



Eckert Seamans Cherin & Mellott, LLC
213 Market Street - 8th Floor
Harrisburg, PA 17101

TEL 717 237 6000
FAX 717 237 6019
www.eckertseamans.com

Alan C. Kohler
717.237.7172
akohler@eckertseamans.com

April 23, 2010

VIA HAND DELIVERY

Richard Sandusky
Director of Regulatory Review
Pennsylvania Gaming Control Board
303 Walnut Street, Strawberry Square
Verizon Tower, 5th Floor
Harrisburg, PA 17106

Re: Joint Comments to Temporary Table Game Rulemaking Nos. 125-114 and 125-115

Dear Mr. Sandusky:

The following Joint Comments in response to the Pennsylvania Gaming Control Board’s (hereinafter the “Board”) temporary table game rulemaking numbers 125-114 and 125-115 are hereby respectfully submitted by Downs Racing, L.P., d/b/a Mohegan Sun at Pocono Downs (“MSPD”), Greenwood Gaming and Entertainment, Inc., t/d/b/a Parx Casino (“GGE”), Penn National Gaming, Inc., t/d/b/a Hollywood Casino at Penn National Race Course (“Penn”), and Sands Bethlehem (“Sands”) (collectively referred to as the “Operators”). The Operators have again come together to present suggestions and common issues of concern to the Board related to its regulation of the gaming industry and specifically the conduct of table games. It is first appropriate to commend the Board’s persistence in encouraging the commencement of table game play and the Board’s continuous efforts to assist operators and other interested parties in the process.

I. INTRODUCTION

The Operators appreciate the opportunity to submit comments and suggestions on how, based on practice and experience, the above-mentioned temporary table game rulemakings may be enhanced to better serve the Commonwealth’s gaming industry. The comments concern the Board’s regulation of minimum and maximum wagers, the posting of rules of the games, the game of Sic Bo and the game of War. Please review and consider the comments submitted herein which are outlined below in detail.

Richard Sandusky
April 23, 2010
Page 2

II. COMMENTS TO RULEMAKING NO. 125-114

A. Chapter 521. General Provisions

- § 521.7(c) – Minimum and maximum wagers. The requirement that operators must pay or lose in its entirety any wager accepted that exceeds the current table maximum will prove to be very dangerous for operators. Such a rule, first without further guidance as to what it means to “accept” a wager, has a high potential of inviting collusion and risky tactics by experienced players. The standard rule is that the operator will pay or take to the posted table maximum. If operators are required to pay any amount wagered, numerous disputes are bound to arise with players. Cheaters come with various strategies including but not limited to late-bet cappers, money counterfeiters and collusive efforts to throw signals to other players, etc. The way the regulation is currently written, operators will be placed at a significant disadvantage if held to enforce such a rule. Operators therefore request that the Board revise this provision to except those wagers which are late or upon investigation, proven to be made in violation of the rules of the game and require the return of those that exceed the posted maximum.
- § 521.8(a) – Rules of the games; notice. In the case of a game that is required to have its rules posted at the gaming table, it is unclear under the current regulation how to comply when the rules of the game are lengthy and will not legibly fit on a posted sign. The Operators propose that this section be amended to provide that if the rules of the game will not physically fit on the posted sign, operators are permitted to make available to patrons a pamphlet containing the rules of the game in accordance with section 521.9(e).

B. Chapter 539. Sic Bo

An understanding and appreciation of the historical origin of the game of Sic Bo provides an important context within which the Operators’ concerns may be considered. In summary, the Operators seek to present and operate the game of Sic Bo in a manner that appeals to its primary customer market.

Sic Bo is a game of Chinese origin, literally meaning “precious dice.” Sic Bo’s genesis has been dated as far back as 1700 B.C. as a game originally played by martial artists during breaks between fights. It was introduced to the United States in the early 20th century by Chinese immigrants. Originally, the game was played by placing dice between an overturned bowl and plate, which were shaken and players would wager on how the dice came to rest. This is why the game is also referred to as “dice-in-a-bowl.”

Richard Sandusky
April 23, 2010
Page 3

The defining feature of Sic Bo that distinguishes it from its many variations (such as “chuck-a-luck” and “grand hazard”) is that the dice are covered and remain hidden from view until after they have been shaken, settled and wagers have been placed. Customarily, the dice are shaken before wagers are placed and remain covered until after the wagers have been made. This defining feature is important because it is traditionally believed the player’s “luck” or “good fortune” will guide the player to place his or her wager based on the undisclosed outcome of the dice. In other words, even though the dice remain covered, “good fortune” will guide the player’s bet because the dice’s outcome has already been determined, though not visually disclosed.

