in-person meeting in Sacramento. Stakeholders without reliable internet or computer access, or those unfamiliar with virtual platforms, had the option to attend and participate by telephone. The hearing was initially scheduled for April 2, 2025 and then postponed at the request of stakeholders. After stakeholders sent a request for an extension, the Department rescheduled the hearing for May 28, 2025. A notice of the hearing was included in the Notice of Proposed Rulemaking that was published, posted, and emailed to stakeholders on April 11, 2025, 45 days before the hearing. During the 45-day public comment period, the Department did not receive a request for an in-person hearing.</p>	9-17, 100-1	RPD-0275; RPD-0471
<b>124.</b>	No interpretation was provided for non-English speakers during the public hearing, thereby excluding a significant portion of the cardroom workforce.	This comment was considered but not incorporated. The Dymally-Alatorre Bilingual Services Act (Govt. Code, § 7290 et seq.) ensures that California residents appropriately receive government services from public agencies regardless of the person's English language skills. The Act generally requires public agencies to provide	9-16, 14-10, 100-2	RPD-0275; RPD-0283; RPD-0471

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		<p>interpreter and written document translation services in a manner ensuring that individuals with limited English proficiency have equitable access to important government services like social services, healthcare, and quasi-judicial court proceedings. The Department is unaware of any state law requiring translations services for public hearings or for quasi-legislative rulemaking proceedings. Also, the Department did not receive a request for translation services before the May 28, 2025, public hearing. After the public hearing, the Department worked with the Department's Bilingual Services Program to translate all non-English oral testimony and included the translated testimony in the hearing transcript for the rulemaking file, which is available to the public upon request.</p>		
125.	<p>The public hearing was limited to audio-only, reducing transparency and accountability since participants could not see who was speaking, the extent of public support or opposition, and whether regulators were actively engaged in listening to the live comments.</p>	<p>This comment was considered but not incorporated. The Department sought public input by holding a public hearing for the regulations. Under the APA, any "interested person" may request a public hearing on any regulatory proposal by submitting a written request to the agency no later than 15 days prior to the close of the written comment period. (Gov. Code, §§ 11346.5, subd. (a)(17), 11346.8, subd. (a).) If no hearing is scheduled and nobody requests one, an APA public hearing is not required. However, agencies may schedule a public hearing as a matter of course even before it is requested. The Department scheduled a public hearing for these regulations before receiving a request from the public. To increase accessibility and participation by allowing any and all stakeholders to attend from anywhere without the need for travel, the Department scheduled a virtual Zoom hearing instead of holding an in-person hearing in Sacramento. Stakeholders without reliable internet or computer access, or those unfamiliar with virtual platforms, could attend and participate by telephone. The hearing was initially scheduled for April 4, 2025 and then postponed at the request of stakeholders. After stakeholders sent a request for an extension, the Department rescheduled the hearing for May 29, 2025. A notice of the hearing was included in the Notice of Proposed Rulemaking that was published, posted, and emailed to stakeholders on April 11,</p>	9-15, 14-9, 100-3	RPD-0275; RPD-0283; RPD-0471

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		2025, 45 days before the hearing. During the 45-day public comment period, the Department did not receive a request for an in-person hearing.		
126.	The commenter states that speakers at the public hearing were given only two minutes each to speak on a complex topic, when there was no clear need for the restriction.	This comment was considered but not incorporated. Similar to the Bagley-Keene Open Meeting Act (Gov. Code, § 11125.7, subd. (b)) and the Ralph M. Brown Act (Gov. Code, § 54954.3, subd. (b)(1)), the APA permits an agency to impose reasonable limits on oral presentations. (Gov. Code, § 11346.8, subd. (a).) Whether a time limit is reasonable under open meeting laws depends on the circumstances of each meeting, including the time allocated to the meeting, the number and complexity of each agenda item, and the number of persons wishing to comment. (75 Ops.Cal.Atty.Gen. 89, 92 (1992).) During the course of the hearing, over 200 members of the public joined and attended the public hearing. An exact attendance number cannot be confirmed because many members of the public attended the hearing in a meeting room using only one Zoom account. Exercising its discretion to set a reasonable time limit that would allow every member of the public in attendance who wished to speak to do so, and to complete the meeting within a reasonable period of time, the Department set a two-minute time limit. (See, e.g., <i>Chaffee v. San Francisco Public Library Com.</i> (2005) 134 Cal.App.4th 109, 115.) The time limit applied equally to all speakers regardless of content, including regulation supporters, regulation opponents, elected officials, lobbyists, attorneys, tribal representatives, cardroom owners, and cardroom employees.	14-8, 100-4	RPD-0283; RPD-0471 – RPD-0472
127.	The public hearing failed to meet obligations under the Administrative Procedure Act and other legal standards ensuring meaningful participation, language access, and substantive engagement.	This comment was considered but not incorporated. The Department sought public input by holding a public hearing for the regulations. Under the APA, any “interested person” may request a public hearing on any regulatory proposal by submitting a written request to the agency no later than 15 days prior to the close of the written comment period. (Gov. Code, §§ 11346.5, subd. (a)(17), 11346.8, subd. (a).) If no hearing is scheduled and nobody requests one, an APA public hearing is not required. However, agencies may schedule a public hearing as a matter of course even before it is	100-5	RPD-0472

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		<p>requested. The Department scheduled a public hearing for these regulations before receiving a request from the public. To increase accessibility and participation by allowing any and all stakeholders to attend from anywhere without the need for travel, the Department scheduled a virtual Zoom hearing instead of holding an in-person hearing in Sacramento. Stakeholders without reliable internet or computer access, or those unfamiliar with virtual platforms, could attend and participate by telephone. A notice of the hearing was included in the Notice of Proposed Rulemaking that was published, posted, and emailed to stakeholders on April 11, 2025, 45 days before the hearing. During the 45-day public comment period, the Department did not receive a request for an in-person hearing. Additionally, the APA permits an agency to impose reasonable limits on oral presentations. (Gov. Code, § 11346.8, subd. (a).) Whether a time limit is reasonable under open meeting laws depends on the circumstances of each meeting, including the time allocated to the meeting, the number and complexity of each agenda item, and the number of persons wishing to comment. (75 Ops.Cal.Atty.Gen. 89, 92 (1992).) During the course of the hearing, over 200 members of the public joined and attended the public hearing. An exact attendance number could not be confirmed because many members of the public attended the hearing in a meeting room using only one Zoom account. Exercising its discretion to set a reasonable time limit that would allow every member of the public in attendance who wished to speak to do so, and to complete the hearing within a reasonable period of time, the Department set a two-minute time limit. (See, e.g., <i>Chaffee v. San Francisco Public Library Com.</i> (2005) 134 Cal.App.4th 109, 115.) The time limit applied equally to all speakers regardless of content, including regulation supporters, regulation opponents, elected officials, lobbyists, attorneys, tribal representatives, cardroom owners, and cardroom employees. The Dymally-Alatorre Bilingual Services Act (Govt. Code, § 7290 et seq.)</p>		



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		ensures that California residents appropriately receive government services from public agencies regardless of the person's English language skills. The Act generally requires public agencies to provide interpreter and written document translation services in a manner ensuring that individuals with limited English proficiency have equitable access to important government services like social services, healthcare, and quasi-judicial court proceedings. The Department is unaware of any state law requiring translations services for public meetings or for quasi-legislative rulemaking proceedings. Also, the Department did not receive a request for translation services before the May 28, 2025, public hearing. After the public hearing, the Department worked with the Department's Bilingual Services Program to translate all non-English oral testimony and included the translated testimony in the hearing transcript for the rulemaking file, which is available to the public upon request.		
<b>128.</b>	The commenter urges the Bureau to: (1) hold an additional hybrid hearing with in-person and remote options; (2) provide interpretation services; (3) allow for extended comment periods for complex topics; and (4) make a full recording or transcript of the May 28 <sup>th</sup> hearing publicly available.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The hearing transcripts are included in the rulemaking record and available upon request. Also see responses to Nos. 123-127.	100-6	RPD-0472
<b>- Economic Impact Concerns</b>				
<b>129.</b>	Cardrooms are major economic contributors in local jurisdictions, providing hundreds of living wage jobs and generating significant tax revenue annually (e.g. \$1M-\$30M), funding crucial public services such as police and fire protection. The potential loss of these revenues would jeopardize cardroom operations and result in cuts to essential public services and devastating job losses, adversely affecting local communities' safety and quality of life.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and	5-2, 6-3, 7-3, 8-1, 9-14, 11-3, 13-3, 14-7, 15-3, 16-3, 20-3, 32-2, 33-1, 34-1, 35-2, 36-2, 38-2, 39-2, 40-2, 41-2, 42-2, 43-1, 43-3, 45-5, 46-5, 48-5, 49-2, 50-5, 51-5, 54-5, 56-5,	RPD-0260; RPD-0262; RPD-0263; RPD-0265; RPD-0274 – RPD-0275; RPD-0279; RPD-0282; RPD-0283; RPD-0285;

