

1 CALIFORNIA GAMBLING CONTROL COMMISSION
2 **MODIFIED TEXT OF PROPOSED REGULATIONS**
3 **2ND 15-DAY CHANGE**

4 MINIMUM INTERNAL CONTROL STANDARDS (MICS) FOR GAMBLING ESTABLISHMENTS:
5 GAMBLING FLOOR OPERATIONS AND HOUSE RULES
6 CGCC-GCA-2011-02-R

7 TITLE 4. BUSINESS REGULATIONS.

8 DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION.

9 Chapter 7. Conditions of Operation for Gambling Establishments.

10 ARTICLE 1. GENERAL PROVISIONS.

11 **§ 12360. Chapter Definitions.**

12 Except as otherwise provided in Section 12002 of these regulations, ~~the~~ definitions in
13 Business and Professions Code section 19805 govern the construction of this chapter. As used in
14 this chapter:

15 (a) “Gaming activity” has the same meaning as defined in Title 11, CCR, Section 2010,
16 subsection (f).

17 ~~(b) “House proposition player” or “public relations player” means a gambling enterprise~~
18 ~~employee whose duties include, but are not necessarily limited to, playing in controlled poker ~~if~~~~
19 ~~Option 4-b is adopted] games for the purpose of starting or continuing a game.~~

20 (e) “House rules” means a set of written policies and procedures, established by a gambling
21 enterprise, which set general parameters under which that gambling enterprise operates the play
22 of controlled games.

23 ~~(a)(d)(c)~~ “Licensee” means “owner licensee” as defined in Business and Professions Code
24 section 19805, subdivision ~~(ae)~~(ad).

25 ~~(b)(e)(d)~~ “Security department,” means the operational entity within a gambling
26 establishment that is responsible, but not necessarily solely responsible, for patrol of the public
27 areas of the establishment, and to assist in:

- 28 (1) Maintaining order and security;
29 (2) Excluding underage patrons;
30 (3) Responding to incidents involving patrons or others;

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1 (4) Detecting, reporting and deterring suspected illegal activity; and

2 (5) Completing incident reports.

3 ~~(e)~~~~(f)~~~~(e)~~ “Surveillance unit,” means the operational system or entity within a gambling
4 establishment that is responsible for the video recording, as may be specified in Article 3 of this
5 chapter, of all activities required to be under surveillance, monitored and/or recorded pursuant to
6 the Act and this division for the purposes of detecting, documenting and reporting suspected
7 illegal activities, including suspected gambling by persons under 21 years of age, and assisting
8 the personnel of the security department in the performance of their duties.

9 NOTE: Authority cited: Section 19811, 19824, 19840, 19841 and 19924, Business and Professions Code.
10 Reference: Section 19805, 19841, 19860 and 19924, Business and Professions Code.

11
12 ARTICLE 3. MINIMUM INTERNAL CONTROL STANDARDS (MICS) FOR GAMBLING
13 ESTABLISHMENTS.

14 **§ 12391. Gambling Floor Operation.**

15 (a) The policies and procedures for all Tiers shall meet or exceed the following standards for
16 gambling floor operation:

17 (1) Except as provided in Business and Professions Code sections 19844, 19845, 19861 and
18 19921, all areas of the gambling establishment in which controlled games and gaming activity
19 are being conducted shall be open to the public.

20 **OPTION 1-a:** ~~[If Option 3-a is adopted]~~

21 ~~(2)(A) Each licensee employing house proposition players shall prominently display a sign or~~
22 ~~signs clearly legible from each gambling table which states: “This gambling enterprise employs~~
23 ~~house proposition players.”~~

24 ~~(B) A current list of all house proposition players shall be maintained at the cage, or at~~
25 ~~another suitable location on the gambling floor, and shall be readily available for inspection,~~
26 ~~upon request, by the Bureau.~~

27 **OR**

28 **OPTION 1-b:** ~~[If Option 3-b is adopted]~~

29 ~~(2)(A) Each licensee employing house proposition players shall identify those players upon~~

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1 request and shall display a sign or signs clearly legible from each gambling table which states:
2 “This gambling enterprise employs house proposition players. House proposition players shall
3 be identified by management upon request.”

