



February 2, 2021

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VIA ELECTRONIC AND U.S. MAIL

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

RE: "CONCEPT" LANGUAGE FOR BLACKJACK REGULATIONS

Dear Director Shimazu:

As the Chairman of the Yocha Dehe Wintun Nation, I write to comment on the "concept" language for "California-style blackjack" the Bureau of Gambling Control released on January 5, 2021. Before doing so, however, I want to raise a prefatory point and question.

The concept language for blackjack, as well as that for game rotation which the Bureau released in December 2019, again proves the Bureau's awareness that it has allowed cardrooms to play illegal games. California tribes have complained about this illegal gaming since the April 2012 Tribal-State Association meeting (which you attended as the head of the Gambling Control Commission). It is long past time for the Bureau to take affirmative action beyond just issuing conceptual language. Moreover, no regulation is necessary to stop the play of most blackjack games in cardrooms. At an August 30, 2018 meeting, you advised tribal representatives that the Bureau would rescind the approvals for blackjack games the cardrooms currently play because the Bureau had concluded they violate Penal Code section 330. You specified that among those games are Pure 21.5 Blackjack and 21st Century Blackjack. While you said the Bureau would provide the cardrooms a few months' grace period so they could roll out legal games to take the place of the illegal ones, almost two and a half years have passed, and we are unaware of any action by the Bureau to rescind the approvals for the illegal games. We fail to understand why the Bureau – the agency charged with enforcing the State's gaming laws – allows cardrooms to continue playing games the Bureau approved in the first place and now admits violate those laws. That brings us to the question I mentioned: Will the

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Bureau allow the cardrooms to continue playing the illegal blackjack games until the regulatory process ends, which could be years from now? The answer to this question *should be* an automatic – and emphatic – “no.” But, we recall that at the August 30, 2018 meeting you told the dismayed tribal representatives that the Bureau will allow the cardrooms to rely on the illegal “Lytle letter” rotation standard – which even the Bureau admits is no rotation of the player-dealer position at all – until the rotation regulation is finalized.

Now, to address the concept language. We find that language adequately precludes the cardrooms from playing blackjack or any analogous game. It also appears the concept regulation provides the cardrooms enough room to develop alternative games that are legal, yet are not blackjack. That said we wonder about the purpose of the phrase “and for game review purposes only” in section 2073(a). Are there situations where “the game of blackjack” means something else? Moreover, we think the qualifier “as used in this Article” sufficiently identifies the limits of the game’s definition.

In addition, we find the last sentence in section 2074(b) somewhat ambiguous. According to that sentence, the “points assigned to each card must remain constant throughout the play of the game.” Does the phrase “must remain constant” mean that card values must not change based on the stage of the game (which would address those games that assign a different value only on the initial deal), or that cards may only have a single value (which means an ace can be 1 or 11, but not both)?

Finally, we believe the word “blackjack” has no place in a game approved for cardroom play, even where it is preceded by the qualifier “California-style.” The game, by definition, *cannot be* blackjack, and adding that name is simply deceptive.

In closing, we applaud the Bureau for taking this step toward stopping the illegal play of blackjack in California cardrooms. It is long overdue. We would greatly appreciate if you could answer the question posed above and, in addition, provide us a timeline for the regulatory process for this concept language, as well as that for the rotation of the player-dealer position, which seems to be languishing.

Sincerely,



Anthony Roberts
Tribal Chairman