

PROPOSED RULEMAKING

MILK MARKETING BOARD

[7 PA. CODE CH. 143]

Transactions Between Dealers and Producers; Termination of Dealer-Producer Contract

The Milk Marketing Board (Board) proposes to amend § 143.31 (relating to written notice required) and proposes to delete § 143.32 (relating to forfeit use of notice rights) to read as set forth in Annex A.

Effective Date

This proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Section 301 of the Milk Marketing Law (act) (31 P.S. § 700j-301) gives the Board the authority to “supervise, investigate and regulate the entire milk industry of the Commonwealth, . . . including the purchase and sale of milk. . . in this Commonwealth, and including the establishment of reasonable trade practices. . . .” Section 307 of the act (31 P.S. § 700j-307) gives the Board the authority to adopt and enforce regulations necessary or appropriate to carry out the provisions of the act.

Purpose and Explanation

This proposed rulemaking extends the current 28 day notice requirement to terminate a dealer-producer relationship to 90 days. It also provides for waivers to address situations where a 90 day notice would financially imperil a milk dealer.

At the beginning of March 2018 approximately 27 independent dairy farmers of this Commonwealth received termination notices from the milk dealer purchasing their milk. These producers received 90 days’ notice that their agreements would be terminated, yet many had difficulty finding new markets. One purpose of this proposed rulemaking is to provide additional time for dairy farmers to find an alternative market when they lose their current market.

In the case of the 27 producers that received notices in March 2018, their dealer could not, from a financial and economic standpoint, continue to purchase their milk. The exceptions to the 90 day notice requirement in this proposed rulemaking are intended to provide a shorter notice period in the case of a dealer’s financial hardship, business loss or catastrophic event. The exceptions also provide for a dealer to make a charitable donation of packaged milk and maintain its purchasing agreement with a producer.

This proposed rulemaking is intended to provide additional time to producers in a manner that minimizes adverse impact on milk dealers.

Description of Proposed Amendments

Section 143.31(a) is proposed to be amended to increase the required notice period to terminate a dealer-producer purchasing agreement from 28 days to 90 days.

Section 143.31(c) is proposed to be added to provide an exception to the 90 day notice requirement for dealers in “financial distress.” Financial distress is determined objectively by calculating the dealer’s Ohlson O-score. The O-Score was developed in the 1980s using financial

information from over 2,000 companies. It is generally considered to be more accurate than its predecessor, the Altman Z-score, which was developed in the 1960s using information from just 66 companies. The O-Score was selected as the primary objective metric for determination of dealer financial distress because of its reliability (consistent results over time) and validity (accurate results over time) in financial accounting since 1980. It is a result of a 9-factor linear combination of business-related ratios readily obtained through milk dealer financial statements currently filed with the Board by milk dealers on an annual basis. The O-Score is significantly more reliable than its predecessors as it was derived from a study of over 2,000 companies; it has over 90% accuracy. The O-Score provides an accurate determination of dealer financial distress to be used in a review of dealer applications for waiver of the 90 day producer termination notice requirement.

Section 143.31(d) is proposed to be added as an objective backup to address cases of potential dealer financial distress that are not captured in the O-score.

Section 143.31(e) is proposed to be added to provide an exception to the 90 day notice requirement for dealers not in financial distress but which lose customers and/or sales resulting in potential financial distress if required to continue to make producer purchases for which there is no customer for the packaged milk.

Section 143.31(f) is proposed to be added to provide an opportunity for milk dealers with producer milk purchase obligations in excess of customer sales to make a charitable donation of the associated excess packaged milk rather than to terminate producers. This section is not intended to limit or affect other charitable contributions that milk dealers make.

Section 143.31(g) is proposed to be added to provide an exception to the 90 day notice requirement when a dealer suffers a sudden and large scale (catastrophic) event affecting its ability to handle, process or sell/deliver packaged milk products.

Section 143.31(h) is proposed to be added to clarify when the exceptional 28 day notice requirement begins.

Sections 143.31(i) and (k) are proposed to be added to clarify that the notice period does not apply when contracts between dairy farmers and their cooperatives, and producers and dealers, respectively provide for a different notice requirement.

Section 143.31(k) is proposed to be added because a common issue raised by producers who received termination notices in March 2018 was that they did not know who to contact for assistance.

Section 143.32 is proposed to be deleted. As milk marketing conditions have changed and evolved, and continue to change and evolve, there is a likelihood that a producer may be selling some of its milk to a dealer while also processing, packaging and selling its own milk at its farm. At one time, exempting those producers from receiving notice may have been appropriate, but the Board has determined that current conditions are such that these producers should receive the same notice as other producers.

Public Hearing

As the result of a petition from the Department of Agriculture to extend the termination notice period, the

Board held a public hearing on July 2, 2018. Notice of the hearing was published in the *Pennsylvania Bulletin* on May 19, 2018. The Board also provided notice on May 7, 2018, by means of the Board Bulletin to parties who have requested notice of Board hearings by means of e-mail or first class mail, or both.

The following parties testified at the hearing or provided written comments, or both, as part of the hearing: Department of Agriculture, Pennsylvania Center for Dairy Excellence, Milk Marketing Board Staff, Progressive Dairymen’s Cooperative, United Ag Services, Rutter’s Dairy, Harrisburg Dairies, Pennsylvania Association of Dairy Cooperatives, Progressive Agriculture Organization, National Family Farm Coalition, Dairy Farmer Nelson Troutman, Melissa Bravo, Pennsylvania Farm Bureau and Pennsylvania Association of Milk Dealers.

After the hearing the Board worked with the Pennsylvania Association of Milk Dealers to draft the sections providing exceptions to the 90 day notice requirement. The Pennsylvania Association of Milk Dealers also tested the Ohlson O-score and the Dun and Bradstreet Quick Ratios.

Fiscal Impact

This proposed rulemaking would have little fiscal impact on this Commonwealth, its political subdivisions or the public.

Exceptions to the amended 90 day notice requirement that would allow milk dealers to essentially provide the current 28 day notice requirement would not be effective for up to 10 business days after a dealer requests the exception. Therefore, there is the possibility that a dealer may be required to purchase producer milk for up to 10 business days longer under the proposed amendments than dealers are currently required. The cost associated with purchasing milk is different for each dealer and is based on many factors, including, but not limited to, utilization, location, monthly milk price and volume purchased. Given the uncertainties, a precise quantification of this impact is not possible, but at a minimum could be as much as \$14,000.

Paperwork Requirements

This proposed rulemaking was drafted in consultation with the Pennsylvania Association of Milk Dealers in a manner that would require no additional paperwork requirements.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 1, 2019, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections about this proposed rulemaking to Doug Eberly, Chief Counsel, Pennsylvania Milk Marketing Board, 2301 North Cameron Street, Harrisburg PA 17110, or by e-mail to ra-pmmb@pa.gov within 30 days after publication in the *Pennsylvania Bulletin*. Individuals who require this information in a different format may call (717) 787-4194 or (800) 654-5984 which is the Pennsylvania AT&T Relay Service for TDD users.

ROBERT N. BARLEY,
Chairperson

Fiscal Note: 47-18. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART VI. MILK MARKETING BOARD

CHAPTER 143. TRANSACTIONS BETWEEN DEALERS AND PRODUCERS

TERMINATION OF DEALER—PRODUCER CONTRACT

§ 143.31. Written notice required.

(a) [**No dealer shall terminate his contract or purchasing agreement with a producer and no producer shall terminate his contract or selling agreement with a dealer except by giving such producer or dealer at least a 28-day written notice before termination. The dealer shall specify in such notice the reasons for termination and shall pay in full the producer whose contract has been terminated by the 20th day of the following month.]**

No dealer shall terminate its contract or purchasing agreement or ordinary continuance of a previous course of dealing with a producer except by giving such producer at least a 90-day written notice before termination. No producer shall terminate its contract or purchasing agreement or ordinary continuance of a previous course of dealing with a dealer except by giving such dealer at least a 90-day written notice before termination. The period of notice shall begin when the producer or dealer receives the notice. The dealer shall specify in such notice the reasons for termination and shall pay in full the producer whose contract has been terminated by the 20th day of the following month. If a dealer petitions for a shorter notice period, the notice to the producer must inform the producer that the dealer is petitioning for the shorter notice period.