4 (B) A current list of all house proposition players shall be maintained at the cage, or at
5 another suitable location on the gambling floor, and shall be readily available for inspection,
6 upon request, by patrons, the Bureau, and the Commission.

7 (2)(A) [(C) if either Option 1-a or 1-b is adopted] All house proposition players shall be
8 gambling enterprise employees and employment records for each individual engaged as a house
9 proposition player shall be maintained in the same manner as for all other gambling enterprise
10 employees. [Delete the next two sentences if Option 2-b is adopted] The licensee shall comply with all
11 applicable provisions of law affecting the employment of any gambling enterprise employee,
12 including but not limited to, section 2802 of the Labor Code. Reimbursement, pursuant to
13 section 2802, of any necessary expenses incurred by a house proposition player in the course of
14 the performance of his or her duties shall not be construed as providing house funds within the
15 meaning of subparagraph (B) of paragraph (3), or of paragraph (10). -- [Delete the next sentence
16 if either Option 2-a or 2-b is adopted and the house proposition player is not allowed to retain any net
17 winnings] For the purpose of minimizing a licensee’s interest, whether direct or indirect, in the
18 outcome of a game, the licensee shall enter into a written agreement with each house proposition
19 player which provides that any net winnings generated in the course of the performance of his or
20 her duties as a house proposition player shall be retained by that player. -- The licensee shall
21 enter into a written agreement with each house proposition player which defines the scope of
22 employment as a house proposition player by addressing the manner in which the employee
23 performs his or her duties, which may include limitations or prohibitions on play past a specified
24 point in a game. Copies of any written agreements shall be provided to the Bureau in
25 accordance with Title 11, CCR, Section 2060, subsection (a).

26 **OPTION 2-a:**

27 (3) A licensee may either stake its house proposition players, paragraph (10)
28 notwithstanding, or require its house proposition players to use only personal funds, for
29 wagering in controlled [poker If Option 4-b is adopted] games in the course of the performance of

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1 their duties as house proposition players, subject to the following conditions:

2 (A) If a house proposition player is staked by the licensee, the following conditions shall
3 apply:

4 1. All house funds provided to and returned from a house proposition player shall be
5 processed through a cage, separately accounted for, documented and itemized in the cage
6 reconciliations provided for in Section 12386:

7 2. The funds shall not be provided as or constitute a loan or credit and no interest or fees
8 may be charged for their use:

9 3. The funds provided may only be used by the house proposition player for wagering in the
10 course of the performance of his or her duties as a house proposition player:

11 4. The house proposition player shall not be permitted to use his or her personal funds for
12 wagering in the course of the performance of his or her duties as a house proposition player:
13 and

14 **OPTION 2-a-i:**

15 5. The funds provided to a house proposition player shall be reconciled no less often
16 than [at the conclusion of each pay period] [monthly] [bi-monthly]. The reconciliation
17 shall include the ins, outs, fills and credits, and all drop fees attributable to the house
18 proposition player's play shall be deducted from the resulting balance. If, after that
19 reconciliation, there is an amount identified in excess of the total amount provided, that
20 excess amount shall not be retained by the licensee or the house proposition player. The
21 licensee shall include in its policies and procedures a method or methods for distributing
22 any excess funds to patrons.

23 **OR**

24 **OPTION 2-a-ii:**

25 5. The funds provided to a house proposition player shall be reconciled no less often
26 than [at the conclusion of each pay period] [monthly] [bi-monthly]. The reconciliation
27 shall include the ins, outs, fills and credits, and all drop fees attributable to the house
28 proposition player's play shall be deducted from the resulting balance. If, after that
29 reconciliation, there is an amount identified in excess of the total amount provided, that

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1 excess amount shall be retained by the house proposition player as provided in
2 subparagraph (C) of paragraph (2).

