

October 26th, 2023

Andrea McMillen, Staff Services Manager
Yolanda Morrow, Director
California Department of Justice
Bureau of Gambling Control
P.O. BOX 168024
Sacramento, CA 95816-8024

Dear Ms. McMillen and Director Morrow:

As the owner of Pure 21.5 Blackjack,

I'm writing this letter as an attempt to find clarity about the availability of specific casino and card room games in the state of California. In the letter from the California Department of Justice dated September 11th, 2023, Director Morrow expressed intent to change, modify and/or add new regulations for blackjack-style games which are offered for play in California gambling establishments. Along with the letter, a draft of concept language was also distributed.

As you know, on November 8th of 2022, the voters of California defeated Proposition 26 in the midterm election. Proposition 26's Yes/No Statement, as written on the ballot, included the following language:

YES/NO STATEMENT

A YES vote on this measure means: Four racetracks could offer in-person sports betting. Racetracks would pay the state a share of sports bets made. Tribal casinos could offer in-person sports betting, roulette, and games played with dice (such as craps) if permitted by individual tribal gambling agreements with the state. Tribes would be required to support state sports betting regulatory costs at casinos. People and entities would have a new way to seek enforcement of certain state gambling laws.

A NO vote on this measure means: Sports betting would continue to be illegal in California. Tribal casinos would continue to be unable to offer roulette and games played with dice. No changes would be made to the way state gambling laws are enforced.

The voters of California have spoken, and more than two-thirds chose to vote no on Proposition 26. Their no vote expressly indicated their preference that "No changes would be made to the way state gambling laws are enforced" yet the Department of Justice has expressed the intent to change the landscape for game acceptability in the state. These changes not only unfairly punish the card rooms but also fail to address the similar conduct of tribal casinos.

Roulette, specially named in California Penal Code § 330, is a prohibited game. California voters overwhelmingly defeated Proposition 26 and denied tribal casinos the option of including roulette in their compacts with the state, yet the game is currently allowed, played, advertised, and offered by tribal casino throughout California. Regardless of the types of changes made to their modified game versions, there is no mathematical differentiation from the disallowed game of roulette as it has been played in casinos around the world for centuries. Card room games such as Pure 21.5 Blackjack differ both mathematically and in their gameplay rules from any prohibited game. Why are the card rooms being targeted yet the tribal casinos are allowed to get away such egregious conduct? Why does the Draft Language disallow the use of the terms "21" and "Blackjack" to describe card room games that are mathematically different but tribal casinos can use the terms "Roulette" and "Craps" to describe versions that are mathematically identical to prohibited games? The blackjack-style games referenced in the September 11th letter are not new; these are games that have been played legally in California card rooms for the better part of two decades. Looking forward to your response.

Respectfully,

Steven K. Wright