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		<p>voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. &amp; Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11.</p>	<p>57-5, 58-5, 59-5, 60-5, 61-5, 62-2, 63-1, 64-3, 65-3, 66-4, 67-5, 69-1, 70-1, 71-2, 72-1, 73-1, 74-1, 75-1, 77-2, 79-1, 80-1, 81-1, 82-1, 83-1, 84-1, 85-1, 86-1, 87-1, 88-1, 89-4, 91, 92, 95-5, 96-5, 97-2, 98-5, 99-5, 813-3, 816-6, 817-2, 818-1, 819-2, 821-1, 822-2, 823-1, 824-1, 826-2, 827-1, 828-1, 829-1, 830-1, 832-1, 833-1, 834-1, 835-1, 836-1, 837-1, 839-1, 843-3, 844-2, 848-2, 857-1, 859-2, 860-8, 861-3, 862-1</p>	<p>RPD-0287; RPD-0300; RPD-0366; RPD-0368; RPD-0370; RPD-0372; RPD-0373; RPD-0377; RPD-0378; RPD-0380; RPD-0383; RPD-0385; RPD-0386; RPD-0388; RPD-0390; RPD-0393; RPD-0395; RPD-0396; RPD-0398; RPD-0402; RPD-0405; RPD-0406; RPD-0407; RPD-0409; RPD-0411; RPD-0413; RPD-0415; RPD-0416; RPD-0417; RPD-0419; RPD-0420; RPD-0422; RPD-0425; RPD-0426;</p>

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				RPD-0427; RPD-0428; RPD-0430; RPD-0432; RPD-0433; RPD-0437; RPD-0441; RPD-0442; RPD-0443; RPD-0444; RPD-0445; RPD-0446; RPD-0447; RPD-0448; RPD-0449; RPD-0451; RPD-0454; RPD-0458; RPD-0459; RPD-0462; RPD-0464; RPD-0466; RPD-0467; RPD-0469; RPD-1217; RPD-1223; RPD-1224; RPD-1227; RPD-002-TR; RPD-003-TR; RPD-004-TR; RPD-005-TR; RPD-006-TR; RPD-007-TR;

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				RPD-008-TR; RPD-009-TR; RPD-010-TR; RPD-011-TR; RPD-013-TR; RPD-018-TR; RPD-019-TR; RPD-020-TR
<b>130.</b>	Cardrooms are an essential source of income and employment for low-income / underserved communities, particularly benefiting Latino, Asian-Pacific Islander, and African-American populations. These jobs help individuals purchase homes, send children to college, and achieve financial stability.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer	37-1, 88-2, 89-3 836-2, 859-3 861-1	RPD-0374; RPD-0451; RPD-0454; RPD-009-TR; RPD-019-TR

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		position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11.		
<b>131.</b>	The commenters urge the Bureau to account for social and economic consequences the regulations would impose. The proposed regulations targeting cardrooms undermine economic opportunities for local communities. The regulations would exacerbate unemployment and social inequality.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games	35-1, 36-1, 38-1, 41-1, 42-1, 45-6, 46-6, 48-6, 49-3, 50-6, 51-6, 53-2, 54-6, 56-6, 57-6, 58-6, 59-6, 60-6, 61-6, 67-6, 95-6, 96-6, 98-6, 99-6, 816-7, 824-2, 825-1, 839-5, 840-3	RPD-0372; RPD-0373; RPD-0377; RPD-0383; RPD-0385; RPD-0389; RPD-0391; RPD-0393; RPD-0395; RPD-0397; RPD-0399; RPD-0401; RPD-0402; RPD-0405; RPD-0406; RPD-0407; RPD-0410; RPD-0411; RPD-0413; RPD-0422; RPD-0463; RPD-0464; RPD-0467; RPD-0469; RPD-1223; RPD-004-TR; RPD-010-TR

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		will be played in compliance with the law, including Penal Code sections 330 and 330.11.		
132.	Commenters have requested a discussion to further address the proposed regulations, urging the importance of considering long-term impacts on the community, public safety, and economy.	The comment was considered but not incorporated. The comment does not propose alternative language and does not provide commentary that requires a Bureau response.	19-4, 97-3, 827-2, 836-4, 839-4, 858-2	RPD-0296; RPD-0466; RPD-005-TR; RPD-009-TR; RPD-010-TR; RPD-018-TR
133.	Commenters oppose the proposed regulations as they would devastate Gardena city's finances, workforce, and resident's quality of life. Commenters reference support from the California Cities Gaming Authority (CCGA) and submitted its Declaration of City Manager. Gardena relies heavily on tax revenues from Hustler Casino and Larry Flynt's Lucky Lady Casino. They are among the largest sources of tax revenue for the city. These cardrooms contributed 9.3 million (11% of the city's annual budget) in FY 23-24. The proposed regulations are expected to reduce gaming activity by 75%, meaning an approximate \$7 Million revenue loss. Without this revenue, the cardrooms could close entirely, risking the loss of all \$9.3 million in revenue. The city would be forced to make drastic cuts such as eliminating the public works department, the recreation and human services department, the community development and administrative services department, or 38% of the police officer workforce and reducing other essential services, such as public safety, senior programs, emergency response, and capital improvements. City residents will be deprived of various levels of social	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with	76-1, 815, 820-1	RPD-0435; RPD-1219 – RPD-1221; RPD-002-TR

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	services they currently enjoy. The proposed regulations would limit the player-dealer format, thereby causing severe financial harm, potentially forcing a fiscal emergency for the City of Gardena. The proposed regulations are an existential threat to Gardena's financial stability and public well-being.	Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11.		
<b>134.</b>	Cities such as Bell Gardens, Commerce, Compton, and Hawaii Gardens rely heavily on cardroom revenue (ranging from 40%-70% of general fund revenues). Proposed changes to the rotation of player-dealer rules threaten to devastate city finances.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games	89-2, 861-2, 862-2, 863-1, 869-1	RPD-0454; RPD-020-TR; RPD-023-TR



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		featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11.		
<b>135.</b>	The proposed regulations threaten to cause immediate and severe disruptions to Hollywood Park Casino operations in the City of Inglewood. The commenter anticipates a 45% reduction in card game play, which would result in a revenue shortfall of approximately \$2.3M annually. Should the casino cease operations, the city's budget would lose \$5.1M in revenue.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games	77-1, 77-2, 823-2	RPD-0437; RPD-003-TR

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		will be played in compliance with the law, including Penal Code sections 330 and 330.11.		
136.	<p>The Town of Colma anticipates a 70% reduction in card game play and revenue. Colma operates on an annual budget of \$21M. In the 2023-24 fiscal year, Lucky Chances Casino contributed \$4.3, which is approximately 21% of its budgeted revenue. Proposed changes to blackjack-style games threaten to close Lucky Chances casino, devastate city finances and deprive residents of various levels of social services they currently enjoy. The Town of Colma anticipates three potential scenarios to offset the annual revenue loss as a result of the proposed regulations: 1) Eliminate one third of the Town's Public Safety Department and services; 2) Eliminate the Public Works and Planning Departments in their entirety; 3) Eliminate the Town's general government including the City Council, City Manager, City Attorney, Finance Department and Human Resources Department.</p>	<p>This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. &amp; Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11.</p>	78-1, 78-2, 78-3	RPD-0439 – RPD-0440

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137.	During the pandemic, CA cardrooms were mandated to close, resulting in a complete cessation of gaming tax. The proposed regulations would produce a similar outcome, as the decline in tax revenue would likely necessitate employee layoffs within the cardroom industry.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11.	88-3	RPD-0451

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138.	The loss of local tax revenue may devastate California cities. The Department's estimated economic impact would reduce funding for public services, infrastructure, directly impacting working families and cities that heavily depend on cardroom revenue (e.g. Hawaiian Gardens (62%), Bell Gardens (40%), Commerce (50%), San Jose and Fresno (85%), potentially facing closures, bankruptcy, or disincorporation).	<p>This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. &amp; Prof. Code, § 19963.)</p> <p>When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11.</p>	39-4, 43-1, 828-3, 828-4, 829-3, 829-4, 834-1, 834-2, 861-6, 862-1, 863-1, 869-1, 869-4	RPD-0378 – RPD-0379; RPD-0386; RPD-005-TR; RPD-007-TR – RPD-008-TR; RPD-020-TR; RPD-023-TR