3 (B) If a house proposition player is required to use only his or her personal funds for
4 wagering in the course of the performance of his or her duties as a house proposition player, the
5 licensee shall not provide house funds to that house proposition player for the purpose of playing
6 in those games, and the following conditions shall apply:

7 1. The purchase of chips by a house proposition player for use in the course of the
8 performance of his or her duties as a house proposition player, whether made directly through a
9 cage or through a designated gambling enterprise employee on the gambling floor, shall be
10 separately accounted for, documented and itemized in the cage reconciliations provided for in
11 Section 12386;

12 2. The redemption of chips by a house proposition player that were purchased for use in the
13 course of the performance of his or her duties as a house proposition player shall only be
14 processed through a cage and shall be separately accounted for, documented and itemized in the
15 cage reconciliations provided for in Section 12386;

16 3. A house proposition player may deposit his or her personal funds in a player's bank for
17 use in the course of the performance of his or her duties as a house proposition player. Any
18 player's bank established for that purpose shall be used exclusively for that purpose and shall be
19 segregated from any other player's bank established by that house proposition player or any
20 other individual; and

21 4. The house proposition player's winnings and losses shall be reconciled no less often than
22 [at the conclusion of each pay period] [monthly] [bi-monthly];

23 **OR**

24 **OPTION 2-b:**

25 (3) All house proposition players shall be staked by the licensee, paragraph (10)
26 notwithstanding, subject to the following conditions:

27 (A) All house funds provided to and returned from a house proposition player shall be
28 processed through a cage, separately accounted for, documented and itemized in the cage
29 reconciliations provided for in Section 12386;

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1 ~~(B) The funds shall not be provided as or constitute a loan or credit and no interest or fees~~
2 ~~may be charged for their use;~~

3 ~~(C) The funds provided may only be used by the house proposition player for wagering in the~~
4 ~~course of the performance of his or her duties as a house proposition player;~~

5 ~~(D) The house proposition player shall not be permitted to use his or her personal funds for~~
6 ~~wagering in the course of the performance of his or her duties as a house proposition player;~~
7 ~~and~~

8 **OPTION 2-b-i:**

9 ~~(E) The funds provided to a house proposition player shall be reconciled no less often~~
10 ~~than [at the conclusion of each pay period] [monthly] [bi-monthly]. The reconciliation~~
11 ~~shall include the ins, outs, fills and credits, and all drop fees attributable to the house~~
12 ~~proposition player's play shall be deducted from the resulting balance. If, after that~~
13 ~~reconciliation, there is an amount identified in excess of the total amount provided, that~~
14 ~~excess amount shall not be retained by the licensee or the house proposition player. The~~
15 ~~licensee shall include in its policies and procedures a method or methods for distributing~~
16 ~~any excess funds to patrons.~~

17 **OR**

18 **OPTION 2-b-ii:**

19 ~~(E) The funds provided to a house proposition player shall be reconciled no less often~~
20 ~~than [at the conclusion of each pay period] [monthly] [bi-monthly]. The reconciliation~~
21 ~~shall include the ins, outs, fills and credits, and all drop fees attributable to the house~~
22 ~~proposition player's play shall be deducted from the resulting balance. If, after that~~
23 ~~reconciliation, there is an amount identified in excess of the total amount provided, that~~
24 ~~excess amount shall be retained by the house proposition player as provided in~~
25 ~~subparagraph (C) of paragraph (2).~~

26 **OR**

27 **OPTION 2-c:**

28 ~~(3) A licensee shall not provide house funds to any house proposition player for the purpose~~
29 ~~of playing in any controlled [poker if Option 4-b is adopted] game in the course of the performance~~

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1 of his or her duties as a house proposition player. All house proposition players shall be
2 required to use only his or her personal funds for wagering in controlled [poker if Option 4-b is
3 adopted] games in the course of the performance of his or her duties as a house proposition
4 player, subject to the following conditions:

5 (A) The purchase of chips by a house proposition player for use in the course of the
6 performance of his or her duties as a house proposition player, whether made directly through a
7 cage or through a designated gambling enterprise employee on the gambling floor, shall be
8 separately accounted for, documented and itemized in the cage reconciliations provided for in
9 Section 12386;

10 (B) The redemption of chips by a house proposition player that were purchased for use in the
11 course of the performance of his or her duties as a house proposition player shall only be
12 processed through a cage and shall be separately accounted for, documented and itemized in the
13 cage reconciliations provided for in Section 12386;