(b) Repetitions of the causes set forth in § 143.44 (relating to rejection of producer’s milk) may, however, cause termination of the contract without the requisite notice.

(c) A dealer may terminate a contract or purchasing agreement or ordinary continuance of a previous course of dealing with a producer by giving a 28-day written notice if the dealer is in financial distress. “Financial distress” means an Ohlson O-score of 0.5 and higher. The dealer’s Ohlson O-score shall be calculated as follows:

$$O = -1.32 - 0.407\log(TA_t/GNP) + 6.03TL_t/TA_t - 1.43 WC_t/TA_t + 0.0757 CL_t/CA_t - 1.72X - 2.37NI_t/TA_t - 1.83FFO_t/TL_t = 0.285Y - 0.521(NI_t - NI_{t-1})/(|NI_t| + |NI_{t-1}|)$$

where TA = total assets

GNP = Gross National Product price index level found at <https://fred.stlouisfed.org/series/A001RG3A086NBEA>

TL = total liabilities

WC = working capital = (current assets) – (current liabilities)

CL = current liabilities

CA = current assets

X = 1 if TL > TA, 0 otherwise

NI = net income after taxes

FFO = cash flow from operating activities

Y = 1 if a net loss for the last two years, 0 otherwise

t = most recent year data

t – 1 = prior year data

The Board shall complete its computation and review of the Ohlson O-score, and notify the dealer and affected producers, within 10 business days of receiving the necessary documentation from a dealer. “Necessary documentation” is the Balance Sheet and Statement of Operations found in the Milk Dealer’s Financial Statement (PMMB-60), and the Statement of Cash Flows prepared annually with the dealer’s financial statements.

(d) A dealer may terminate a contract or purchasing agreement or ordinary continuance of a previous course of dealing with a producer by giving a 28-day written notice if the dealer’s Ohlson O-score is between -1.0 and 0.5 if any 3 of the following five solvency ratio conditions are met

i. Quick ratio less than or equal to 0.6, where quick ratio = (cash on hand + accounts receivable)/current liabilities;

ii. Current ratio less than 1.0, where current ratio = current assets/current liabilities;

iii. Current liabilities/total equity greater than 2/3;

iv. Total liabilities/total equity greater than 1.0;

v. Fixed assets/total equity greater than 3/4.

(e) A dealer may terminate a contract or purchasing agreement or ordinary continuance of a previous course of dealing with a producer by giving a 28-day written notice if the dealer has raw milk volumes for which there are insufficient customer sales. Raw milk volumes for which there are insufficient customer sales shall be determined as follows:

(1) Identify sales reductions or customer losses experienced within any 90-day rolling period;

(2) Document weekly average sales history in pounds for the customer(s) decreased volume or for the lost customer(s) based on a 26-week rolling average, or a lesser time period if such customer was a customer for less than 26 weeks or was a school(s) and the school contract was lost during the school year;

(3) Affirm that good faith efforts were made to replace the lost sales;

(4) If the lost sales calculated according to subsection (e)(2) above amount to at least 40,000 pounds or 3% of raw milk receipts, whichever is less, of raw milk per week and the dealer has made the affirmation required by subsection (e)(3) above, the Board shall approve the 28 day written notice based on the dealer having raw milk volumes for which there are insufficient customer sales.

(5) The Board shall determine if a dealer has raw milk volumes for which there are insufficient customer sales, and notify the dealer and affected producers, within 10 business days of receiving the necessary documentation from a dealer.

(f) If a dealer has raw milk in excess of customer sales as calculated by subsections (e)(1) and (e)(2) above and has affirmed that it has made a good faith effort to dispose of the excess raw milk and has no other more economically sound disposal alternatives than dumping, skimming and dumping, or donating, and the dealer packages and donates the surplus milk to a Food Bank licensed by the Board, the producer milk packaged for such donation shall be exempt from any Pennsylvania-mandated premiums. The value of the donation may be reported to the Board as an authorized contribution. The value of the donation shall be equal to the minimum wholesale price applicable to the donation including discounts, less any Pennsylvania-mandated premiums incorporated into the minimum wholesale price. The donation shall not be considered a dealer inducement under 7 Pa. Code Chapter 146 (relating to transactions between dealers and customers). The Board shall determine if a dealer has raw milk in excess of customer sales for purposes of this subsection, and notify the dealer and affected producers, within 10 business days of receiving the request and supporting information from a dealer.

(g) A dealer may terminate a contract or purchasing agreement or ordinary continuance of a previous course of dealing with a producer by giving a 28-day notice if the dealer has raw milk volumes for which there is insufficient plant output due to a verifiable catastrophic event affecting a milk plant’s ability to handle, process, or sell/deliver historical volumes of packaged milk products, which is reasonably expected to last beyond 28-

days. Raw milk volumes for which there is insufficient plant output shall be determined as follows:

(1) Identify catastrophic event to include but not be limited to mechanical failure; weather-related damage; infrastructure-related damage; shut down or slow down of plant operations; government-imposed plant shutdown, partial or otherwise; or other similar catastrophic circumstance;

(2) Document weekly average plant output as measured by sales in pounds of packaged milk products prior to catastrophic event based on a 26-week rolling average;

(3) Document weekly average raw milk receipts in pounds prior to catastrophic event based on a 26-week rolling average;

(4) Document reasons, nature, and extent (estimated in pounds) of reduced ability to handle, process, or sell/deliver historical output of packaged milk products;

(5) Affirm that good faith efforts have been made to return to historical plant output documented under subsection (g)(2);

(6) Affirm that despite good faith efforts the reduction in output will last beyond 28-days;

(7) If the reduction in plant output documented in subsection (g)(4) amounts to at least 40,000 pounds or 3% of historical raw milk receipts in subsection (g)(3), whichever is less, of raw milk per week and the dealer has made the affirmations required in subsections (g)(5) and (g)(6), the Board shall approve the 28-day written notice based on the dealer having raw milk volumes for which there is insufficient plant capacity due to catastrophic event.

(8) The Board shall determine if a dealer has raw milk volumes for which there is insufficient output due to catastrophic event and notify the dealer and affected producers within 10 business days of receiving the information required by this subsection.

(h) Any 28-day notice period as provided by this section shall commence on the day the 28-day notice is approved by the Board.

(i) If a contract between a cooperative and a member of such cooperative provides for the amount of notice required to terminate the contract, this section shall not apply.

(j) Notwithstanding subsection (a), a producer and dealer may contract for either more or less than a 90 day notice period to terminate a contract or purchasing agreement. Subsection (a) shall apply when the contract, purchasing agreement, or ordinary continuance of a previous course of dealing between a producer and dealer does not contain a termination provision.

(k) The Board shall maintain a current list of government agencies and nonprofit organizations which are available to assist producers who receive a termination notice. The termination notice shall not be considered received by the producer unless it includes this list.

[§ 143.32. Forfeit use of notice rights.

A producer who offers milk for sale at his farm under the exemptive provisions of section 402 of the act of July 31, 1968, (31 P.S. § 700j-310) shall be

considered to have elected the status of a milk dealer and to have forfeited his rights under § 143.31 (relating to written notice required).]

[Pa.B. Doc. No. 19-1054. Filed for public inspection July 12, 2019, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 686a, 687a AND 688a]

Table Game Rules of Play; Over/Under, DJ Wild Stud Poker, Face Up Pai Gow Poker

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), proposes to add Chapters 686a, 687a and 688a (relating to Over/Under; DJ Wild Stud Poker; and Face Up Pai Gow Poker) to read as set forth in Annex A.

Purpose of this Proposed Rulemaking

This proposed rulemaking will add new table games to the compliment of games available for play in this Commonwealth.