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<b>139.</b>	The commenter believes the Bureau and the California Gaming Commission have failed the people of California by failing to regulate illegal gaming. Failure to address this problem sooner has resulted in the unjust cannibalization of legal banked games on tribal land. It is but one of many examples where illegal gaming runs rampant. Other examples include delaying an opinion letter regarding the legality of daily fantasy sports. This failure to regulate illegal banked games in California cardrooms has deprived tribal and local treasuries of hundreds of millions of dollars annually.	This comment was considered but not incorporated. The comment does not address the regulation text and does not propose alternative language for the proposed regulations. The regulations address controlled games featuring a rotating player-dealer position and how that position should be rotated in order to prevent the maintenance or operation of a prohibited bank. The regulations are intended to better enforce the prohibition on banking games by requiring actual rotation of the player-dealer position, thereby disallowing a person from acting as the player-dealer for an unlimited amount of time and prohibiting other forms of wagering that would allow a person to maintain or operate a bank while not in the player-dealer position. The legality of daily fantasy sports is not a subject of these proposed regulations.	31-1	RPD-0361
<b>140.</b>	Commenters argue that the Department's own economic impact study estimates the proposed regulations could result in over \$500M in lost revenue statewide.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages	45-4, 46-4, 48-4, 50-4, 51-4, 54-4, 56-4, 57-4, 58-4, 59-4, 60-4, 61-4, 63-3, 65-2, 66-3, 67-4, 68-4, 95-4, 96-4, 98-4, 99-4, 816-5	RPD-0388; RPD-0390; RPD-0393; RPD-0396; RPD-0399; RPD-0402; RPD-0405; RPD-0406; RPD-0407; RPD-0409; RPD-0411; RPD-0413; RPD-0416; RPD-0419; RPD-0420; RPD-0422; RPD-0424; RPD-0462; RPD-0464; RPD-0467; RPD-0469;

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		to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a procedure to review currently approved or pending player-dealer games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review.		RPD-1223
<b>141.</b>	The commenter states that more than 40,000 people will lose their jobs.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with state law.	94	RPD-0461

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<b>142.</b>	The commenter argues that the regulations threaten over 5,000 jobs in Los Angeles County alone, nearly representing half of the cardroom force in the region.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a procedure to review currently approved or pending player-dealer games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review.	40-1	RPD-0380
<b>143.</b>	The commenter argues that the regulations threaten over 10,000 jobs in Los Angeles County alone.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some	89-5	RPD-0454



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		forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a procedure to review currently approved or pending player-dealer games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review.		
144.	Commenters note the positive economic impact tribal gaming has on the State of California and highlight how tribal gaming revenue funds essential programs and services within tribal communities.	This comment was considered but not incorporated. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and	22-8, 26-8, 27-8, 28-9, 30-8	RPD-0314; RPD-0337; RPD-0342 – RPD-0343; RPD-0347; RPD-0359

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		implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, except in tribal casinos.		
<b>145.</b>	This abrupt shift in regulatory approach not only threatens the stability of the local cardrooms but also harms the local jurisdiction communities including essential services and emergency response. The cardroom industry is already highly regulated, and these regulations further increase that regulatory burden. The Attorney General should honor previous game approvals.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community.	37-2, 71-1, 817-3, 819-3	RPD-0375; RPD-0427; RPD-1225 – RPD-1226; RPD-002-TR
<b>- Senate Bill 549 - Gaming: Tribal Nations Access to Justice Act.</b>				
<b>146.</b>	In 2024, the Legislature passed Senate Bill (SB) 549 which allows the courts to weigh in on certain tribal claims. California Assembly Members do not believe this is the appropriate time to propose new	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-	32-1	RPD-0366

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	regulations for games offered in cardrooms. That is especially true when these proposed regulations are expected to reduce jobs and revenues by up to 50%, according to the Standardized Regulatory Impact Assessment (SRIA).	dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.)		
<b>147.</b>	Commenters are the plaintiffs in the litigation to “determine whether certain controlled games operated by California card clubs are illegal banking card games or legal controlled games, thereby resolving a decade-long dispute between California tribes and California card clubs[.]” 2024 Cal. Legis. Serv. Ch. 860 ((SB) 549). The proposed regulations are inadequate to prohibit CA cardrooms from unlawfully operating banked card games or to protect the tribes’ exclusive rights to operate those games pursuant to their class III gaming compacts. Under tribal-state compacts, the tribes have meaningfully bargained with the state and made payments to the State’s Special Distribution Fund for their exclusive rights to operate banked games.	This comment was considered but not incorporated. The comment does not propose alternative language. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.) The intent of the proposed regulations is to establish a process for reviewing previously approved games featuring the player-dealer position for compliance with with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually rotate during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with state law, including Penal Code sections 330 and 330.11.	21-1	RPD-0301 – RPD-0302
<b>148.</b>	CA cardrooms are currently spending time and resources preparing to defend against litigation filed by seven of the largest and wealthiest tribal casinos	This comment was considered but not incorporated. The comment does not propose alternative language. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by	6-4, 7-4, 11-4, 13-4, 15-4, 20-4, 88-5, 813-4	RPD-0262; RPD-0263; RPD-0279; RPD-0282;

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	due to the passage of SB 549. Commenter asks the Bureau to reconsider the proposed regulations.	federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.)		RPD-0285; RPD-0300; RPD-0452; RPD-1217
149.	SB 549 litigation directly addresses the legality of player-dealer games. Since courts are already examining these issues, moving forward with new regulations is premature and may conflict with imminent judicial rulings. New regulations could be rendered invalid, forcing rescission, creating uncertainty, and wasting resources. Additionally, premature rulemaking would harm California's gaming industry and local economies by driving patrons away from cardrooms. The resulting chaos and uncertainty would be counterproductive to the Bureau's stated goal of regulatory clarity. Proceeding now risks unnecessary expenditure or taxpayer dollars and undermines the Bureau's credibility. A prudent course of action would be to wait for the outcome of the SB 549 litigation to provide the Attorney General with guidance. Hawaiian Gardens Casino implores the Bureau to withdraw the proposed regulations and allow the legal process to proceed before taking action.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law, including Penal Code sections 330 and 330.11. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.)	1-6, 5-3, 618-3	RPD-0011 – RPD-0014; RPD-0260 – RPD-0261; RPD-1009
150.	Commenter argues that, alongside SB 549, the regulations could lead to widespread cardroom closures, resulting in an estimated \$500 million loss in statewide revenue.	Commenters argue that, alongside SB 549, the regulations could lead to widespread cardroom closures., resulting in an estimated \$500 million loss in statewide revenue. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.) The Standardized Regulatory Impact Assessment estimates the economic impact of	39-3	RPD-0378

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		<p>these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. &amp; Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community.</p>		
151.	<p>The proposed regulations and the impact of SB 549 could result in cardroom employees facing uncertainty, potential job loss and reduction in benefits.</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.) The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey.</p>	39-1	RPD-0378

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		<p>Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. &amp; Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law.</p>		
152.	<p>SB 549 litigation will threaten the cardroom’s existence. The proposed regulations will lead to cardrooms closing their doors and will also deprive low-income and disadvantaged communities of the essential services they depend.</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.) The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the</p>	37-3	RPD-0375

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		Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law.		
<b>- Cardroom and TPPPS Employees</b>				
<b>153.</b>	Employees of various cardrooms expressed concern about the possible impacts the regulations may have, including job losses for cardroom employees and the loss of an additional space where members of the community can gather. Employees noted the positive impact working at cardrooms has had on their overall wellbeing and the stability these jobs bring to employees and their families. Employees also note the cardrooms' contributions to local economies and what the loss of cardrooms' tax revenue will mean to local communities.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms, make charitable donations, pay fair wages to its employees, and	101-1, 102-1, 103-1, 104-5, 105, 106, 107, 108, 109, 333-1, 334-1, 335-1, 336-1, 337-1, 338-1, 339-1, 340, 341-1, 342-1, 343-1, 344-1, 345, 346, 347, 348-2, 349-1, 474, 475-1, 476-1, 477-1, 478-1, 479-1, 480-1, 481-1, 482-1, 483-1, 484-1, 485-1, 486-1, 487-1, 488-1, 489-1, 490-1, 491-1, 492-1, 493-1, 494-1, 495-1, 496-1, 497-1, 498-1,	RPD-0473; RPD-0474; RPD-0475; RPD-0477; RPD-0478; RPD-0479; RPD-0480; RPD-0481; RPD-0482; RPD-0706; RPD-0707; RPD-0708; RPD-0709; RPD-0710; RPD-0711; RPD-0712; RPD-0715; RPD-0717; RPD-0719; RPD-0721; RPD-0723; RPD-0725;



