



# TULE RIVER INDIAN TRIBE OF CALIFORNIA

November 27, 2018

***VIA EMAIL (BGC\_REGULATIONS@DOJ.CA.GOV) AND U.S. MAIL***

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

RE: Regulations Workshops – Rotation of the Player-Dealer Position

Dear Director Shimazu:

On behalf of the Tule River Indian Tribe (the "Tribe") I wanted to provide the Bureau of Gambling Control (the "Bureau") the Tribe's written comments for the regulatory workshops the Bureau is conducting on rotation of the player-dealer position in California card rooms.

The Tribe has a class III gaming compact with the State of California (the "State"), which among other provisions, recognizes the Tribe's (and other tribal governments') exclusive right to operate class III gaming in California, including banked games. Further, State law prohibits anyone (other than a tribal government with a compact with the State) from offering, playing, conducting, etc. banked or percentage games. Despite this clear prohibition, card rooms continue to play illegal banked games with little to no oversight or enforcement by the State. This lack of enforcement is in violation of the Tribe's compact with the State and in clear violation of State law. The Tribe is concerned with and is strongly against any revisions to the regulations governing the rotation of the player-dealer position that would expand State-sanctioned illegal gaming in the State.

Any revision to the regulations governing the player-dealer position should take into consideration, and be consistent with, the exclusive right of tribal governments in California to operate banked and percentage games and State law prohibiting any person, other than tribal governments with a compact with the State, to provide banked and percentage games. Specifically, the interpretation of "continuously and systematically rotated" in Penal Code §330.11 should be consistent with its plain meaning and require the player-dealer position to rotate *every hand*, and if it does not, the game must stop, and cannot begin again, until another player who has no business relationship with the cardroom or a third party proposition player takes that position. All Bureau guidance stating otherwise should be revoked. Any proposed regulations that permit the player-dealer position to rotate less frequently than every hand would be in violation of the Tribe's compact, State law and the State Constitution, none of which the Bureau has any authority to amend or repeal.

In addition, the Bureau should establish significant and enforceable penalties if the card rooms violate the player-dealer rotation standard resulting from the Bureau's rulemaking process. Past guidance has included nothing more than an illusory remedy for failure to comply with existing rules governing rotation of the player-dealer. In addition, the card rooms have a long history of failing to comply with existing State law and must be provided a strong disincentive to operating illegal gaming facilities.

The Tribe respectfully requests that in the upcoming rulemaking process the Bureau enforce State law and the Tribe's compact, and take action to prevent illegal gaming in California—not expand it.

Sincerely,



Kenneth McDarment, Vice-Chairman  
Tule River Tribal Council  
Tule River Indian Tribe of California