14 (C) A house proposition player may deposit his or her personal funds in a player's bank for
15 use in the course of the performance of his or her duties as a house proposition player. Any
16 player's bank established for that purpose shall be used exclusively for that purpose and shall be
17 segregated from any other player's bank established by that house proposition player or any
18 other individual; and

19 (D) The house proposition player's winnings and losses shall be reconciled no less often than
20 [at the conclusion of each pay period] [monthly] [bi-monthly];

21 (4) When on duty and playing in a ~~controlled~~ poker [if Option 4-b is adopted] game on the
22 premises of the gambling establishment for which he or she is employed, a "house proposition
23 player" or "public relations player" shall:

24 **OPTION 3-a:**

25 (A) Hold a valid work permit or key employee license, and prominently display on his or her
26 person, the work permit or key employee badge issued by the Commission or a local jurisdiction;

27 **OR**

28 **OPTION 3-b:**

29 (A) Hold a valid work permit or key employee license, and ~~prominently display~~ have on his

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1 or her person, the work permit or key employee badge issued by the Commission or a local
2 jurisdiction;

3 (B) Comply with all house and game rules applicable to the game being played;

4 (C) Comply with all laws and regulations applicable to the game being played;

5 **OPTION 4-a:**

6 ~~(D) Not accept the deal in any controlled game with a rotating player dealer~~ occupy the
7 player dealer position in any California games;

8 **OR**

9 **OPTION 4-b:**

10 ~~(D) Not accept the deal in any controlled game with a rotating player dealer~~ participate in
11 any California games;

12 ~~(E) Not use house funds to wager bets in the play of controlled games;~~

13 ~~(F) Not be the house dealer for the game being played; and~~

14 **OPTION 5-a:**

15 ~~(G) Leave the table when a waiting list exists for the game being played. Not participate in~~
16 or be eligible to receive any proceeds, benefits or winnings from any gaming activity.

17 **OR**

18 **OPTION 5-b:**

19 ~~(G) Leave the table when a waiting list exists for the game being played.~~

20 **OPTION 6-a:**

21 ~~(3) An owner of a gambling enterprise who chooses to play controlled games on the premises~~
22 ~~of his or her own gambling establishment, and any key employee or employee of a gambling~~
23 ~~enterprise, other than a “house prop player” or “public relations player,” who chooses to play~~
24 ~~controlled games on the premises of the gambling establishment for which he or she is~~
25 ~~employed, shall comply with all house and game rules applicable to the game being played and~~
26 ~~all laws and regulations applicable to the play of controlled games.~~

27 **OR**

28 **OPTION 6-b:**

29 ~~(3) An owner of a gambling enterprise who chooses to play controlled poker~~ if Option 4-b is

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1 ~~adopted] games on the premises of his or her own gambling establishment, and any key employee~~
2 ~~or employee of a gambling enterprise, other than a “house prop player” or “public relations~~
3 ~~player,” who chooses to play controlled games on the premises of the gambling establishment for~~
4 ~~which he or she is employed, shall only use personal funds, shall not retain any winnings and~~
5 ~~shall be subject to and comply with all house and game rules applicable to the game being played~~
6 ~~and all laws and regulations applicable to the play of controlled games the conditions specified in~~
7 ~~subparagraphs (B) through and including (F) of paragraph (4). [Include the following sentence if~~
8 ~~Option 4-b is adopted] No owner of a gambling enterprise and no gambling enterprise employee~~
9 ~~may play in any California game on the premises of his or her own gambling establishment or~~
10 ~~the gambling establishment for which he or she is employed.~~

11 **OR**

12 **OPTION 6-c:** ~~[If Option 4-b is adopted]~~

13 ~~(34) An owner of a gambling enterprise who chooses to play controlled games on the~~
14 ~~premises of his or her own gambling establishment, and any key employee or employee of a~~
15 ~~gambling enterprise, other than a “house prop player” or “public relations player,” who chooses~~
16 ~~to play controlled games on the premises of the gambling establishment for which he or she is~~
17 ~~employed, shall comply with all house and game rules applicable to the game being played and~~
18 ~~all laws and regulations applicable to the play of controlled games~~ *No owner of a gambling*
19 *enterprise and no gambling enterprise employee may play in any California game on the*
20 *premises of his or her own gambling establishment or the gambling establishment for which he*
21 *or she is employed.*