Explanation

Sections 686a.1, 687a.1 and 688a.1 (relating to definitions) contain the definitions used throughout the chapters. Sections 686a.2, 687a.2 and 688a.2 (relating to physical characteristics) contain the physical characteristics of the table layout and related equipment. Sections 686a.3, 687a.3 and 688a.3 (relating to cards; number of decks) detail the number of cards and decks used to play the game and the rank of hands in § 687a.3. Sections 686a.4, 687a.4 and 688a.4 (relating to opening of the table for gaming) address how the dealer is to open the table game for play.

Sections 686a.5, 687a.5 and 688a.5 (relating to shuffle and cut of the cards) detail how the cards are to be shuffled and cut and in § 688.5, how to determine the starting point for the dealing of the cards. Sections 687a.6 and 688a.6 (relating to rankings) address the rank of the cards and hands. Sections 686a.6, 687a.7 and 688a.7 (relating to wagers) outline the permissible wagers players may place during a round of play.

Section 686a.7 (relating to procedure for dealing the cards; completion of each round of play) address how the cards are to be initially dealt and completing the round of play. Sections 687a.8, 687a.9 and 687a.10 and 688a.8, 688a.9 and 688a.10 (relating to procedures for dealing the cards from a manual dealing shoe; the hand; and from an automated dealing shoe) address how the cards are to be dealt and the number of cards dealt to each player. Sections 687a.11 and 688a.11 (relating to procedure for completion of each round of play) specify how wagers are to be settled and a round of play completed. Sections 686a.8, 687a.12 and 688a.12 (relating to payout odds; Progressive Wager configuration; payout limitation) outline the permissible payout odds for winning wagers and allows the operator to place a payout limit, per player per round of play. Sections 686a.9, 687a.13 and 688a.13 (relating to irregularities) address how a dealer is to handle irregularities during play.

In Over/Under, the expected payback would be 98.95% on the required wagers. For the Bonus Wager, the expected payback wager on the approved payable would be 94.393%.

In DJ Wild Stud Poker, the expected payback on the Ante, Blind and Play Wagers using perfect strategy is 98.99%. For the Trips Bonus Wager, the expected payback for the approved paytables are 98.843%, 92.474%, 92.338% and 91.454%. For the Bad Beat Bonus Wager, the expected payback for the approved paytables are 86.8%, 87.682%, 85.904% and 85.848%. For the Progressive Wager, the expected payback for the approved paytables is 77%.

In Face Up Pai Gow Poker, the expected payback on the required wagers is 98.404%. For the Ace High Bonus Wager, the expected payback for the approved paytables is 96.425%, 95.233%, 94.169%, 93.141% and 92.647%. For the Fortune Bonus Wager, the maximum payback for the approved paytables is 93.94%, 94.15%, 94.10%, 93.41%, 92.62% and 94.10%. For the Progressive Wager, the payback percentage is 75.751%, 78.073%, 75.568%, 91.937%, 80.962%, 75.349% and 75.746%.

Fiscal Impact

Commonwealth. The Board does not expect that this proposed rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

Political subdivisions. This proposed rulemaking will not have a fiscal impact on political subdivisions of this Commonwealth.

Private sector. This proposed rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer Over/Under, DJ Wild Stud Poker or Face Up Pai Gow Poker within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and purchase new equipment—specifically table layouts corresponding to the game and wagers offered. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

General public. This proposed rulemaking will not have a fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated Rules Submission form reflecting the changes. These forms are available and submitted to Board staff electronically.

Effective Date

This proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin*. Public comments should be addressed to Chad W. Zimmermann, Assistant Chief Counsel, Attention: Regulation # 125-223 Public Comment, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060.

Contact Person

The contact person for questions about this proposed rulemaking is Chad W. Zimmermann, Assistant Chief Counsel, (717) 265-8356.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 20, 2019, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at www.gamingcontrolboard.pa.gov.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

DAVID M. BARASCH,
Chairperson

Fiscal Note: 125-223. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 686a. OVER/UNDER

Sec.	
686a.1.	Definitions.
686a.2.	Over/Under table; physical characteristics; inspections.
686a.3.	Cards; number of decks; value of cards.
686a.4.	Opening of the table for gaming.
686a.5.	Shuffle and cut of the cards.
686a.6.	Wagers.
686a.7.	Procedure for dealing the cards; completion of each round of play.
686a.8.	Payout odds.
686a.9.	Irregularities.

§ 686a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Ante Wager—The wager that a player is required to make prior to any cards being dealt to participate in the round of play.

Bonus Wager—An optional wager a player shall make prior to any cards being dealt to compete against a posted payout table.

Hand—The three cards dealt to the player.

Over 23 Wager—An additional wager made by the player after the first card is dealt to his hand if the player opts to remain in the round of play.

Surrender—When the player opts to forfeit his ante wager after being dealt the first card of the hand in a round of play.

Under 18 Wager—An additional wager made by the player after the first card is dealt to his hand if the player opts to remain in the round of play.

§ 686a.2. Over/Under table; physical characteristics; inspections.

(a) Over/Under shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for an Over/Under table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the Ante Wager, Over 23 Wager, and Under 18 Wager for each player.
- (3) Three rectangular areas in front of each player's position where the player's three-card hand will be placed.
- (4) The following inscriptions:
 - (i) All bets pay even money except for Bonus Bets.
 - (ii) House wins on 18—23.
 - (iii) Aces are always counted as 11.
- (5) If the certificate holder offers the optional Bonus Wager authorized under § 686a.6 (relating to wagers), a separate area designed for the placement of the Bonus Wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Over/Under table.

(c) Each Over/Under table must have a drop box and tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Over/Under table must have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

- (1) Equal the height of the cards, stacked one on top of the other, in the total number of decks that are to be used in the dealing shoe at that table.
- (2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards in the number of decks to be used in the dealing shoe at that table.

§ 686a.3. Cards; number of decks; value of cards.

(a) Except as provided in subsection (b), Over/Under shall be played with a six-deck batch of cards that are identical in appearance and at least one cover card. The decks shall consist of 52 cards. The cards may be dealt from a multi-deck shoe or a continuous shuffler.

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, Over/Under shall be played with two batches of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches with six decks included in each batch, with each batch containing the same number of decks.

(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(c) The decks of cards opened for use at an Over/Under table shall be changed at least once every 24 hours.

(d) The value of the cards shall be as follows:

- (1) Any card from 2 to 10 shall have its face value.
- (2) Any jack, queen or king shall have a value of 10.
- (3) An ace shall have a value of 11.

§ 686a.4. Opening of the table for gaming.

(a) After receiving the decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 686a.5 (relating to shuffle and cut of the cards).

(d) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c) separate from the decks in the other batch of cards.

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a) and (c)—(e) do not apply.

§ 686a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the decks of cards in a single stack. The certificate holder may use an automated

card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under subsection (c). If no player accepts the cut, the dealer shall cut the cards.

(c) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) If the cover card appeared on the dealer's hand during the last round of play, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(4) If the reshuffle was initiated at the direction of the floorperson or above, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(d) The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack. Once the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack. The dealer shall then insert the cover card in the stack at a position at least 1/4 of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards or by the next person entitled to cut the cards, as determined under subsection (c). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe, as provided in § 686a.7(d) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at an Over/Under table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 686a.4 (relating to opening of the table for gaming) and this section shall be completed.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

§ 686a.6. Wagers.

(a) Wagers at Over/Under shall be made by placing value chips, plaques, or other Board-approved table gaming wagering instruments on the appropriate areas of the Over/Under layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(b) After the cards have been shuffled as required by § 686a.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any patron, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

(1) The certificate holder chooses to permit the player to begin wagering again.

(2) A reshuffle of the cards has occurred.

(c) All wagers, except an Over 23 Wager or Under 18 Wager shall be placed prior to the first card being dealt for each round of play. A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(d) A player must place an Ante Wager to participate in a round of play.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed an Ante Wager in accordance with subsection (d), the option of placing a Bonus Wager.

(f) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place an Ante Wager in one round of play.

§ 686a.7. Procedure for dealing the cards; completion of each round of play.

