

Comments of the Independent Regulatory Review Commission



Pennsylvania Gaming Control Board Regulation #125-188 (IRRC #3111)

Table Game Rules of Play

September 30, 2015

We submit for your consideration the following comments on the proposed rulemaking published in the August 1, 2015 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Preamble. – Clarity.

The Preamble states that Chapter 671a (Relating to Lunar Poker) is a complete rewrite of the game from temporary regulations. For the final-form regulation submittal, we ask the Board to explain in the Preamble why this provision was rewritten and what amendments were made.

2. Section 611a.2. Minimum proficiency requirements. – Clarity.

Subsection (d) adds a provision for an “experienced dealer.” The regulation does not specify the standards that must be met for a dealer to be considered an experienced dealer. We recommend adding the standards to the regulation, such as a documented number of hours of experience, that qualify a dealer as an experienced dealer.

3. Section 669a.6. Raise It Up Stud Poker hand rankings. – Clarity.

In Chapter 667a.6 relating to Flop Poker, Paragraphs (b)(2) to (9) include language describing the highest and lowest ranking within a category of winning hand. For example, Paragraph (2) states:

A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, **with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush.** [Emphasis added.]

The parallel provisions in this chapter, Paragraphs (b)(2) to (9), do not include the further explanation of highest ranking and the lowest ranking, as shown in the emphasized language above for a straight flush. We recommend adding this clarifying language, as appropriate, to Paragraphs (b)(2) to (9). The same comment applies to Subsection 674a.6(b).

4. Section 671a.11. Procedures for completion of each round of play. – Clarity.

We have two concerns. First, Subparagraph (f)(2)(ii) provides an example that states:

For example, if a player's winning hand contained two aces, a king, 8 and 9, the player would be paid out for the pair of aces that beat the dealer's hand but would also be paid out for the ace-king. If a player purchased a sixth card, all six cards may be considered for purposes of the second payout.

In the context of Paragraph (2) and this example in Subparagraph (ii), it is our interpretation that the dealer's hand would be an ace-king. Therefore, while the player beat the dealer with two aces and should collect that winning, we question whether the player should also collect winnings for an ace-king, given that the dealer also had an ace-king. This would appear to contradict Subparagraph (iii) which states that if the dealer's hand and the player's hand are equal, the dealer returns the player's wagers. We ask the Board to review Paragraph (2) and explain the Board's intent.

Second, Subparagraph (f)(2)(iii) states "... If the **dealer's** highest ranking five-card Poker hand is: ... (iii) Equal in rank with the **dealer's** hand" This appears to be a typographical error and Subparagraph (iii) should read "Equal in rank with the **player's** hand." [Emphasis added.]

Subsection (h)

Under Paragraph (2), if a count of the cards reveals that 52 cards are not in the deck, the entire deck of cards shall be removed. Why doesn't this provision also direct the dealer to determine if cards were misdealt?

5. Section 674a.2. Criss-Cross Poker table physical characteristics. – Clarity.

Paragraph (b)(2) states the table must contain "Five separate betting areas for each player designated for the placement of the Ante Wagers required under § 674a.7(d) (relating to wagers)." The cross-referenced Subsection (d) only specifies two wagers: Ante Across and Ante Down. The Board should review this section to clarify what the five wagers are.

6. Section 674a.10. Procedure for dealing the cards from an automated dealing shoe. – Economic impact; Reasonableness; Clarity.

Greenwood Gaming and Entertainment, Inc. (GGE) commented that the procedure for dealing cards from an automated dealing shoe in Subsection (b) differs from the dealing procedures for dealing from a manual shoe in Subsection 674a.8(d) and dealing from the hand in Subsection 674a.9(b). GGE requests an amendment so that dealing from any of the mediums (manual shoe, automated shoe or hand) is consistent. We recommend amending Subsection (b) to be consistent with Subsections 674a.8(d) and Subsection 674a.9(b).

7. Section 674a.12. Payout odds. – Reasonableness; Economic impact.

GGE also requests additional language stating that a maximum amount is payable to a player on a single hand. GGE cites six other games in existing regulation that include language for a

\$50,000 maximum payout. We recommend that the Board either add this language or explain why this language should not be included for this game.

8. Chapter 675a. High Roll Dice. – Clarity.

We note that every other chapter includes a definitions section, but Chapter 675a does not. Should terms used in Chapter 675a also be defined?

9. Section 676a.11. Procedures for completion of each round of play. – Clarity.

The definition of Gopher Wager and Subparagraph (d)(5)(i) do not appear to be consistent. A Gopher Wager is defined in Section 676a.1 as “An optional wager that a player's four cards will contain an ace.” Paragraph (d)(5) and Subparagraph (i) state: “For all players who placed a Gopher Wager, if any of the player's four cards: (i) Is not an ace, the dealer shall collect the player's losing Gopher Wager.” The definition implies the player needs a single ace to win the wager, whereas the wording of Paragraph (d)(5)(i) could be interpreted to mean the player would have to have four aces to win. Our specific concern is with the phrase “if any of the player's cards is not an ace.” The Board should reconcile these provisions.

10. Miscellaneous Clarity.

- Subpart E is titled “Slot Machines and Associated Equipment,” however this subpart now addresses table games. We suggest updating the title to better reflect the content of the subpart.
- Paragraph 667a.2(b)(8) references Paragraph (6), but Paragraph (6) already specifies when a sign is required. Should the reference be to Paragraph (7)?
- The last sentence of Subsection 667a.8(e) has a typographical error because it cross-references itself, subsection (e). We recommend correcting this cross-reference.
- Paragraph 670a.12(d)(2) appears to have a typographical error. Should the word “resent” be changed to “reset”?
- Under Subsection 671a.6(a), a straight flush is described twice as only having four cards. These descriptions should be corrected to include five cards.