22 ~~(45)(2)~~ No licensee or employee of a gambling enterprise shall, as a consequence of an
23 employee’s refusal to play a controlled game, coerce, take or threaten to take any action
24 adversely affecting the terms and conditions of employment for that employee. ~~This paragraph~~
25 ~~does not apply to “house proposition players” or “public relations players” whose duties include~~
26 ~~the play of **controlled** poker [If Option 4-b is adopted] games.~~ This paragraph does not create any
27 new civil liability.

28 ...

29 **OPTION 1-a:**

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1 ~~(5)(3)~~ (3) A licensee shall, ~~in written or electronic form~~ either in writing or electronically,
2 maintain the following information, by shift and by date:

3 (A) The gaming tables that were open;

4 (B) The name and Bureau approval number for each of the controlled games that were played
5 and the collection rate(s) at each open gaming table;

6 (C) The total amount of time that each gaming table was in use; and

7 (D) The names of the “house dealers” that were assigned to work the gaming tables.

8 ~~(6)(4)~~ (4) The information ~~required by~~ specified in paragraph (5) shall be made available to the
9 Bureau within ~~two hours of~~ a reasonable period of time, but no later than the licensee’s normal
10 close of administrative business operations on the next workday, following the Bureau’s request,
11 ~~when the request is made during normal business hours. If the Bureau’s request is made after~~
12 ~~normal business hours, the information shall be made available to the Bureau no later than two~~
13 ~~hours after the start of the next business day.~~

14 **OR**

15 **OPTION 1-b:**

16 ~~(5) A licensee shall, in written or electronic form, maintain the following information, by~~
17 ~~shift and by date:~~

18 ~~(A) The gaming tables that were open;~~

19 ~~(B) The controlled games that were played and the collection rate(s) at each open gaming~~
20 ~~table;~~

21 ~~(C) The total amount of time that each gaming table was in use; and~~

22 ~~(D) The names of the “house dealers” that were assigned to work the gaming tables.~~

23 ~~(6) The information required by paragraph (5) shall be made available to the Bureau within~~
24 ~~two hours of following the Bureau’s request when the request is made during normal business~~
25 ~~hours. If the Bureau’s request is made after normal business hours, the information shall be~~
26 ~~made available to the Bureau no later than two hours after the start of the next business day.~~

27 ...

28 ~~(7)(5)~~ (5) A licensee shall not have in any room or combination of rooms where controlled
29 games or gaming activities are being conducted, more gaming tables than the total number of

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1 tables the licensee is authorized to operate, unless all excess gaming tables are covered or
2 prominently labeled as being non-operational and are under continuous recorded video
3 surveillance, in accordance with paragraph (1), subsection (a) of Section 12396.

4 ~~(8)(6) The purchase sale or redemption of chips shall be transacted only by those designated~~
5 ~~gambing enterprise employees who have received the training required by section 103.64 of~~
6 ~~Title 31 of the Code of Federal Regulations. A licensee shall have policies and procedures in~~
7 ~~place to ensure compliance with Section 12404 of Article 4.~~

8 ~~(9)(10) Except as otherwise provided in this section or Section 12388, a licensee shall not~~
9 ~~provide house funds for the purpose of playing a controlled game to any person, other than to a~~
10 ~~patron in connection with an approved gaming activity; for the purposes of playing a controlled~~
11 ~~game, including but not limited to any of the following:~~

12 ~~(A) Any person who holds a license associated with the gambling enterprise, issued pursuant~~
13 ~~to the Act or this division;~~

14 ~~(B) Any employees of the gambling enterprise, whether on or off duty;~~

15 ~~(C) Any patrons of the gambling establishment, except for the purposes of participating in an~~
16 ~~approved gaming activity;~~