(a) All cards shall be dealt from a dealing shoe which must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures under § 686a.5 (relating to shuffle and cut of the cards) have been completed, the stacked cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. The dealer shall then:

(1) Collect and reshuffle the cards by removing the cards remaining in the shoe and placing them in the discard rack to ensure that no cards are missing.

(2) Shuffle the cards so that they are randomly intermixed.

(e) After all Ante and Bonus Wagers have been placed, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card face up in the rectangular box described in § 686a.2(b)(3) closest to the player of each position on the layout in which an Ante Wager is placed.

(f) Immediately after the first card is dealt to each player, but prior to any additional cards being dealt the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and determine the decision of each player.

(g) Each player when asked by the dealer may elect to either:

(1) Place an Over 23 Wager equal to the amount of the player's Ante Wager.

(2) Place an Under 18 Wager equal to the amount of the player's Ante Wager.

(3) Surrender the Ante Wager, which shall then be collected by the dealer.

(h) A player's decision to surrender and forfeit the Ante Wager does not also forfeit the player's Bonus Wager, if made, and the Bonus Wager shall be settled in accordance with subsection (k).

(i) After a player indicates his decision, the dealer shall deal face up the two additional cards to the player's hand, even if the player decides to surrender his hand and has not placed a Bonus Wager.

(j) After the two additional cards have been dealt to a player, the dealer shall settle the player's wagers placed prior to and during the round of play, remove the cards and place them in the discard rack, and then move to the next player.

(i) A player shall win and be paid in accordance with § 686a.8 (relating to payout odds) if:

(1) The player placed an Ante Wager and an Over 23 Wager, and the total point count of the player's hand is 24, 25, 26, 27, 28, 29, 30, 31, 32 or 33.

(2) The player placed an Ante Wager and an Under 18 Wager, and the total point count of the player's hand is 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 or 17.

(k) A player's Ante Wager and Over 23 Wager or Under 18 Wager shall lose and shall be collected if the total point count of the player's hand is 18, 19, 20, 21, 22 or 23.

(l) A player's Bonus Wager shall win and be paid in accordance with § 686a.8 (relating to payout odds) if the player's point total is 6, 7, 8, 9, 10, 11, 12, 27, 28, 29, 30, 31, 32 or 33, and shall lose if the total point count of the player's hand is 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 or 26.

(m) After all player hands have been settled, the dealer shall remove any remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(n) Players and spectators may not handle, remove or alter any cards used to play Over/Under.

§ 686a.8. Payout odds.

(a) The certificate holder shall pay out each winning Ante Wager, Over 23 Wager, and Under 18 Wager at odds of 1 to 1.

(b) The certificate holder shall pay out winning Bonus Wagers at the odds in the following payable:

<i>Paytable</i>	
<i>Point Total</i>	<i>Pay</i>
6 or 33	50 to 1
7 or 32	10 to 1
8 or 31	5 to 1
9 or 30	4 to 1
10 or 29	3 to 1
11 or 28	2 to 1
12 or 27	1 to 1

§ 686a.9. Irregularities.

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack.

(b) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut in accordance with the procedures in § 686a.5 (relating to shuffle and cut of the cards). The first card shall be drawn face down and placed in the discard rack and the dealer shall complete the round of play.

(c) If after receiving the first card, the dealer fails to deal the additional two cards to a player, then, at the player's option, the dealer shall either deal the additional cards after all other players have received their additional cards and complete the round of play, or call the player's hand dead and return the player's initial Ante Wager.

(d) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(e) If an automated shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be utilized at that table.

CHAPTER 687a. DJ WILD STUD POKER

Sec.

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§ 687a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Ante Wager—A wager a player is required to make prior to any cards being dealt to participate in a round of play.

Blind Wager—A wager a player is required to make prior to any cards being dealt to participate in a round of play, equal to the player's Ante Wager.

Fold—The withdrawal of a player from a round of play by not making Raise Wagers.

Progressive Bonus Wager—An optional wager a player may make prior to any cards being dealt to compete against a posted progressive payable and meter.

Raise Wager—An additional wager of two times the player's Ante Wager that a player may make after examining the five cards dealt to the player.

Trips Bonus Wager—An optional wager a player shall make prior to any cards being dealt to compete against a posted payable.

Two-Way Bad Beat Bonus Wager—An optional wager a player shall make prior to any cards being dealt to compete against the dealer.

§ 687a.2. DJ Wild Stud Poker table; physical characteristics.

(a) DJ Wild Stud Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a DJ Wild Stud Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Ante Wager, Blind Wager, and Raise Wager.
- (3) If the certificate holder offers the optional Progressive Bonus Wager authorized under § 687a.7(d)(2) (relating to wagers), the Trips Bonus Wager authorized under § 687a.7(d)(3), or the Two-Way Bad Beat Bonus Wager authorized under § 687a.7(d)(4) a separate area designated for the placement of each of the wagers for each player.
- (4) If the certificate holder offers the optional Progressive Bonus Wager authorized under § 687a.7(d)(2) (relating to wagers), an area to place one card face down after the cards are dealt to the players and the dealer, which if necessary will replace the Joker card in a player's hand for purposes of the Progressive Bonus Wager.
- (5) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If payout odds are not inscribed on the layout, a sign indicating the payout odds for all permissible wagers shall be posted at each DJ Wild Stud Poker table.

(c) Each DJ Wild Stud Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each DJ Wild Stud Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 687a.3. Cards; number of decks.

(a) DJ Wild Stud Poker shall be played with one deck of 53 cards that are identical in appearance and one cover card, made up of a standard 52 card deck and one joker.

(b) If an automated card shuffling device is utilized, DJ Wild Stud Poker may be played with two decks of 53 cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in DJ Wild Stud Poker shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 687a.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 687a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 687a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the

completion of each shuffle and indicates whether 53 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with §§ 687a.8, 687a.9 or 687a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a flooperperson or above may require the cards to be recut if the flooperperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a DJ Wild Stud Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 687a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

§ 687a.6. DJ Wild Stud Poker rankings.

(a) The rank of the cards used in DJ Wild Stud Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace and 2). All suits shall be equal in rank.

(b) All four cards with a rank of 2 and the one joker card are considered Wild, and may be used to complete a Poker hand by assuming a different rank.

(c) The permissible Poker hands in the game of DJ Wild Stud Poker, in order of highest to lowest rank, shall be:

(1) Five Wilds, which is a hand consisting of all five Wild cards.

(2) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(3) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, other than a royal flush.

(4) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(5) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(6) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(7) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank.

(8) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(9) Two pairs, which is a hand consisting of two sets of two cards which are of the same rank.

(10) Pair, which is a hand consisting of two cards of the same rank.

(11) High card, which is a hand that does not contain a pair or better.

(d) If a certificate holder offers the Progressive Bonus Wager, the player's hands eligible for a payout shall be:

(1) A royal flush.

(2) A straight flush.

(3) A four-of-a-kind.

(4) A full house.

(5) A flush.

(6) A straight.

(7) A three-of-a-kind.

(e) If a certificate holder offers the Trips Bonus Wager, the hands eligible for a payout shall be:

(1) Five wilds.

(2) A royal flush.

(3) A straight flush.

(4) A four-of-a-kind.

(5) A full house.

(6) A flush.

(7) A straight.

(8) A three-of-a-kind.

(f) If a certificate holder offers the Two-Way Bad Beat Bonus Wager, the player's hands eligible for a payout shall be:

(1) A royal flush.

(2) A straight flush.

(3) A four-of-a-kind.

(4) A full house.

(5) A flush.

(6) A straight.

(7) A three-of-a-kind.

§ 687a.7. Wagers.

(a) Wagers at DJ Wild Stud Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a DJ Wild Stud Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If

a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except Raise Wagers, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in §§ 687a.8, 687a.9 or 687a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 687a.11(b) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of DJ Wild Stud Poker:

(1) To compete in a round of play, a player shall place an Ante Wager and Blind Wager, then a Raise Wager, in an amount equal to two times the player's Ante Wager, in accordance with § 687a.11(b).