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		contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position.	499-1, 500-1, 501-1, 502-1, 503-1, 594, 595, 596-1, 597-1, 598-1, 599, 600, 601-1, 602, 603-1, 604-1, 605-1, 606, 607, 608, 609, 610-1, 611-1, 612-1, 613, 614-1, 615, 616, 617-1, 619, 620, 621, 622, 624, 625, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641-1, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 814-1, 836-3 840-2, 841-1, 842- 2, 848-1, 849-1, 852-1, 858-1, 864-1, 866-1, 870-1, 872-1, 873-1, 875-1, 876-1	RPD-0726; RPD-0728; RPD-0729; RPD-0731; RPD-0859; RPD-0860; RPD-0861; RPD-0862; RPD-0863; RPD-0864; RPD-0865; RPD-0866; RPD-0867; RPD-0868; RPD-0869; RPD-0870; RPD-0871; RPD-0872; RPD-0873; RPD-0874; RPD-0875; RPD-0876; RPD-0877; RPD-0878; RPD-0879; RPD-0880; RPD-0882; RPD-0883; RPD-0884; RPD-0885; RPD-0886; RPD-0887; RPD-0888; RPD-0889;

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Response #	Summary of Comment	Response	Comment #s	Bates Label
				RPD-0981; RPD-0982; RPD-0983; RPD-0985; RPD-0986; RPD-0988; RPD-0989; RPD-0990; RPD-0991; RPD-0992; RPD-0993; RPD-0994; RPD-0996; RPD-0997; RPD-0998; RPD-0999; RPD-1001; RPD-1002; RPD-1003; RPD-1004; RPD-1005; RPD-1006; RPD-1007; RPD-1008; RPD-1010; RPD-1011; RPD-1012; RPD-1013; RPD-1015; RPD-1016; RPD-1017; RPD-1018; RPD-1019; RPD-1020;

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Response #	Summary of Comment	Response	Comment #s	Bates Label
				RPD-1021; RPD-1022; RPD-1023; RPD-1024; RPD-1025; RPD-1026; RPD-1027; RPD-1028; RPD-1029; RPD-1030; RPD-1031; RPD-1032; RPD-1033; RPD-1034; RPD-1035; RPD-1036; RPD-1037; RPD-1038; RPD-1039; RPD-1040; RPD-1041; RPD-1042; RPD-1043; RPD-1218; RPD-010-TR; RPD-011-TR; RPD-013-TR; RPD-015-TR; RPD-018-TR; RPD-021-TR; RPD-022-TR; RPD-023-TR; RPD-024-TR; RPD-1228;

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Response #	Summary of Comment	Response	Comment #s	Bates Label
				RPD-1230
154.	Employees of various cardrooms noted that cardrooms operate under stringent state and federal guidelines, and are part of a legal, regulated industry. If cardrooms are forced to shut down due to the regulations, current patrons will turn to illegal underground gambling activities. Some commenters also note that illegal, unregulated gambling operations lead to public safety issues.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position.	101-2, 102-2, 103-2, 104-1, 333-2, 334-2, 335-2, 336-2, 337-2, 338-2, 339-2, 341-2, 342-2, 343-2, 344-2, 348-3, 371-2, 475-2, 476-2, 477-2, 478-2, 479-2, 480-2, 481-2, 482-2, 483-2, 484-2, 485-2, 486-2, 487-2, 488-2, 489-2, 490-2, 491-2, 492-2, 493-2, 494-2, 495-2, 496-2, 497-2, 498-2, 499-2, 500-2, 501-2, 502-2, 503-2, 596-2, 597-2, 601-2, 603-2, 604-2, 610-2, 611-2, 612-2, 614-2, 617-2, 814-2, 875-2, 876-2	RPD-0473; RPD-0474; RPD-0475; RPD-0476; RPD-0706; RPD-0707; RPD-7-8; RPD- 0709; RPD- 0710; RPD- 0711; RPD- 0713 – RPD- 0714; RPD- 0717 – RPD- 0718; RPD- 0720; RPD- 0721; RPD- 0724; RPD- 0729; RPD- 0755; RPD- 0860; RPD- 0861; RPD- 0862; RPD- 0863; RPD- 0864; RPD- 0865; RPD- 0866; RPD- 0867; RPD- 0868; RPD- 0869; RPD- 0870; RPD- 0871; RPD- 0872; RPD- 0873; RPD-

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Response #	Summary of Comment	Response	Comment #s	Bates Label
				0874; RPD-0875; RPD-0876; RPD-0877; RPD-0878; RPD-0879; RPD-0880; RPD-0882; RPD-0883; RPD-0884; RPD-0885; RPD-0886; RPD-0887; RPD-0888; RPD-0889; RPD-0983; RPD-0985; RPD-0990; RPD-0992; RPD-0993; RPD-1001; RPD-1002; RPD-1003; RPD-1005; RPD-1008; RPD-1218; RPD-1228 – RPD-1229; RPD-1230
155.	The commenters note the effectiveness of laws and regulations that have ensured the integrity of house-banked games.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California	104-3, 850-1	RPD-0476; RPD-014-TR

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<b>Response #</b>	<b>Summary of Comment</b>	<b>Response</b>	<b>Comment #s</b>	<b>Bates Label</b>
		Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position.		
<b>156.</b>	Commenters state that while tribes claim injustice over banked games in cardrooms, tribal casinos are violating Proposition 1A (2000) by offering outlawed games, such as Craps and Roulette, that are not authorized by Proposition 1A.	No change has been made in response to this comment. The comment does not address the regulations and does not suggest any modifications be made to the regulation text. The operation of tribal casinos is not the subject of these proposed regulations. The proposed regulations establish a process for reviewing games featuring the player-dealer position for compliance with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually rotate during the play of controlled games featuring a rotating player-dealer position.	104-4	RPD-0476 – RPD-0477
<b>157.</b>	The commenter states the proposed regulations not only impact cardroom employees but also the hospitality sector, including cocktail service bartenders, cooks, cashiers etc.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is	840-2	RPD-010-TR

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Response #	Summary of Comment	Response	Comment #s	Bates Label
		<p>an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. &amp; Prof. Code, § 19963.)</p> <p>When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position</p>		
158.	<p>Employees of Artichoke Joe's Casino expressed concern about the possible effects the regulations may have, including job losses for cardroom employees and the loss of additional space where members of the community can gather. Employees noted the impact working at cardrooms has had on their lives and the stability these jobs bring to them and their families. Employees also note the cardrooms' contributions to local economies.</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in</p>	<p>110-1, 111-1, 112-1, 113-1, 114-1, 115-1, 116-1, 117-1, 118-1, 119-1, 120-1, 121-1, 122-1, 123-1, 124-1, 125-1, 126-1, 127-1, 128-1, 129-1, 130-1, 131-1, 132-</p>	<p>RPD-0483 – RPD-0705</p>



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Response #	Summary of Comment	Response	Comment #s	Bates Label
		<p>Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. &amp; Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position.</p>	<p>1, 133-1, 134-1, 135-1, 136-1, 137-1, 138-1, 139-1, 140-1, 141-1, 142-1, 143-1, 144-1, 145-1, 146-1, 147-1, 148-1, 149-1, 150-1, 151-1, 152-1, 153-1, 154-1, 155-1, 156-1, 157-1, 158-1, 159-1, 160-1, 161-1, 162-1, 163-1, 164-1, 165-1, 166-1, 167-1, 168-1, 169-1, 170-1, 171-1, 172-1, 173-1, 174-1, 175-1, 176-1, 177-1, 178-1, 179-1, 180-1, 181-1, 182-2, 183-1, 184-1, 185-1, 186-1, 187-1, 188-1, 189-1, 190-1, 191-1, 192-1, 193-1, 194-1, 195-1, 196-1, 197-1, 198-1, 199-1, 200-1, 201-1, 202-1, 203-1, 204-1, 205-1, 206-1, 207-1, 208-1, 209-1, 210-1, 211-1, 212-1, 213-1, 214-1, 215-1, 216-1, 217-</p>	

