



PENNSYLVANIA GAMING CONTROL BOARD
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February 13, 2023

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Delivered Via Electronic Mail

Bo Zarach
Manager, Product Compliance
Light & Wonder
6601 Bermuda Road
Las Vegas, NV 89119

RE: Light & Wonder Three Card Poker Progressive Regulations

Dear Ms. Zarach:

On behalf of the Pennsylvania Gaming Control Board ("Board"), I have reviewed your correspondence of January 23, 2023, regarding the regulations concerning Three Card Poker Procedures in 58 Pa Code § 649a.11. Specifically, you expressed a concern regarding § 649a.11(b)(2) (relating to Three or Five-Card Progressive Payout Wagers). As written, §649a.11(b)(2) provides that if a player has made an Ante Wager and a Progressive Wager, but chooses not to make a Play Wager, then the Player will forfeit the Progressive Wager along with the Ante Wager.

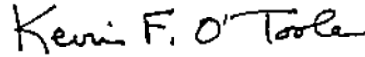
Light and Wonder has requested the Board update its regulations to allow a Player's Progressive Wager to survive an Ante Wager forfeit. In pointing to the procedures under § 649a.11(b)(2), you are concerned that based upon their three card hand, a Player's optimal decision may be to not continue with a Play Wager, but once the two additional community cards are revealed, the Player's forfeited hand would have constituted a winning Five-Card Progressive Wager. Light and Wonder is requesting that the progressive wager survive the decision not to place a Play Wager and forfeiture of the Ante Wager under § 649a.11(b)(2).

The modification requested by Light and Wonder would treat the Three or Five-Card Progressive Payout Wager consistent with the procedures for the Six Card Bonus Wager, the Five Card Hand Bonus Wager, and the 5 of 6 Progressive Payout Wager under § 649a.11(b)(3). After review, it is our view that proposed change does not negatively impact the integrity of gaming, as the proposed gaming procedure provide for a higher return-to-player ("RTP") as compared to the current regulation.

At this time, I grant a waiver of 58 Pa. Code § 649a.11(b)(2) as it relates to the Progressive Payout Wager. The Three or Five Card Progressive Payout shall operate in the same manner as the Six Card Bonus Wager, the Five Card Hand Bonus Wager, and the 5 of 6 Progressive Payout Wager under §649a.11(b)(3).

All other provisions of the Three Card Poker game must operate in accordance with the provisions of Chapter 649a unless additional regulatory waivers are or have been requested and granted. The waivers issued pursuant to this letter shall expire at such time that regulations are adopted by the Board and published in the *Pennsylvania Bulletin*. 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
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 Operations, PGCB
Christopher Schroder, Director, Bureau of Casino Compliance, PGCB
Heather Worner, Director, Office of Gaming Laboratory Operations, PGCB
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Robert Wood, Assistant Chief Counsel, PGCB