(2) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a DJ Wild Stud Poker table the option to make an additional Progressive Bonus Wager which shall win if the five cards dealt to the player contain three-of-a-kind or better as provided in § 687a.6(d) (relating to DJ Wild Stud Poker rankings).

(3) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a DJ Wild Stud Poker table the option to make an additional Trips Bonus Wager, which shall win if the five cards dealt to the player contain three-of-a-kind or better as provided in § 687a.6(e) (relating to DJ Wild Stud Poker rankings).

(4) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a DJ Wild Stud Poker table the option to make an additional Two-Way Bad Beat which shall win if the five cards dealt to the player contain three-of-a-kind or better as provided in § 687a.6(f) (relating to DJ Wild Stud Poker rankings).

(e) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 687a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 687a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets." To deal the cards, the dealer shall remove each card from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and place it on the appropriate area of the layout with the opposite hand.

(c) If a player has placed a Progressive Bonus Wager on the sensor, the dealer will press the Start Game button on the keypad, which will light up the Progressive Bonus Wagers placed, and the dealer will collect the Progressive Bonus Wagers.

(d) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal a stack of five cards to each player who has placed an Ante Wager and Blind Wager in accordance with § 687a.7(d)(1) (relating to wagers). All cards shall be dealt face down to the players.

(e) After five cards have been dealt to each player, the dealer shall deal himself five cards.

(f) The dealer shall then place one card in the area on the layout described in § 687.2(b)(4) (relating to DJ Wild Stud Poker Table; physical characteristics), and the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (i), place the stub in the discard rack without exposing the cards.

(g) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 53 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(h) If the count of the stub indicates that 53 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(i) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 687a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 687a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets."

(b) To deal the cards, the dealer shall hold the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. If a player has placed a Progressive Bonus Wager on the sensor, the dealer will press the Start Game button on the keypad, which will light up the Progressive Bonus Wagers placed, and the dealer will collect the Progressive Bonus Wagers.

(c) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal a stack of five cards to each player who has placed an Ante Wager and Blind Wager in accordance with § 687a.7(d)(1) (relating to wagers). All cards shall be dealt face down to the players.

(d) After five cards have been dealt to each player, the dealer shall deal himself five cards.

(e) The dealer shall then place one card in the area on the layout described in § 687.2(b)(4) (relating to DJ Wild Stud Poker Table; physical characteristics), and the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 53 cards are present is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 53 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 53 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 687a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 687a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets.”

(b) The dealer shall deliver the first stack of five cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed an Ante Wager and Blind Wager in accordance with § 687a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager and Blind Wager.

(c) After each stack of five cards has been dispensed and delivered in accordance with this section, the dealer shall dispense to himself five cards, remove the remaining cards from the automated dealing shoe and follow the procedures in § 687a.9(a)(2) (relating to procedure for dealing the cards from the hand) and place one card in the area on the layout described in § 687.2(b)(4) (relating to DJ Wild Stud Poker Table; physical characteristics) if a player has placed a Progressive Bonus wager.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 53 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 53 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 53 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 687a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under §§ 687a.8, 687a.9 or 687a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at DJ Wild Stud Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer’s left and moving clockwise around the table, ask each player who placed an Ante Wager and Blind Wager if he wishes to make a Raise Wager in an amount equal to two times the player’s Ante Wager or fold and forfeit the Ante Wager and Blind Wager and end his participation in the round of play.

(1) If a player has placed an Ante Wager and Blind Wager and an optional Trips Bonus Wager but does not make a Raise Wager, the player shall forfeit the Ante Wager and Blind Wager but does not forfeit the Trips Bonus Wager.

(2) If a player has placed an Ante Wager and Blind Wager and an optional Two-Way Bad Beat Bonus Wager but does not make a Raise Wager, the player shall forfeit the Ante Wager, the Blind Wager, and the Two-Way Bad Beat Wager.

(3) The certificate holder may, in its discretion, choose to allow or not allow folded hands to qualify for the Progressive Bonus Wager.

(c) After each player who has placed an Ante Wager and Blind Wager has either placed a Raise Wager on the designated area of the layout or forfeited his Ante Wager and Blind Wager, the dealer shall collect all forfeited wagers and associated cards, except for the cards of those players who placed an optional Trips Bonus Wager or Progressive Bonus Wager, and place the cards in the discard rack.

(d) Once all players have either placed a Raise Wager or folded, the dealer shall turn over and reveal his five-card hand and announce the best possible DJ Wild Stud Poker hand that can be formed.

(e) Beginning with the player farthest to the dealer’s left and continuing around the table in a counterclockwise direction, the dealer shall then evaluate and announce the best possible DJ Wild Stud Poker hand that can be formed using the player’s five cards. The wagers of each remaining player shall be resolved one player at a time regardless of outcome. All Ante Wagers, Blind Wagers, and Raise wagers shall be settled as follows:

(1) If a player's highest ranking DJ Wild Stud Poker hand is higher than the dealer's highest ranking DJ Wild Stud Poker hand, as provided in § 687a.6(c) (relating to DJ Wild Stud Poker hand rankings), the dealer shall pay the winning Ante Wager, Blind Wager, and Raise Wager in accordance with § 687a.12(a) and (b) (relating to payout odds; progressive wager configuration).

(2) If a player's highest ranking DJ Wild Stud Poker hand is equal to the dealer's highest ranking DJ Wild Stud Poker hand, as provided in § 687a.6(c), the hand is a push, and the dealer shall not collect the Ante Wager, Blind Wager, and Raise Wager.

(3) If the player's highest ranking DJ Wild Stud Poker hand is lower than the dealer's highest ranking DJ Wild Stud Poker hand, as provided in § 687.6(c), the player loses, and the dealer shall collect the Ante Wager, Blind Wager, and Raise Wager.

(f) After settling the player's Ante Wager, Blind Wager, and Raise Wager, the dealer shall settle any optional wagers as follows:

(1) For the Progressive Bonus Wager, if the player has been dealt the Joker Wild card, it will be replaced in his hand with the one card in the area on the layout described in § 687.2(b)(4) (relating to DJ Wild Stud Poker Table; physical characteristics).

(i) If the player's highest ranking DJ Wild Stud Poker hand is not three-of-a-kind or better, as provided in § 687a.6(d), the dealer shall collect the losing Progressive Bonus Wager.

(ii) If the player's highest ranking DJ Wild Stud Poker hand is three-of-a-kind or better, as provided in § 687a.6(d), the dealer shall pay the winning Progressive Bonus Wager in accordance with § 687a.12(c).

(2) For the Trips Bonus Wager:

(i) If the player's highest ranking DJ Wild Stud Poker hand is not three-of-a-kind or better, as provided in § 687a.6(e), the dealer shall collect the losing Trips Bonus Wager.

(ii) If the player's highest ranking DJ Wild Stud Poker hand is three-of-a-kind or better, as provided in § 687a.6(e), the dealer shall pay the winning Trips Bonus Wager in accordance with § 687a.12(d).

(3) For the Two-Way Bad Beat Bonus Wager:

(i) If the player's highest ranking DJ Wild Stud Poker hand is not three-of-a-kind or better, or the player's highest ranking hand is a three-of-a-kind or better but does not lose to the dealer's higher ranking hand, as provided in § 687a.6(f), the dealer shall collect the losing Two-Way Bad Beat Bonus Wager.

(ii) If the player's highest ranking DJ Wild Stud Poker hand is three-of-a-kind or better and loses to the dealer's higher ranking hand, as provided in § 687a.6(f), the dealer shall pay the winning Two-Way Bad Beat Bonus Wager in accordance with § 687a.12(e).

(g) After all wagers of the player have been settled, the dealer shall remove any remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 687a.12. Payout odds; progressive wager configuration.

(a) A certificate holder shall pay winning Ante Wager and Raise Wagers 1 to 1.