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Response #	Summary of Comment	Response	Comment #s	Bates Label
			1, 218-1, 219-1, 220-1, 221-1, 222- 1, 223-1, 224-1, 225-1, 226-1, 227- 1, 228-1, 229-1, 230-1, 231-1, 232- 1, 233-1, 234-1, 235-1, 236-1, 237- 1, 238-1, 239-1, 240-1, 241-1, 242- 1, 243-1, 244-1, 245-1, 246-1, 247- 1, 248-1, 249-1, 250-1, 251-1, 252- 1, 253-1, 254-1, 255-1, 256-1, 257- 1, 258-1, 259-1, 260-1, 261-1, 262- 1, 263-1, 264-1, 265-1, 266-1, 267- 1, 268-1, 269-1, 270-1, 271-1, 272- 1, 273-1, 274-1, 275-1, 276-1, 277- 1, 278-1, 279-1, 280-1, 281-1, 282- 1, 283-1, 284-1, 285-1, 286-1, 287- 1, 288-1, 289-1, 290-1, 291-1, 292- 1, 293-1, 294-1, 295-1, 296-1, 297- 1, 298-1, 299-1, 300-1, 301-1, 302-	

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Response #	Summary of Comment	Response	Comment #s	Bates Label
			1, 303-1, 304-1, 305-1, 306-1, 307-1, 308-1, 309-1, 310-1, 311-1, 312-1, 313-1, 314-1, 315-1, 316-1, 317-1, 318-1, 319-1, 320-1, 321-1, 322-1, 323-1, 324-1, 325-1, 326-1, 327-1, 328-1, 329-1, 330-1, 331-1, 332-1	
159.	Employees of Artichoke Joe's Casino noted that cardrooms already operate under stringent state and federal guidelines, and if cardrooms are forced to shut down due to the regulations, current patrons will turn to illegal underground gambling activities. They also note that illegal gambling operations lead to public safety issues in their community.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business	110-2, 111-2, 112-2, 113-2, 114-2, 115-2, 116-2, 117-2, 118-2, 119-2, 120-2, 121-2, 122-2, 123-2, 124-2, 125-2, 126-2, 127-2, 128-2, 129-2, 130-2, 131-2, 132-2, 133-2, 134-2, 135-2, 136-2, 137-2, 138-2, 139-2, 140-2, 141-2, 142-2, 143-2, 144-2, 145-2, 146-2, 147-2, 148-2, 149-2, 150-2, 151-2, 152-2, 153-2, 154-2, 155-2, 156-2, 157-2, 158-2, 159-2, 160-2, 161-2, 162-	RPD-0483 – RPD-0705

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Response #	Summary of Comment	Response	Comment #s	Bates Label
		and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position.	2, 163-2, 164-2, 165-2, 166-2, 167-2, 168-2, 169-2, 170-2, 171-2, 172-2, 173-2, 174-2, 175-2, 176-2, 177-2, 178-2, 179-2, 180-2, 181-2, 182-2, 183-2, 184-2, 185-2, 186-2, 187-2, 188-2, 189-2, 190-2, 191-2, 192-2, 193-2, 194-2, 195-2, 196-2, 197-2, 198-2, 199-2, 200-2, 201-2, 202-2, 203-2, 204-2, 205-2, 206-2, 207-2, 208-2, 209-2, 210-2, 211-2, 212-2, 213-2, 214-2, 215-2, 216-2, 217-2, 218-2, 219-2, 220-2, 221-2, 222-2, 223-2, 224-2, 225-2, 226-2, 227-2, 228-2, 229-2, 230-2, 231-2, 232-2, 233-2, 234-2, 235-2, 236-2, 237-2, 238-2, 239-2, 240-2, 241-2, 242-2, 243-2, 244-2, 245-2, 246-2, 247-	

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Response #	Summary of Comment	Response	Comment #s	Bates Label
			2, 248-2, 249-2, 250-2, 251-2, 252-2, 253-2, 254-2, 255-2, 256-2, 257-2, 258-2, 259-2, 260-2, 261-2, 262-2, 263-2, 264-2, 265-2, 266-2, 267-2, 268-2, 269-2, 270-2, 271-2, 272-2, 273-2, 274-2, 275-2, 276-2, 277-2, 278-2, 279-2, 280-2, 281-2, 282-2, 283-2, 284-2, 285-2, 286-2, 287-2, 288-2, 289-2, 290-2, 291-2, 292-2, 293-2, 294-2, 295-2, 296-2, 297-2, 298-2, 299-2, 300-2, 301-2, 302-2, 303-2, 304-2, 305-2, 306-2, 307-2, 308-2, 309-2, 310-2, 311-2, 312-2, 313-2, 314-2, 315-2, 316-2, 317-2, 318-2, 319-, 320-2, 321-2, 322-2, 323-2, 324-2, 325-2, 326-2, 327-2, 328-2, 329-2, 330-2, 331-2, 332-	

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<b>Response #</b>	<b>Summary of Comment</b>	<b>Response</b>	<b>Comment #s</b>	<b>Bates Label</b>
			2	
<b>160.</b>	Employees of Hawaiian Gardens Casino expressed concern about the possibility of job losses due to the proposed regulations and note the impact these losses would have on local economies and communities.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position.	350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366-1, 367, 368, 369, 370, 371-1, 372, 373, 374, 375, 376, 377	RPD-0732 – RPD-0762
<b>161.</b>	Employees of Kings Card Club/Westlane Cardroom in Stockton, CA expressed concern about the possible effects the regulations may have, including job losses for cardroom employees and	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is	378-1, 379-1, 380-1, 381-1, 382-1, 383-1, 384-1, 385-1, 386-1, 387-1,	RPD-0763 – RPD-0858

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Response #	Summary of Comment	Response	Comment #s	Bates Label
	the loss of an additional space where members of the community can gather. Employees noted the impact working at cardrooms have had on their lives and the stability these jobs bring to them and their families. Employees also note the cardrooms' contributions to local economies.	<p>an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. &amp; Prof. Code, § 19963.)</p> <p>When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position.</p>	<p>388-1, 389-1, 390-1, 391-1, 392-1, 393-1, 394-1, 395-1, 396-1, 397-1, 398-1, 399-1, 400-1, 401-1, 402-1, 403-1, 404-1, 405-1, 406-1, 407-1, 408-1, 409-1, 410-1, 411-1, 412-1, 413-1, 414-1, 415-1, 416-1, 417-1, 418-1, 419-1, 420-1, 421-1, 422-1, 423-1, 424-1, 425-1, 426-1, 427-1, 428-1, 429-1, 430-1, 431-1, 432-1, 433-1, 434-1, 435-1, 436-1, 437-1, 438-1, 439-1, 440-1, 441-1, 442-1, 443-1, 444-1, 445-1, 446-1, 447-1, 448-1, 449-1, 450-1, 451-1, 452-1, 453-1, 454-1, 455-1, 456-1, 457-1, 458-1, 459-1, 460-1, 461-1, 462-1, 463-1, 464-1, 465-1, 466-1, 467-1, 468-1, 469-1, 470-1, 471-1, 472-1,</p>	



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Response #	Summary of Comment	Response	Comment #s	Bates Label
			473-1	
162.	Employees of Kings Card Club/Westlane Cardroom in Stockton, CA noted that cardrooms already operate under stringent state and federal guidelines, and if cardrooms are forced to shut down due to the regulations, current patrons will turn to illegal underground gambling activities. They also note that illegal gambling operations lead to public safety issues in their community.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position.	378-2, 379-2, 380-2, 381-2, 382-2, 383-2, 384-2, 385-2, 386-2, 387-2, 388-2, 389-2, 390-2, 391-2, 392-2, 393-2, 394-2, 395-2, 396-2, 397-2, 398-2, 399-2, 400-2, 401-2, 402-2, 403-2, 404-2, 405-2, 406-2, 407-2, 408-2, 409-2, 410-2, 411-2, 412-2, 413-2, 414-2, 415-2, 416-2, 417-2, 418-2, 419-2, 420-2, 421-2, 422-2, 423-2, 424-2, 425-2, 426-2, 427-2, 428-2, 429-2, 430-2, 431-2, 432-2, 433-2, 434-2, 435-2, 436-2, 437-2, 438-2, 439-2, 440-2, 441-2, 442-2, 443-2, 444-2, 445-2, 446-2, 447-2, 448-2, 449-2, 450-2, 451-2, 452-2, 453-2, 454-2, 455-2, 456-2, 457-2, 458-2, 459-2, 460-	RPD-0763 – RPD-0858