It has been the Operators’ experience in other jurisdictions that any change that either uncovers the dice prior to the wager or requires the placing of the bet prior to the dice being shaken and settled, will adversely impact the game’s popularity among its primary Asian gaming market demographic. Accordingly, in order to properly present Sic Bo to gaming patrons, the Board is strongly urged to respect the traditional manner in which the game is conducted and modify the temporary rules as follows:

- **Require the covering of the dice shaker and any automatic Sic Bo shaker until after bets are placed.** The Board’s temporary regulation explicitly prohibits the covering of an automatic Sic Bo shaker. See 58 Pa. Code §§ 539.5(e); 539.1(d)(2)(i).
- **Require wagers to be placed before the Sic Bo shaker is uncovered, but after the dice have been shaken and settled.** The temporary rulemaking suggests that wagers are to be completed prior to the shaking of the dice. See 58 Pa. Code § 539.5(b).

The Operators acknowledge that the Board’s temporary regulations related to Sic Bo correspond to regulations from the New Jersey Casino Control Commission as they pertain to the manner in which the game is conducted. However, the Operators strongly urge the Board to depart from the New Jersey model in this respect. Simply put, the New Jersey Sic Bo regulations are wrong and provide an instructive explanation as to why the game has not been well received by Sic Bo players in that jurisdiction. If Sic Bo is to be offered in Pennsylvania, the Operators seek the ability to conduct the game as it has been traditionally presented in order to appeal to its primary gaming market and thus maximize its revenue potential.

III. COMMENTS TO RULEMAKING NO. 125-115

A. Chapter 567. War

- §§ 567.2(c); 567.5(h); 567.7(d); 567.8(b). Operators restate their comments and concerns regarding the physical placement of drop and tip boxes on the gaming

table; not to be required to remove cards from the dealing shoe and the discard rack and spread on the table when there are no players; and the calling out of “no more bets” by the dealer. Operators reiterate that placement of drop and tip boxes on the dealer side of the table with a box on each side of the dealer is impractical due to all of the other equipment required to be used at the gaming table. It should also be pointed out that giving a player the option to request that a batch of cards be removed from the shuffler, be spread out for inspection and reshuffled will also serve to slow down game play especially when abused by disgruntled players and will cause an unnecessary disturbance to the generation of revenue.

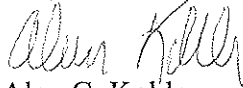
- § 567.7(a) – Wagers. The Board has restricted the placing of cash wagers in the game of War, as well as in Sic Bo (see § 539.4(a)) and Pai Gow (see § 535.7(a)) for example, but not in the games of Minibaccarat (see § 541.8(b)), Midibaccarat (see § 543.8(b)) and Baccarat (see § 545.8(b)). Operators propose that in order to be consistent, the Board should restrict the placing of cash wagers in all games at all times.
- § 567.9(g) – Collection and payment of wagers. The current regulation adopted by the Board directs the dealer to settle all War and “tie” wagers in a clockwise direction starting on the dealer’s left. Other procedures adopted by the Board instruct the dealer to proceed from his/her right in a counterclockwise direction. It is unclear why the direction of the collection of wagers would be different in the game of War. It is suggested by the Operators that the Board remain consistent throughout the games in order to avoid confusion among the players which ultimately facilitates continuous game play and thereby increases revenue.
- § 567.11(a) – Irregularities. The Board’s regulation that when more than one card is found face up in the dealing shoe “all hands shall be void and the cards shall be reshuffled,” does not account for the occurrence of an irregularity of this type where a continuous automated shuffling device is used. The Operators request an expansion of this section to address such situations.

Richard Sandusky
April 23, 2010
Page 5

IV. CONCLUSION

Based on the foregoing comments to Rulemaking Nos. 125-114 and 125-115, as well as the prior comments that have been restated herein, MSPD, GGE, Penn and Sands respectfully request that the Board consider their comments above and adopt the interpretations carefully drafted herein.

Respectfully submitted,



Alan C. Kohler

cc: Robert DeSalvio (Sands)
Robert Green (GGE)
Robert Soper (MSPD)
Mike Bean (MSPD)
Tom Bonner (GGE)
Holly Eicher (Sands)
Rick Robb (Penn)