(b) A certificate holder shall pay out winning Blind Bonus Wagers in accordance with one of the following payable:

<i>Paytable</i>	
<i>Hand</i>	<i>Pay</i>
Five wilds	1000 to 1
Royal flush	50 to 1
Five-of-a-kind	10 to 1
Straight flush	9 to 1
Four-of-a-kind	4 to 1
Full house	3 to 1
Flush	2 to 1
Straight	1 to 1
Three-of-a-kind or less	Push

(c) A certificate holder shall pay out winning Progressive Bonus Wagers in accordance with one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submission):

<i>Progressive Paytable 1; \$1 Wager; \$2,000 seed and re-seed</i>		
<i>Hand</i>	<i>Pay</i>	<i>Envy</i>
Royal flush	100% of meter	\$1,000
Straight flush	10% of meter	\$300
Four-of-a-kind	300 to 1	
Full house	50 to 1	
Flush	40 to 1	
Straight	30 to 1	
Three-of-a-kind	9 to 1	

<i>Progressive Paytable 2; \$5 wager; \$10,000 seed and re-seed</i>		
<i>Hand</i>	<i>Pay</i>	<i>Envy</i>
Royal flush	100% of meter	\$5,000
Straight flush	10% of meter	\$1,500
Four-of-a-kind	300 to 1	
Full house	50 to 1	
Flush	40 to 1	
Straight	30 to 1	
Three-of-a-kind	9 to 1	

(d) A certificate holder shall pay out winning Trips Bonus Wager as provided in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Paytable DJWT-04</i>		
<i>Hand</i>	<i>Natural</i>	<i>With Wild</i>
Five wilds	n/a	2000 to 1

<i>Paytable DJWT-04</i>		
<i>Hand</i>	<i>Natural</i>	<i>With Wild</i>
Royal flush	1000 to 1	90 to 1
Five-of-a-kind	n/a	70 to 1
Straight flush	200 to 1	25 to 1
Four-of-a-kind	60 to 1	6 to 1
Full house	30 to 1	5 to 1
Flush	25 to 1	4 to 1
Straight	20 to 1	3 to 1
Three-of-a-kind	6 to 1	1 to 1

<i>Paytable DJWT-05</i>		
<i>Hand</i>	<i>Natural</i>	<i>With Wild</i>
Five wilds	n/a	2000 to 1
Royal flush	1000 to 1	70 to 1
Five-of-a-kind	n/a	60 to 1
Straight flush	200 to 1	25 to 1
Four-of-a-kind	50 to 1	6 to 1
Full house	30 to 1	5 to 1
Flush	25 to 1	4 to 1
Straight	20 to 1	3 to 1
Three-of-a-kind	6 to 1	1 to 1

<i>Paytable DJWT-06</i>		
<i>Hand</i>	<i>Natural</i>	<i>With Wild</i>
Five wilds	n/a	500 to 1
Royal flush	400 to 1	70 to 1
Five-of-a-kind	n/a	60 to 1
Straight flush	200 to 1	25 to 1
Four-of-a-kind	50 to 1	6 to 1
Full house	30 to 1	5 to 1
Flush	25 to 1	4 to 1
Straight	20 to 1	3 to 1
Three-of-a-kind	6 to 1	1 to 1

<i>Paytable DJWT-07</i>		
<i>Hand</i>	<i>Natural</i>	<i>With Wild</i>
Five wilds	n/a	2000 to 1
Royal flush	1000 to 1	60 to 1
Five-of-a-kind	n/a	50 to 1
Straight flush	200 to 1	25 to 1
Four-of-a-kind	40 to 1	6 to 1
Full house	30 to 1	5 to 1
Flush	25 to 1	4 to 1
Straight	20 to 1	3 to 1
Three-of-a-kind	6 to 1	1 to 1

<i>Paytable DJWBB-01</i>	
<i>Hand</i>	<i>Pay</i>
Royal flush	500 to 1
Five-of-a-kind	500 to 1
Straight flush	500 to 1
Four-of-a-kind	500 to 1
Full house	400 to 1
Flush	300 to 1
Straight	100 to 1
Three-of-a-kind	9 to 1

<i>Paytable DJWBB-02</i>	
<i>Hand</i>	<i>Pay</i>
Royal flush	10,000 to 1
Five-of-a-kind	10,000 to 1
Straight flush	5,000 to 1
Four-of-a-kind	500 to 1
Full house	400 to 1
Flush	300 to 1
Straight	100 to 1
Three-of-a-kind	9 to 1

<i>Paytable DJWBB-03</i>	
<i>Hand</i>	<i>Pay</i>
Royal flush	500 to 1
Five-of-a-kind	500 to 1
Straight flush	500 to 1
Four-of-a-kind	300 to 1
Full house	200 to 1
Flush	100 to 1
Straight	50 to 1
Three-of-a-kind	15 to 1

<i>Paytable DJWBB-04</i>	
<i>Hand</i>	<i>Pay</i>
Royal flush	299 to 1
Five-of-a-kind	299 to 1
Straight flush	299 to 1
Four-of-a-kind	299 to 1
Full house	200 to 1
Flush	100 to 1
Straight	50 to 1
Three-of-a-kind or less	15 to 1

§ 687a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) A certificate holder shall pay out winning Two-Way Bad Beat Bonus Wagers as provided in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If a player is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the player's cards or dealer's cards are revealed prior to the placement of raise wagers in accordance with § 687a.11(b) (relating to procedure for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled, provided that if any player placed a Progressive Bonus Wager or Trips Bonus Wager, those wagers shall be settled in accordance with § 687a.11(f).

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 688a. FACE UP PAI GOW POKER

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§ 688a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Ace High Bonus Wager—An additional Face Up Pai Gow Poker wager which pays if the dealer's hand is an Ace High Pai Gow.

Ace High Pai Gow—When the seven cards in the player or dealer's hand is a rank of Ace high.

Envy Bonus—An additional fixed sum payout made to a player who placed a Qualifying Wager when another player at the Face Up Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's Face Up Pai Gow Poker hand with a rank of a four-of-a-kind or better formed from the seven cards dealt to a player.

Fortune Bonus Wager—An additional Face Up Pai Gow Poker wager which considers the best hand possible among the player's seven cards against a posted payable.

High hand—The five-card hand that is formed from the seven cards dealt so as to rank equal to or higher than the two-card low hand.

Low hand—The two-card hand that is formed from the seven cards dealt so as to rank equal to or lower than the five-card high hand.

Progressive Payout Wager—An optional wager a player may make prior to any cards being dealt to compete against a posted progressive payable and meter.

Qualifying Wager—A Progressive Payout Wager or Fortune Bonus Wager of at least \$5 which may entitle a player to an Envy Bonus.

Setting the hands—The process of forming a high hand and low hand from the seven cards dealt.

§ 688a.2. Face Up Pai Gow Poker table; Pai Gow Poker Shaker; physical characteristics.

(a) Face Up Pai Gow Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Face Up Pai Gow Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) A separate betting area designated for the placement of the Face Up Pai Gow Poker Wager for each player.

(3) Two separate areas designated for the placement of the high and low hands of each player.

(4) Two separate areas designated for the placement of the high and low hands of the dealer.

(5) If the certificate holder offers the optional Aces High Bonus Wager authorized under § 688a.7(e)(1) (relating to wagers), a separate area designated for the placement of the Aces High Bonus Wager for each player.

(6) If the certificate holder offers the optional Fortune Bonus Wager authorized under § 688a.7(e)(2), a separate area designated for the placement of the Fortune Bonus Wager for each player.

(7) If the certificate holder offers the optional Progressive Payout Wager authorized under § 688a.7(e)(3), a separate area designated for the placement of the Progressive Payout Wager for each player.

(8) Inscriptions that advise patrons that if the dealer's hand is an Ace High Pai Gow, the player's wager shall push and be returned to the player.

(9) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Face Up Pai Gow Poker table.

(c) To determine the starting position for the dealing or delivery of the cards, Face Up Pai Gow Poker may be played with:

(1) A Pai Gow Poker shaker, approved in accordance with § 601a.10(a), which shall be designed and constructed to maintain the integrity of the game. The

Pai Gow Poker shaker shall be the responsibility of the dealer, may not be left unattended while at the table and must:

(i) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow Poker shaker. Dice that have been placed in a Pai Gow Poker shaker for use in gaming may not remain on a table for more than 24 hours.