17 ~~(D) Any contract employees of the gambling enterprise, except payments made to a third-~~
18 ~~party provider of proposition player services in accordance with a Bureau approved contract,~~
19 ~~pursuant to Section 12200.9; and~~

20 ~~(E) Any business entity that sponsors any gaming activity or tournament operated by the~~
21 ~~licensee.~~

22 (b) In addition to the requirements of subsection (a), the policies and procedures for Tiers III
23 through and including V shall include standards for gambling floor operations that provide for,
24 Title 11, CCR, Section 2050 notwithstanding, at least one licensee or key employee to be on the
25 premises at all times that the gambling establishment is open to the public to supervise the
26 gambling operation and ensure immediate compliance with the Act and these regulations.

27 (c) Licensees shall establish and implement the applicable standards for gambling floor
28 operations specified in subsections (a) and (b) no later than [the first day of the first full month
29 six months following the effective date of this section].

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1 NOTE: Authority cited: Sections 19801(l), 19811, 19826(f) and (g), 19840, 19841, 19861, 19920 and 19984,
2 Business and Professions Code. Reference: Sections 19801(a), (g), (h), (j) and (l), 19805(c), 19823, 19826(g),
3 19841(b), (d), (g)(2), (h), (k), (o) and (p), 19861, 19914(a)(2), 19920, 19924 and 19984, Business and Professions
4 Code; Sections 330 and 330.11, Penal Code.

5
6 **§ 12392. House Rules.**

7 The policies and procedures for all Tiers shall meet or exceed the following standards for
8 house rules:

9 (a) A licensee shall adopt and implement general house rules, written, at a minimum, in
10 English, which promote the fair and honest play of all controlled games and gaming activity, and
11 which at a minimum:

12 (1) Allow for the operation of only those games that are permitted by local ordinance and
13 state and federal laws and regulations;

14 ~~(2) Address player conduct and etiquette and general rules so as to promote the orderly~~
15 ~~conduct and control of controlled games and gaming activities;~~

16 ...

17 **OPTION 2-a:**

18 ~~(3) Include provisions that discourage players, during the play of a hand, from speaking in a~~
19 ~~language, or using any other form of communication, that is not understood by all persons at the~~
20 ~~gaming table collusion, which may include provisions for a specific spoken language and player~~
21 ~~communication generally, at a table during the play of a hand;~~

22 **OR**

23 **OPTION 2-b:**

24 ~~(3) Include provisions that discourage are designed to deter collusion; players, during the~~
25 ~~play of a hand, from speaking in a language, or using any other form of communication, that is~~
26 ~~not understood by all persons at the gaming table;~~

27 ...

28 ~~(4) Shall be in addition to, and shall not conflict with, the game rules approved by the Bureau~~
29 ~~for each controlled game or gaming activity; and,~~

30 ~~(5) Where applicable during the play of any controlled game or gaming activity, shall~~

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- 1 address the following:
- 2 (A) ~~Customer~~ Player conduct,
- 3 (B) Table policies,
- 4 (C) Betting and Raising,
- 5 (D) “Misdeals,”
- 6 (E) Irregularities,
- 7 (F) “The Buy-In,”
- 8 (G) “Tied Hands,”
- 9 (H) “The Showdown,”
- 10 (I) “House Way,”
- 11 (J) Player Seating and Seat Holding, and
- 12 (K) Patron Disputes.
- 13 (b) A licensee’s house rules shall be in addition to, and shall not conflict with, the game rules
- 14 approved by the Bureau for any controlled game or gaming activity.
- 15 (~~b~~c) A licensee’s house rules must be readily available and provided upon request to patrons
- 16 and the Bureau.
- 17 (~~e~~d) Licensees shall establish and implement the applicable standards for house rules
- 18 specified in subsections (a) and (b) no later than [*the first day of the first full month six months*
- 19 *following the effective date of this section*].
- 20 NOTE: Authority cited: Sections 19801(~~l~~), 19811, 19826 (f) and (g), 19840, 19841 and 19920, Business and
- 21 Professions Code. Reference: Sections 19801(g) and (h), 19823, 19826(g), 19841(b), (h), (o), and (p), and 19920,
- 22 Business and Professions Code.

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