

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



BUREAU OF GAMBLING CONTROL
2450 DEL PASO ROAD, SUITE 100
SACRAMENTO, CA 95834

June 4, 2020

Michael Allen
Senior Planner, Planning Division
City of Napa Community Development Department
1600 First Street
Napa, CA 94559

Re: City of Napa - Cardroom Proposed Ordinance Amendments

Dear Mr. Allen:

On April 20, 2020, the Bureau of Gambling Control (Bureau) received your email along with a copy of the proposed amendments to the City of Napa (City) Municipal Code. The City's proposed amendments were submitted to the Bureau for review in conformance with Business and Professions Code section 19961.1.¹ The Bureau offers the following comments regarding the proposed amendment to Section 5.16.140 (Card Rooms, Limitations on authorized tables).

Authorized Number of Card Tables

The City proposes to amend Section 5.16.140, which currently provides that the maximum number of tables allowed in the City and in a gambling establishment (cardroom) shall be five. The City proposes to amend that section to increase the table limit from five to nine.

Section 19961 authorizes, without a vote of the electors, an increase in the number of tables allowed in a jurisdiction or in a cardroom by no more than 25 percent when compared to that authorized on January 1, 1996. (Section 19961, subds. (a)(2), (b)(1), (b)(3).) Section 19965 provides that, notwithstanding Section 19961 and 19962, if the ordinance in effect on July 1, 2007 provided for a cardroom table limit of five to eight tables, a local jurisdiction may be amended to allow an increase of three tables.

The City's proposed amendments increasing the table limit from five tables to nine tables appears to be permissible.²

¹ All statutory references are to the Business and Professions Code.

² The Bureau notes that at least one California court has found that Section 19965, as well as Section 19961.06, only allows for an increase in gambling establishment table limits, and does not operate to allow a coinciding increase in the jurisdictional table limit. (See *Yang v. State of California (Gambling Control Commission)*, County of

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Please be advised that while the Bureau is required to provide comments on proposed amendments to ordinances governing the operation of gambling establishments, the California Gambling Control Commission is vested with the sole authority to determine whether a gambling establishment's request for an increase in gaming tables is approved. (See Bus. & Prof. Code, § 19841, subd. (p); Cal. Code Regs., tit. 4, § 12359.)

If you have any questions, please contact Analyst Kenneth Larsen at (916) 559-6103 or kenneth.larsen@doj.ca.gov. Thank you for your cooperation regarding this matter.

Sincerely,



BRENT Y. JO
Deputy Attorney General

For XAVIER BECERRA
Attorney General

Sacramento Superior Court Case No. 34-2017-80002744.) That court held that Business and Professions Code sections 19961.06 and 19965 provide only for increases in *gambling establishment table limits*, and that the *jurisdictional table limit* is subject to the limitations contained in Business and Professions Code section 19961, subdivision (a)(2). On January 9, 2020, and February 27, 2020, the Commission approved gambling establishment table increase requests in the manner that it had prior to the *Yang* decision. When discussing those table increase requests at the January 9, 2020 meeting, the Commission Chair appeared to reference the *Yang* decision, and indicated that table increase requests would be approved consistent with the Commission's past interpretation of the Gambling Control Act. This interpretation is reflected in this letter.