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Response #	Summary of Comment	Response	Comment #s	Bates Label
			2, 461-2, 462-2, 463-2, 464-2, 465-2, 466-2, 467-2, 468-2, 469-2, 470-2, 471-2, 472-2, 473-2	
<b>163.</b>	Employees of Ocean's Eleven Casino in Oceanside, CA expressed concern about the possible effects the regulations may have, including job losses for cardroom employees and the loss of an additional space where members of the community can gather. Employees noted the impact working at cardrooms have had on their lives and the stability these jobs bring to them and their families. Employees also note the cardrooms' contributions to local economies.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games	504-1, 505-1 506-1, 507-1, 508-1, 509-1, 510-1, 511-1, 512-1, 513-1, 514-1, 515-1, 516-1, 517-1, 518-1, 519-1, 520-1, 521-1, 522-1, 523-1, 524-1, 525-1, 526-1, 527-1, 528-1, 529-1, 530-1, 531-1, 532-1, 533-1, 534-1, 535-1, 536-1, 537-1, 538-1, 539-1, 540-1, 541-1, 542-1, 543-1, 544-1, 545-1, 546-1, 547-1, 548-1, 549-1, 550-1, 551-1, 552-1, 553-1, 554-1, 555-1, 556-1, 557-1, 558-1, 559-1,	RPD-0890 – RPD-0979

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		featuring a rotating player-dealer position.	560-1, 561-1, 562-1, 563-1, 564-1, 565-1, 566-1, 567-1, 568-1, 569-1, 570-1, 571-1, 572-1, 573-1, 574-1, 575-1, 576-1, 577-1, 578-1, 579-1, 580-1, 581-1, 582-1, 583-1, 584-1, 585-1, 586-1, 587-1, 588-1, 589-1, 590-1, 591-1, 592-1, 593-1	
<b>164.</b>	Employees of Ocean's Eleven Casino in Oceanside, CA noted that cardrooms already operate under stringent state and federal guidelines, and if cardrooms are forced to shut down due to the regulations, current patrons will turn to illegal underground gambling activities. They also note that illegal gambling operations lead to public safety issues in their community.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its	504-2, 505-2, 506-2, 507-2, 508-2, 509-2, 510-2, 511-2, 512-2, 513-2, 514-2, 515-2, 516-2, 517-2, 518-2, 519-2, 520-2, 521-2, 522-2, 523-2, 524-2, 525-2, 526-2, 527-2, 528-2, 529-2, 530-2, 531-2, 532-2, 533-2, 534-2, 535-2, 536-2, 537-2,	RPD-0890 – RPD-0979

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		exceptions and relevant case law. Penal Code section 330 prohibits banked games in California. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position.	538-2, 539-2, 540-2, 541-2, 542-2, 543-2, 544-2, 545-2, 546-2, 547-2, 548-2, 549-2, 550-2, 551-2, 552-2, 553-2, 554-2, 555-2, 556-2, 557-2, 558-2, 559-2, 560-2, 561-2, 562-2, 563-2, 564-2, 565-2, 566-2, 567-2, 568-2, 569-2, 570-2, 571-2, 572-2, 573-2, 574-2, 575-2, 576-2, 577-2, 578-2, 579-2, 580-2, 581-2, 582-2, 583-2, 584-2, 585-2, 586-2, 587-2, 588-2, 589-2, 590-2, 591-2, 592-2, 593-2	
165.	Commenters believe the proposed regulations are being driven by political pressure from tribal casino interests in order to put cardrooms out of business. The proposed changes would benefit tribal casinos at the expense of cardrooms who operate transparently and in strict compliance	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section	17, 348-1, 349-2, 593-3, 598-2, 605-2, 641-2, 818-3, 843-2, 844-4, 857-3, 869-3, 870-2	RPD-0289; RPD-0729; RPD-0731; RPD-0980; RPD-0986; RPD-0994 –

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	with state law.	19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. The proposed regulations would ensure that games offered in California cardrooms do not fall within the definition of a banking game or banked game under Business and Professions Code section 19805, subdivision (c) and to specify the approval procedures.	874-3	RPD-0995; RPD-1032; RPD-1227; RPD-011-TR; RPD-011-TR; RPD-018-TR; RPD-023-TR; RPD-023-TR; RPD-024-TR
166.	Employees of cardrooms note that cardrooms strictly follow state law and offer legal alternatives to traditional games played in tribal casinos. Employees note that cardrooms offer an alternative unique gaming experience compared to tribal casinos.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited	104-2, 366-2, 598-3, 618-1	RPD-0476; RPD-0750; RPD-0986; RPD-1009

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		some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California. The intent of the proposed regulations is to establish a process for reviewing games featuring the player-dealer position for compliance with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually rotate during the play of controlled games featuring a rotating player-dealer position.		
<b>167.</b>	The commenter states that there are two sets of rules in California, one for licensed cardrooms and one for tribal casinos, and these rules are not enforced equally . Violations by tribal casinos are often ignored under the justification of tribal sovereignty.	This comment was considered but not incorporated. The regulations are intended to better enforce the prohibition on banking games by disallowing a person from acting as the player-dealer for an unlimited amount of time, and to prohibit other forms of wagering that would allow a person to maintain or operate a bank. Enforcement of any alleged violation of California law with respect to the games played in tribal casinos is not the subject of these regulations.	618-1, 618-2	RPD-1009
<b>168.</b>	The commenter states that the gaming industry is a multi-billion-dollar industry that has room for both licensed cardrooms and tribal casinos as they have been legally operated and regulated. The commenter urges the Bureau to consider the impact the proposed regulations would have on cardroom employees and their local communities.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the	865-3	RPD-021-TR

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		Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing games featuring the player-dealer position for compliance with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually rotate during the play of controlled games featuring a rotating player-dealer position.		
<b>169.</b>	Comment expresses general opposition to the regulations.	No change has been made in response to this comment. The comment lacks sufficient specificity for the Bureau to make any modifications to the text.	623	RPD-1014
<b>170.</b>	Cardroom employees note that the proposed changes would disrupt gameplay, players rarely choose the player-dealer position, and that most people don't have the capital to be the player-dealer. The changes being proposed demonstrate a lack of knowledge of the gambling industry and lacks empathy for employees.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The intent of the proposed regulations is to establish a process for reviewing and approving games featuring the player-dealer position that complies with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually be rotated during the play of controlled games featuring a rotating player-dealer position. Penal Code section 330 prohibits banked games in California. The statutory exception to the bank game prohibition contemplates that non-TPPPS players will participate as player-dealers.	626, 656-1, 775, 778-1, 808-1	RPD-1017; RPD-1047; RPD-1176; RPD-1179; RPD-1212



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171.	Employees of Knighted Ventures LLC expressed concern about the possible life-altering effects the regulations may have, including job losses for cardroom employees and career growth limitations for remaining employees. Employees noted the positive impact working at cardrooms have had on their lives and the stability these jobs bring to them and their families.	<p>This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. &amp; Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to their employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing games featuring the player-dealer position for compliance with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually rotate during the play of controlled games featuring a rotating player-dealer position.</p>	653, 654, 655, 656-2, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754,	RPD-1044 – RPD-1216

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<b>- Standardized Regulatory Impact Assessment (SRIA)</b>				
<b>172.</b>	Commenter urges the Department to stop the regulations. The Attorney General even acknowledges that the proposed regulations are expected to reduce jobs and revenues by up to 50%, according to the Standardized Regulatory Impact Assessment (SRIA).	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized	826-4, 828-3, 829-3, 837-2, 861-5	RPD-004-TR; RPD-005-TR; RPD-005-TR; RPD-009-TR; RPD-020-TR

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		forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The intent of the proposed regulations is to establish a process for reviewing games featuring the player-dealer position for compliance with Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11 by requiring that the player-dealer position actually rotate during the play of controlled games featuring a rotating player-dealer position.		
<b>173.</b>	The Standardized Regulatory Impact Assessment (SRIA) analysis is described as incomplete, flawed, and non-inclusive. The commenter requests a new, comprehensive SRIA that includes an empirical and objective analysis identifying local impact, job losses, community level harm, and potential mitigations. The Bureau and the Attorney General should restart the process, re-engage stakeholders, and ensure the process is transparent, inclusive, and fair before adopting any final regulations.	This comment was considered but not incorporated. The purpose of the SRIA is to forecast costs for all business entities that the proposed regulations could reach. SRIA assessments must often rely on reasonable assumptions in place of detailed data. This comment does not provide new information. The SRIA has adequately disclosed that it relies on estimates to inform the regulations' impacts. No better data existed at the time the SRIA was drafted to inform the SRIA's estimates. The revised SRIA (Appendix D) includes fiscal and economic considerations that should be read in context of the SRIA's discussion of the creation or elimination of jobs (section 3.3.1), impact on local governments (section 4.1) and the economic impact of the proposed and regulatory alternatives (section 5). The revised SRIA includes a set of data on state and local license and fee collections, and these have been aggregated to protect confidentiality of both cardrooms and municipalities. Section 4.2 includes a table of estimates and supporting narrative has been added to describe local fiscal impacts.	89-7, 859-4	RPD-0455 – RPD-0456; RPD-019-TR
<b>174.</b>	The SRIA fails to determine whether the regulations are an efficient and effective means of implementing the policy decisions enacted in statute	This comment was considered but not incorporated. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in	3-19	RPD-0179

