



PENNSYLVANIA GAMING CONTROL BOARD
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December 28, 2022

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Delivered Via Electronic Mail

Mr. Jeff Patchen
Head of Compliance, North America
Evolution US, LLC
100 Boardwalk
Atlantic City, NJ 08401

RE: Top Card Waiver Request

Dear Mr. Patchen:

On behalf of the Pennsylvania Gaming Control Board ("Board"), I have reviewed your correspondence of December 8, 2022, regarding Evolution Gaming's request to offer the Live Dealer interactive gaming version of its Top Card game. Upon review, it is our opinion that Top Card operates similarly to Casino War (see 58 Pa. Code § 651a.). The noteworthy differences are that Top Card allows for wagers to be placed on either hand or on a tie, and that tied hands are settled immediately without further wagers.

At this time, I approve the implementation of the requested waiver, permitting Evolution to offer the Live Dealer interactive gaming version of its Top Card game as a variation of Casino War. Specifically, Evolution is being granted a waiver of 58 Pa. Code § 651a.2(b)(2) (relating to designated place for War wager), § 651a.9(c)(2)-(h) (relating to procedures for War wagers), and § 651a.10(3) (relating to War wager payout odds), to allow for Top Card hands resulting in a tie to be settled without the additional War wager. In the event of a tie, non-tie wagers shall be settled consistent with 58 Pa. Code § 651a.9 (c)(1) (relating to surrender on tied hands). Additionally, Evolution is being granted a waiver of 58 Pa. Code § 651a.10(2) (relating to payout odds) to allow a winning tie wager to be paid at odds of 11 to 1. All other aspects of Top Card shall be played consistent with 58 Pa. Code § 651a. (Casino War).

Once Temporary Regulations covering Top Card are adopted by the Board and published in the *Pennsylvania Bulletin*, this waiver will expire. If you have any questions or concerns on this matter, please do not hesitate to contact Assistant Chief Counsel, Robert Wood, via email at [REDACTED].

Sincerely,

Kevin F. O'Toole

Kevin F. O'Toole
Executive Director

KFO/rmw

cc: Stephen S. Cook, Chief Counsel, PGCB
Claire Yantis, Administrative Director, PGCB
Paul Resch, Director, Bureau of Gaming Operations, PGCB
Lee Copello, Director, iGaming Compliance, Bureau of Gaming Operations, PGCB
Heather Worner, Director, Office of Gaming Laboratory Operations, PGCB
Chad Zimmermann, Deputy Chief Counsel, PGCB
Robert Wood, Assistant Chief Counsel, PGCB