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## INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

August 24, 2011

Kevin O'Toole, Executive Director  
Pennsylvania Gaming Control Board  
Strawberry Square  
Verizon Tower, 5th Floor  
Harrisburg, PA 17106-9060

Re: Regulation #125-151 (IRRC #2897)  
Pennsylvania Gaming Control Board  
Table Game Rules for Minibaccarat, Midibaccarat and Baccarat

Dear Mr. O'Toole:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact me.

Sincerely,

Fiona Wilmarth  
Acting Executive Director  
sfh  
Enclosure

cc: Honorable Jane M. Earll, Majority Chairman, Senate Community, Economic and  
Recreational Development Committee  
Honorable Wayne D. Fontana, Minority Chairman, Senate Community, Economic and  
Recreational Development Committee  
Honorable Curt Schroder, Majority Chairman, House Gaming Oversight Committee  
Honorable Rosita C. Youngblood, Minority Chairman, House Gaming Oversight Committee  
Robert A. Mulle, Esq., Office of Attorney General  
Andrew Clark, Esq., Office of General Counsel

# Comments of the Independent Regulatory Review Commission



## Pennsylvania Gaming Control Board Regulation #125-151 (IRRC #2897)

### Table Game Rules for Minibaccarat, Midibaccarat and Baccarat

August 24, 2011

We submit for your consideration the following comments on the proposed rulemaking published in the June 25, 2011 *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. Implementation procedures.

This proposed rulemaking includes references to regulations that have not been promulgated. The sections of this rulemaking that include the references are:

- § 627a.2(c)(7)
- § 627a.4(e)
- § 627a.5(a)
- § 627a.8(c)
- § 627a.12(c)
- § 627a.12(g)
- § 627a.12(h)
- § 627a.13(c)
- § 629a.2(c)(7)
- § 629a.4(d)
- § 629a.5(a)
- § 629a.12(c)
- § 629a.12(g)
- § 629a.13(c)
- § 631a.2(b)(7)
- § 631a.4(d)
- § 631a.5(a)
- § 631a.9(d)
- § 631a.13(c)
- § 631a.13(g)
- § 631a.13(h)
- § 631a.15(c)

It is our understanding that the references are to other Board table game regulations that will be promulgated in the near future. We are concerned that this rulemaking will be finalized before the other regulations are finalized. If this occurs, it could lead to a confusing regulatory environment for those that must comply with the rulemaking. In the Preamble to the final version of this rulemaking, we ask the Board to explain its plan for promulgating all of these regulations in a manner that ensures all references are valid.

#### 2. Clarity and lack of ambiguity.

Throughout this proposed rulemaking, licensed facilities that hold table game operation certificates (certificate holders) are required to obtain certain approvals from either the Board's Bureau of Gaming Operations or the Bureau of Casino Compliance. For example, Section 627a.2(b) states, "The dimensions of a Minibaccarat table shall be approved by the Bureau of

Gaming Operations.” We are concerned that the proposed rulemaking does not include the procedures for obtaining the necessary approvals. To assist the regulated community in understanding how to submit the requests for certain approvals, we suggest that the final form regulation include the procedures or appropriate cross-references to where the procedures can be found. We have identified the following sections that contain references to approvals:

- § 627a.2(b)
- § 627a.2(c)
- § 627a.2(e)
- § 627a.5(g)(2)(ii)
- § 627a.5(h)
- § 629a.2(b)
- § 629a.2(c)
- § 629a.2(e)
- § 629a.2(f)
- § 631a.2(b)
- § 631a.2(d)
- § 631a.2(e)

In addition, we note that the terms “EZ Baccarat,” “Dragon 7 Insurance Wager” and “Dragon 7 Bonus Wager” are used throughout the rulemaking, but are not defined. We believe clarity would be improved if these terms were defined in the definitions section of each of the three chapters on which this rulemaking is based.

## **CHAPTER 627a. MINIBACCARAT**

### **3. Section 627a.3. Cards; number of decks. – Need; Reasonableness.**

Subsection (c) requires decks of cards opened for use at a Minibaccarat table to be changed at least once every 24 hours. We note that this provision differs from the requirements for the games of Minibaccarat and Baccarat found under Sections 629a.3(b) and 631a.3(b) respectively. Those provisions require decks of cards open for use to be changed after the play of each shoe of cards. We have three concerns. First, what is the reason for the difference between these sections? Second, what is the need for these provisions? Third, what becomes of the cards that were in use? Can they be reused?

### **4. Section 627a.4. Opening of a table for gaming. – Reasonableness.**

Under Subsection (a), if a dealer receives six or more decks of cards at the table, those cards must be inspected for defects. Similar language can be found in Sections 629a.4(a) and 631a.4(a), relating to Midibaccarat and Baccarat. We believe it would be reasonable to require inspection of any cards received at a table and suggest that the necessary language be added to all three sections of the rulemaking.

### **5. Section 627a.12. Payout odds; vigorish. – Reasonableness; Clarity.**

Subsection (c) states that a certificate holder may extract a 4% or 5% vigorish from a winning wager placed on the Banker’s Hand. Subsection (h) states that the certificate holder may charge every player at the gaming table a vigorish up to 25% of the player’s wage if certain conditions are met. Similar language can be found in Sections 629a.12 and 631a.13 relating to Midibaccarat and Baccarat. Since these provisions can vary, how will players know if a vigorish is being charged and what that vigorish will be?

## CHAPTER 629a. MIDIBACCARAT

### **6. Section 629a.8. Hands of player and banker; procedure for dealing initial two cards to each hand. – Clarity and lack of ambiguity.**

Subsection (d) states that a player may be required to relinquish the right to turn over cards if, “the player unreasonably delays the game or violates either the act or this part.” Similar language can be found under Section 631a.9(e), relating to Baccarat. The inclusion of the phrase “either the act or this part” makes this provision very broad. What is the need for including such a sweeping provision in the rulemaking? Has the Board considered narrowing the scope of the provision to actions of the player during the play of the game?

### **7. Section 631a.2. Baccarat table physical characteristics. – Clarity.**

Sections 627a.2(b) and 629a.2(b), pertaining to Minibaccarat and Midibaccarat, require the dimensions of each type of gaming table to be approved by the Bureau of Gaming Operations. However, this type of approval is not needed under this section of the rulemaking for Baccarat gaming tables. What is the reason for this difference?

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FAX NO.

### Facsimile Cover Sheet



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346-8350 (Front Desk)  
**Date:** 08/24/11  
**Pages:** 4

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Pennsylvania Gaming Control Board's regulation #125-151 (IRRC #2897). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: *Vickie Schreiner* Date: 8/24/11