



§ 502.11.<sup>1</sup> To the extent that pai gow, pai gow poker, pan 9, and other card games (excluding blackjack, chemin de fer, and baccarat) are played using the above described betting format, it is the view of the NIGC that such games are not banking games as that term has been defined in the regulations of the NIGC. However, as the court noted in City of Bell Gardens, "if a rule change [for pai gow] permitted a player to take all comers, pay all winners, and collect from all losers, the game would, under the Sullivan definition, be a banking game." 283 Cal. Rptr. at 94. Likewise, such a rule change would make pai gow or such other card games house banking games as that term is defined in regulations of the NIGC.

This clarification in no way alters the determination of the NIGC that player banked blackjack is a banking card game thereby falling within class III gaming. The IGRA expressly prohibits the game of blackjack from class II gaming. 25 U.S.C. § 2703(7)(b)(i).

If you have any questions, please do not hesitate to contact the legal staff at (202) 632-7003.

Sincerely,

*/s/ Harold A. Monteau*

Harold A. Monteau  
Chairman

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<sup>1</sup> "House banking means any game of chance that is played with the house as a participant in the game, where the house takes on all players, collects from all losers, and pays all winners, and the house can win.