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	in the least burdensome manner because no statute is identified as the law being implemented by the regulations.	consultation with the Department of Finance. Under the Gambling Control Act, the Department has the exclusive authority and responsibility to “[a]pprove the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played.” (Bus. & Prof. Code, §§ 19826, subd. (g) and 19943.5. The Department is directed to “adopt regulations reasonably related to its functions and duties as specified in [the Act].” (Id., § 19826 subd. (f).) The Department has determined that the regulations are necessary to interpret and implement Business and Professions Code section 19805, subdivision (c) and Penal Code sections 330 and 330.11 as for the benefit of the public as described in the ISOR and the revised SRIA. The intent of the proposed regulations is to establish a procedure to review currently approved or pending games featuring the rotation of the player-dealer position for compliance with Business and Professions Code section 19805, subdivision (c) and Penal Code sections 330 and 330.11 by requiring that the player-dealer position actually rotate during the play of controlled games featuring a rotating player-dealer position. The proposed regulations will create uniform standards for Bureau review, improve transparency and enhance public safety.		
175.	The SRIA provides an arbitrary and inconsistent analysis that substantially understates and incorrectly assesses the effects of the regulations. It contains methodological errors, fails to explain its assumptions, and ignores adverse impacts on the cardroom industry. It asserts that the regulations will eliminate 50 percent of TPPPS revenue but does not assume reduction in cardroom revenue. It asserts a 50 percent loss of patrons but does not consider the catastrophic effect of that loss. It fails to consider and/or quantify effects on jobs, investment, and broader economic activity (such as restaurants, hotels,	This comment was considered but not incorporated. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. SRIA assessments must often rely on reasonable assumptions in place of detailed data. The SRIA has adequately disclosed that it relies on estimates to inform the regulations’ impacts. No better data existed at the time the SRIA was drafted to inform the SRIA’s estimates. The purpose of the SRIA is to forecast costs for all business entities that the proposed regulations could reach. The SRIA explains that the elimination of 50 percent of TPPPS transactions revenue will result in a direct loss to cardrooms of \$396 million. The revised SRIA (Appendix D) includes fiscal and economic considerations that	1-32, 16-2, 832-7, 860-7, 865-2	RPD-0068 – RPD-0070; RPD-0287; RPD-007-TR; RPD-019-TR; RPD-021-TR

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	retail, and local tax revenues). The economic effect of the regulations is far more calamitous than the Bureau assumes. Job loss will almost certainly be more substantial. The SRIA fails to consider the most basic principles of business operations.	should be read in context of the SRIA's discussion of compliance costs (section 2.3), investment (section 3.3.4), and impact on local governments (section 4.2). Generally, the SRIA assessment standard applies to the overall macroeconomic impacts of a given regulation (section 3.3 Macroeconomic estimates, including tables 3.1. and 3.3). It also assumes that representative compliant enterprises pass costs along their supply chains, and the published estimates take account of these indirect effects. The indirect and induced costs and benefits of the macro assessment do not track the cardroom industry, but the SRIA reports detailed sectoral impacts including North American Industry Classification System (NAICS) 713 sector, which are outlined in Table 3.4 (Sector Impacts of the Combined Regulations).		
<b>176.</b>	The SRIA is not gaming industry specific in that the analysis uses known statewide factors for the entertainment industry but not factors specific to California cardrooms. Thus, its conclusions are suspect.	This comment was considered but not incorporated. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. The purpose of the SRIA is to forecast costs for all business entities that the proposed regulations could reach. Information specific to the cardroom sector was not available. The current estimates cover the enterprise sector across the state in its entirety. Generally, the SRIA assessment standard applies to the overall macroeconomic impacts of a given regulation (section 3.3 Macroeconomic estimates, including tables 3.1. and 3.3). It also assumes that representative compliant enterprises pass costs along their supply chains, and the published estimates take account of these indirect effects. The indirect and induced costs and benefits of the macro assessment do not track the cardroom industry individually (that information is not available), but the SRIA reports detailed sectoral impacts including North American Industry Classification System (NAICS) 713 sector, which are outlined in Table 3.4 (Sector Impacts of the Combined Regulations).	3-23	RPD-0180
<b>177.</b>	The Bureau has disregarded the commenter's December 2024 feedback concerning the SRIA. The	This comment was considered but not incorporated. Before commencing rulemaking, the Department reviewed and considered	3-24	RPD-0181 – RPD-0183

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	commenter's December 2024 letter states the SRIA is deficient because it fails to acknowledge that player-dealer games have already been approved by the Bureau and the California Gambling Commission, focuses solely on the impact of the California economy as a whole, but not on the cardroom industry or host cities, incredulously states that the regulations will not have a noticeable effect on the creation or elimination of jobs, relies on unsupported assumptions for its determination that the regulations will not have a noticeable effect on the creation or elimination of businesses in California, fails to identify viable regulatory alternatives, reveals no benefits from the regulations, and does not explain how the regulations are necessary. The commenter also highlights concerns regarding economic impacts on cardrooms and cardroom cities.	all public comments submitted during the pre-rulemaking phase, which are included in the rulemaking file. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. The December 2024 comment letter did not suggest alternatives that would meet the Bureau's objectives in regulating the approval of games featuring the rotation of the player-dealer position. The purpose of the SRIA is to forecast costs for all business entities that the proposed regulations could reach. SRIA assessments must often rely on reasonable assumptions in place of detailed data. The SRIA has adequately disclosed that it relies on estimates to inform the regulations' impacts. No better data existed at the time the SRIA was drafted to inform the SRIA's estimates. As revised, the SRIA (Appendix D) includes fiscal and economic considerations that should be read in context of the SRIA's discussion of the creation or elimination of jobs (section 3.3.1), impact on local governments (section 4.1) and the economic impact of the proposed and regulatory alternatives (section 5). The Department has determined that the regulations are necessary to interpret and implement Business and Professions Code section 19805, subdivision (c) and Penal Code sections 330 and 330.11 as for the benefit of the public as described in the ISOR and the SRIA.		
178.	The SRIA does not assess how the proposals would affect competition, such as driving players to illegal or out of state gaming venues. It also ignores the impact on local jurisdictions that rely heavily on cardrooms to fund public services. It fails to account for the disparate impacts on individual local communities. It also fails to reconcile its estimate of \$109 million in lost taxes with its overall, positive assessment of fiscal impacts.	This comment was considered but not incorporated. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. The purpose of the SRIA is to forecast costs for all business entities that the proposed regulations could reach. No data, however, is available to consider leakage of gaming revenue to Nevada or other neighboring jurisdictions. This could happen but is likely to be limited because of the travel distance involved. The Department has collected a relatively complete set of data on state and local license and fee collections, and these have been aggregated to protect confidentiality of both operators and municipalities. With this	1-35	RPD-0072 – RPD-0073