(ii) Be designed to prevent the dice from being seen while being shaken.

(iii) Have the name or logo of the certificate holder imprinted or impressed thereon.

(2) A computerized random number generator which shall be submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(d) If the certificate holder offers the optional Progressive Payout Wager in accordance with § 688a.7(e)(3), the Face Up Pai Gow Poker table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table games) for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager pursuant to § 688.7(e)(3) on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the placement of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(e) Each Face Up Pai Gow Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Face Up Pai Gow Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 688a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Face Up Pai Gow Poker shall be played with one deck of cards that are identical in appearance and two cover cards. The deck of cards used to play Face Up Pai Gow Poker must include one joker. A certificate holder may use decks that are manufactured with two jokers provided that only one joker is used for gaming.

(b) If an automated card shuffling device is utilized, Face Up Pai Gow Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design but the backs of the cards in one deck must be of a different color than the cards in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Face Up Pai Gow Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

§ 688a.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) If the deck of cards used by the certificate holder contains two jokers, the dealer and a floorperson shall ensure that only one joker is utilized and that the other joker is torn in half and placed in the box, envelope or container that the deck came from. After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence and include the one joker.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 688a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 688a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by the floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, determine the starting position in accordance with subsection (i), then deal the cards in accordance with §§ 688a.8, 688a.9 or 688a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually, cut the cards in accordance with the procedures in subsections (c)—(e).

(c) Upon completion of a manual shuffle, the dealer shall place the stack of cards on top of one of the cover cards. The dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under subsection (d). If no player accepts the cut, the dealer shall cut the cards.

(d) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(e) The player or dealer making the cut shall place the second cover card in the stack at least ten cards from the top or the bottom of the deck. Once the second cover card has been inserted, the dealer shall take the second cover card and all the cards on top of the second cover card and place them on the bottom of the stack. The dealer shall then remove the first cover card and place it on the bottom of the stack. The dealer shall remove one of the cover cards and either place it in the discard rack or use it as an additional cover card to be inserted four cards from the bottom of the deck. The dealer shall then determine the starting position in accordance with subsection (i) and deal the cards in accordance with §§ 688a.8, 688a.9 or 688a.10.

(f) After the cards have been cut and before the cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards, or by the next person entitled to cut the cards, as determined under subsection (d).

(g) If there is no gaming activity at a Face Up Pai Gow Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled

prior to being dealt, if the automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility.

(i) To determine the starting position for the dealing of cards, the certificate holder shall use one of the following:

(1) A Pai Gow Poker shaker in accordance with the following procedures:

(i) The dealer shall shake the Pai Gow Poker shaker at least three times to cause a random mixture of the dice.

(ii) The dealer shall then remove the lid covering the Pai Gow Poker shaker and place the uncovered shaker on the designated area of the table layout. The dealer shall then total the dice and announce the total.

(iii) To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice.

(iv) After the dealing procedures required under §§ 688a.8, 688a.9 or 688a.10 have been completed, the dealer shall place the cover on the Pai Gow Poker shaker and shake the shaker once. The Pai Gow Poker shaker shall then be placed to the right of the dealer.

(2) A computerized random number generator to select and display a number from 1 to 7. To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner until the count matches the number displayed by the random number generator.

(j) After the starting position for a round of play has been determined, a certificate holder may mark that position with an additional cover card or similar object approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment).

§ 688a.6. Face Up Pai Gow Poker rankings.

(a) The rank of the cards used in Face Up Pai Gow Poker, in order of highest to lowest, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: queen, king, ace, 2 and 3). The joker shall be used and ranked as an ace or may be used as any card to complete a straight, a flush, a straight flush or a royal flush.

(b) The permissible Poker hands at the game of Face Up Pai Gow Poker, in order of highest to lowest rank, shall be:

(1) Five aces, which is a high hand consisting of four aces and a joker.

(2) A royal flush, which is a high hand consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.

(3) A straight flush, which is a high hand consisting of five cards of the same suit in consecutive ranking, with

ace, 2, 3, 4 and 5 being the highest ranking straight flush; king, queen, jack, 10 and 9 being the second highest ranking straight flush; and 2, 3, 4, 5 and 6 being the lowest ranking straight flush.

(4) A four-of-a-kind, which is a high hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(5) A full house, which is a high hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(6) A flush, which is a high hand consisting of five cards of the same suit. When comparing two flushes, the hand which contains the highest ranking card, as provided in subsection (a), which is not in the other hand, shall be considered the higher ranking hand.

(7) A straight, which is a high hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight; an ace, 2, 3, 4 and 5 being the second highest ranking straight; and a 2, 3, 4, 5 and 6 being the lowest ranking straight.

(8) A three-of-a-kind, which is a high hand containing three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(9) Three pair, used for the Fortune Bonus Wager only, which is a hand containing three pairs, with three aces, three kings, three queens being the highest ranking three pair hand and three 4s, three 3s, and three 2s being the lowest ranking three pair hand.

(10) Two pair, which is a high hand containing two pairs, with two aces and two kings being the highest ranking two pair hand and two 3s and two 2s being the lowest ranking two pair hand.

(11) A pair, which is either a high hand or a low hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two high hands or two low hands that are of identical hand rank under subsection (b), or contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not in the other hand, shall be considered the higher ranking hand. If the two hands are of identical rank after the application of this section, the hands shall be considered a tie.

(d) If the certificate holder offers the optional Aces High Bonus Wager under § 688a.7(e)(1) (relating to wagers), the wager wins if the dealer's seven cards are an Ace High Pai Gow.

(e) If the certificate holder offers the optional Fortune Bonus Wager under § 688a.7(e)(2), the following seven-card hands shall have a rank higher than a hand of five aces, as described in subsection (b)(1), and be used to determine the amount of the Fortune Bonus Wager payout or Envy Bonus payment to a winning player:

(1) A seven-card straight flush with no joker, which is a hand consisting of seven cards of the same suit in consecutive ranking, with no joker used to complete the straight flush.

(2) A royal flush plus Royal Match, which is a seven-card hand consisting of an ace, king, queen, jack and a 10

of the same suit, with or without a joker, with an additional king and queen of a same suit.

(3) A seven-card straight flush with joker, which is a hand consisting of seven cards of the same suit in consecutive ranking with a joker being used to complete the straight flush.

(f) If a certificate holder offers the optional Progressive Payout Wager under § 688a.7(e)(3), the following hands shall be used to determine the amount of the progressive payout and progressive wager envy bonus to a winning player:

(1) Seven-card straight flush is a hand consisting of seven cards of the same suit in consecutive ranking, with or without a joker.

(2) Seven-card natural straight flush is a hand consisting of seven cards of the same suit in consecutive order without a joker.

(3) Seven-card wild straight flush is a hand consisting of seven cards of the same suit in consecutive ranking, with a joker being used to complete the straight flush.

(4) A royal flush plus Royal Match, which is a seven-card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, with an additional king and queen of a same suit.

(5) Five aces, which is a hand consisting of four aces and a joker.

(6) Five-of-a-kind, which is a hand consisting of four cards of the same rank and a joker.

(7) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.

(8) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.

(9) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(10) A full house, which is a hand consisting of a three-of-a-kind and a pair.

§ 688a.7. Wagers.

(a) Wagers at Face Up Pai Gow Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the Face Up Pai Gow Poker layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Face Up Pai Gow Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Face Up Pai Gow Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in §§ 688a.8, 688a.9 or 688a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high and low hands, a player shall place a Face Up Pai Gow Poker Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Pai Gow Poker Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) An Ace High Bonus Wager that the seven cards dealt to the dealer will be an Ace High Pai Gow.

(2) A Fortune Bonus Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a three-pair or better as described in § 688a.6(e) (relating to Face Up Pai Gow Poker rankings).

(3) A Progressive Payout Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a full house or better as described in § 688a.6(f).