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		information, a dedicated table of estimates and supporting narrative have been added to describe local fiscal impacts. The Department lacks the spatial data needed to disaggregate the fiscal impact data. The SRIA notes that cardroom fee and income tax changes are negligible share of state revenue, But for localities with cardrooms, the lost fee revenue will be a significant challenge.		
<b>179.</b>	The SRIA report incorrectly assumes cardrooms could comply with rotation rules by using multiple TPPPS players at one table. In reality, the proposal explicitly prohibits this (section 2076 subdivision (c), making the SRIA's assumption impossible. As a result, the report understates the proposal's economic and operational impact. Because the SRIA is based on a flawed assumption, its analysis is unreliable, and the proposal's true negative consequences are likely far greater than reported.	This comment was considered but not incorporated. Section 1.1.7 of the SRIA describes the manner in which the player-dealer position should be rotated in order to prevent the maintenance or operation of a bank. Commenter incorrectly describes the SRIA as proposing that more than one TPPPS simultaneously play at the same table. In fact, the SRIA suggests that a cardroom could contract with multiple TPPPS to alternate the role of player-dealer from one TPPPS to another as long as the rotation is consistent with the proposed regulations (only one TPPPS can play at a time pursuant to section 2076 subdivision (c)).	1-33	RPD-0070 – RPD-0071
<b>180.</b>	The SRIA fails to quantify benefits to the public and industry. Without quantification, there is no way to show benefits outweigh economic hardship to cardrooms or that regulations are necessary. This renders the Bureau's proposal non-compliant with Government Code requirements. When regulations admit to harming local economies without a compelling government interest, they are unlawful. The APA requires that agencies demonstrate both necessity and proportionality.	This comment was considered but not incorporated. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. As required by regulation, the SRIA included within its analysis the costs and benefit of the regulations on different groups if the impact will differ significantly among identifiable groups. Unquantified benefits were also provided in the SRIA, ISOR and Notice of Proposed Action. These benefits include providing guidance to the public and regulated industry on what game rules will be allowed, and ensuring that a game prohibited by California law is not played in California gambling establishments.	9-7, 3-22	RPD-0273; RPD-0179 – RPD-0180, RPD-0184 – RPD-0185
<b>181.</b>	The SRIA failed to provide correct data on impact of local governments and tax revenue. This is crucial given that cardrooms are geographically concentrated and directly tied to city finances. Table 4.1 in the SRIA lacks detail, explanation, or percentages. Additionally, the SRIA underestimates	This comment was considered but not incorporated. The purpose of the SRIA is to forecast costs for all business entities that the law could reach. The revised SRIA (Appendix D) includes fiscal and economic considerations that should be read in context of the SRIA's discussion of the impact on local governments (section 4.2). The Department has collected a relatively complete set of data on	1-35, 3-20	RPD-0072 – RPD-0073; RPD-0179, RPD-0185 – RPD-0186, RPD-0189 –



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Response #	Summary of Comment	Response	Comment #s	Bates Label
	gaming city losses and does not provide quantitative estimates of any revenue changes at the local level. The omission is significant because gaming cities rely heavily on cardroom tax revenue that is not offset by statewide economic measures. Failure to correctly quantify local tax impacts is inexcusable and weakens the credibility of the SRIA.	state and local license and fee collections/taxes, and these have been aggregated to protect confidentiality of both operators and municipalities. With this information, a dedicated table of estimates (table 4.1) and supporting narrative have been added to describe local fiscal impacts. The Department lacks the spatial data needed to disaggregate the fiscal impact data. The SRIA notes that cardroom fee and income tax changes are negligible share of state revenue, But for localities with cardrooms, the lost fee revenue will be a significant challenge.		RPD-0190
182.	The SRIA failed to identify a regulatory baseline. Without a clear baseline, the Bureau's regulatory impact projections are unsupported. Assumptions of 50% revenue loss scenarios were made without supporting evidence (arbitrary). The SRIA also fails to support its assessment that the proposed regulations would result in net increases in state and federal revenue, nor does it make logical sense.	No change has been made in response to this comment. The revised SRIA (Appendix D) includes an updated analysis of the regulatory baseline (section 1.2) to augment the impact on local governments and outline the direct costs of alternative regulatory scenarios. The SRIA has adequately disclosed the businesses that would be impacted (section 2). The fiscal considerations should be read in context of the SRIA's discussion of compliance costs (section 2.3). This information has been provided to project the regulations' impact upon the industry and identify the regulatory baseline. Additionally, the Department has taken into account the estimated direct costs of alternative regulatory scenarios to project assumptions, which are intended to be indicative of change in behavior as a result of the proposed regulations. Table 5.1 (section 5) and supporting narrative have been added to detail the direct costs and benefits of the proposed and alternative regulatory scenarios. Because of their preliminary nature, SRIA assessments must often rely on reasonable assumptions. Despite extensive research, the Department could not find data on industry adjustments to game rule changes of the type being considered for the proposed regulations. In the absence of such evidence, the assumptions made were intended to be indicative. It is reasonable to expect that impacts will vary in a simple linear relationship to the actual percentage of revenue adjustments, and there is no reason to expect qualitative changes in the expected impacts. The projected net increases to state and federal revenue are estimated	1-34, 3-21, 823-5	RPD-0071 – RPD-0072; RPD-0179, RPD-0186 – RPD-0188; RPD-003-TR

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		to be very small, which can happen as the result of shifting economic activity away from gaming toward more heavily taxed activities.		
<b>183.</b>	The SRIA discusses revenue losses but failed to specify when they would occur or whether they were ongoing vs. one-time impacts. Absence of timing data prevents accurate assessment of long-term regulatory effects.	This comment was considered but not incorporated. The SRIA carefully details the timing and interaction of rule changes in the proposed and alternatives. In the impact assessment, all results are reported annually for a ten-year implementation period.	3-25	RPD-0179, RPD-0188 – RPD-0189
<b>184.</b>	The proposed regulations are economically reckless and based on flawed assumptions in the SRIA, including the idea that displaced patrons will simply shift to tribal casinos. In reality, the industry risks driving gaming into illegal operations, exacerbating crime, and creating enforcement challenges for local jurisdictions.	This comment was considered but not incorporated. The intent of the proposed regulations is to assist the regulated industry, and the public avoid unlawful gambling activities. Currently, many approved games offer the option for a player-dealer but do not enforce rotation, resulting in one person holding the position for an unrestricted period of time, which is inconsistent with California case law, and Business and Professions Code section 19805, subdivision (c) and Penal Code section 330.11. The regulations aim to address this problem by requiring consistent rules on player-dealer rotation and prohibiting certain types of wagers to prevent unlawful banking activity. The proposed regulations will create consistent standards for Bureau review and improve transparency and enhance public safety. The Department's economic and fiscal impact analyses for regulatory proposals typically do not assume California residents will commit crimes as a result of a regulation.	1-36, 32-4, 35-3, 36-3, 38-3, 40-3, 41-3, 42-3, 43-2, 70-3, 72-3, 73-3, 74-3, 75-3, 79-3, 80-3, 81-3, 82-3, 83-3, 84-3, 86-4	RPD-0046 – RPD-0047, RPD-0072 – RPD-0073; RPD-0366; RPD-0372; RPD-0373; RPD-0377; RPD-0380; RPD-0383; RPD-0385; RPD-0386; RPD-0426; RPD-0428; RPD-0430; RPD-0432; RPD-0433; RPD-0441; RPD-0442; RPD-0443; RPD-0444; RPD-0445; RPD-0446
<b>185.</b>	The commenter applauds the Bureau for acknowledging that games currently being operated by cardrooms are illegal; while also	This comment was considered but not incorporated. The comment does not provide commentary that requires a Department response.	31-5	RPD-0364

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<b>Response #</b>	<b>Summary of Comment</b>	<b>Response</b>	<b>Comment #s</b>	<b>Bates Label</b>
	pointing out the SRIA confirms tribal government revenue has been affected significantly by illegal gaming in cardrooms.			
<b>186.</b>	The commenter believes the cardrooms' arguments that the regulations will put thousands out of work are incorrect because those employees can move over to tribal casinos and continue to maintain their current positions.	This comment was considered but not incorporated. SRIA estimates on job losses do not rely on assumptions that displaced cardroom employees will seek employment at tribal casinos.	31-8	RPD-0365
<b>187.</b>	The commenter questions assumptions in the SRIA, including the amount of revenue that will be recovered by California Tribes and that cardrooms will be able to recover revenue from the loss of games featuring the player-dealer position, which must be non-banked games by law.	This comment was considered but not incorporated. SRIA assessments must often rely on reasonable assumptions in place of detailed data. The SRIA has adequately disclosed that it relies on estimates to inform the regulations' impacts. No better data existed at the time the SRIA was drafted to inform the SRIA's estimates. Despite extensive research, the Department could not find data on industry adjustments to game rule changes of the type being considered for the proposed regulations. In the absence of such evidence, the assumptions made were intended to be indicative. It is reasonable to expect that impacts will vary in a simple linear relationship to the actual percentage of revenue adjustments, and there is no reason to expect qualitative changes in the expected impacts.	31-7	RPD-0365
<b>- Miscellaneous</b>				
<b>188.</b>	Munger, Tolles & Olson, on behalf of the CGA, requested the Gardens Casino be included among the entities that join in the CGA's comments.	No change has been made in response to this comment. The comment lacks sufficient specificity for the Department to make any modifications to the text.	2	RPD-0168