(f) A certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Face Up Pai Gow Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

§ 688a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 688a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(1) If the Fortune Bonus Wager or Progressive Payout Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(2) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) The dealer shall determine the starting position for dealing the cards using one of the procedures authorized under § 688a.5(i).

(d) The dealer shall then deal the first card to the starting position as determined in subsection (c) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer,

until each position and the dealer has seven cards. Each card dealt shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed, face down to the player and face up to the dealer, on the appropriate area of the layout with the opposite hand.

(e) After seven cards have been dealt to each position and the dealer, the dealer shall remove the stub from the manual dealing shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(f) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 688a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 688a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(i) If the Fortune Bonus Wager or Progressive Payout Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall then determine the starting position for dealing the cards using one of the procedures authorized under § 688a.5(i).

(c) The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal

one card at a time to all other positions, regardless of whether there is a wager at the position face down, and to the dealer face up, until each position and the dealer has seven cards.

(d) After seven cards have been dealt to each position and the dealer, the dealer shall determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 688a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures under § 688a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and:

(i) If the Fortune Bonus Wager or Progressive Payout Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall determine the starting position for delivering the stacks of cards using one of the procedures authorized under § 688a.5(i).

(c) After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other positions, regardless of whether there is a wager at the position, and the dealer face up.

(d) After seven cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 688a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under §§ 688a.8, 688a.9 or 688a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, the dealer shall set his seven cards into two hands by arranging the cards into a high hand and low hand. The certificate holder shall specify in its Rules Submission under § 601a.2 (relating to table games Rules Submissions) the manner in which the hands of the dealer shall be set. The dealer shall then place the high hand and low hand face up on the appropriate area of the layout.

(b) After the high hand and low hand of the dealer have been set, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Face Up Pai Gow Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder’s Rules Submission under § 601a.2.

(2) Each player shall keep his seven cards in full view of the dealer at all times.

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(c) Each player shall set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the five-card high hand must be equal to or higher in rank than the two-card low hand. For example, if the two-card hand contains a pair of sevens, the five-card hand must contain at least a pair of sevens and the three remaining cards.

(d) Unless a player has placed an optional wager authorized under § 688a.7(e)(1)—(3) (relating to wagers), a player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided in subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Face Up Pai Gow Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. If any Qualifying Wagers have been placed, the cards of the player shall remain on the table until collected in accordance with subsection (h). The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) Once the player has announced his intention to surrender, the dealer shall immediately collect the Face Up Pai Gow Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. If any Qualifying Wagers have been placed, the cards of the player shall remain on the table until collected in accordance with subsection (h). The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the high and low hand of each player to the high and low hand of the dealer and shall announce if the Face Up Pai Gow Poker Wager of that player wins, loses or is a tie.

(f) A Face Up Pai Gow Poker Wager will:

(1) Lose and will immediately be collected if:

(i) The high hand of the player is lower in rank than the high hand of the dealer and the low hand of the player is lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or the low hand of the player is identical in rank to the low hand of the dealer and the other hand of the player is identical in rank or lower in rank than the other hand of the dealer.

(iii) The high hand of the player was not set so as to rank equal to or higher than the low hand of that player.

(iv) The two hands of the player were not otherwise set correctly in accordance with this chapter.

(2) Tie and will be returned to the player if:

(i) The high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer or lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or lower in rank than the high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(iii) The dealer has an Ace High Pai Gow.

(3) Win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer. The dealer shall pay the winning Face Up Pai Gow Poker Wager in accordance with the payout odds in § 688a.12(a) (relating to payout odds; Envy Bonus; rate of progression).

(g) Except as provided in subsection (h), after settling the player's Face Up Pai Gow Poker Wager, the dealer shall place the cards of the player in the discard rack.

(h) After settling the player's Face Up Pai Gow Poker Wager, the dealer shall rearrange the seven cards of any player who placed an optional wager, in accordance with § 688a.7(e)(1)—(3), to form the highest ranking hand and be responsible for creating the hand for purposes of all optional wagers offered by the certificate holder. If any player at the table has placed a Qualifying Wager, the dealer shall rearrange the cards of all players regardless of whether the player placed a Fortune Bonus or Progressive Payout Wager. After rearranging the player's seven cards, the dealer shall:

(1) Settle the player's Ace High Bonus Wager as follows:

(i) If the dealer:

(A) Does not have an Ace High Pai Gow, as described in § 688a.6(d) (relating to Face Up Pai Gow Poker rankings), the dealer shall collect the Ace High Bonus Wager.

(B) Has an Ace High Pai Gow, the dealer shall pay the winning Ace High Bonus Wager in accordance with § 688a.12(b).

(2) Settle the player's Fortune Bonus Wager as follows:

(i) If a player:

(A) Does not have a straight or higher, as described in § 688a.6(e), the dealer shall collect the Fortune Bonus Wager.

(B) Has a straight or higher, the dealer shall pay the winning Fortune Bonus Wager in accordance with § 688a.12(c). If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place a Fortune Bonus Wager but has an Envy Bonus Qualifying Hand, and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Fortune Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 688a.12(c) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(iii) After all Envy Bonuses have been paid, the dealer shall collect all remaining cards and place them in the discard rack.

(3) Settle the player's Progressive Payout Wager as follows:

(i) If a player:

(A) Does not have a full house or better, as described in § 688a.6(f), the dealer shall collect the Progressive Payout Wager.

(B) Has a full house or better, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 688a.12(d). If a player has won a progressive payout that is a percentage of the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory, the cards of that player shall remain on the table until the necessary documentation has been completed.

(C) Did not place a Progressive Payout Wager but has an Envy Bonus Qualifying Hand, and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(i) Notwithstanding the requirements in subsection (h), if the certificate holder offers more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(j) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 688a.12. Payout odds; Envy Bonus; rate of progression.

(a) A certificate holder shall pay each winning Face Up Pai Gow Poker Wager at odds of 1 to 1, and shall not charge a commission or vigorish on winning hands.

(b) The certificate holder shall pay out winning Ace High Bonus Wager payouts at the odds and amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Paytable 1</i>	
<i>Outcome</i>	<i>Pay</i>
Both dealer and player have ace high	20 to 1
Only dealer has ace high, with joker	10 to 1
Only dealer has ace high, no joker	8 to 1

<i>Paytable 2</i>	
<i>Outcome</i>	<i>Pay</i>
Both dealer and player have ace high	40 to 1
Only dealer has ace high, with joker	15 to 1
Only dealer has ace high, no joker	5 to 1

<i>Paytable 3</i>	
<i>Outcome</i>	<i>Pay</i>
Both dealer and player have ace high	30 to 1
Only dealer has ace high, with joker	15 to 1
Only dealer has ace high, no joker	6 to 1

<i>Paytable 4</i>	
<i>Outcome</i>	<i>Pay</i>
Both dealer and player have ace high	25 to 1
Only dealer has ace high, with joker	10 to 1
Only dealer has ace high, no joker	7 to 1

<i>Paytable 5</i>	
<i>Outcome</i>	<i>Pay</i>
Both dealer and player have ace high	40 to 1
Only dealer has ace high, with joker	12 to 1
Only dealer has ace high, no joker	5 to 1

(c) The certificate holder shall pay out winning Fortune Bonus Wagers and Envy Bonus payouts at the odds and amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Paytable 1</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	5,000 to 1	\$1,000
Royal flush + royal match	1,000 to 1	\$250
7 card straight flush with joker	750 to 1	\$100
Five aces	250 to 1	\$50
Royal flush	100 to 1	\$25
Straight flush	50 to 1	\$10
Four-of-a-kind	20 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	
Three pair	Push	

<i>Paytable 2</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	8,000 to 1	\$5,000
Royal flush + royal match	2,000 to 1	\$1,000
7 card straight flush with joker	1,000 to 1	\$500
Five aces	400 to 1	\$250
Royal flush	150 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Paytable 3</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	5,000 to 1	\$3,000
Royal flush + royal match	2,000 to 1	\$1,000
7 card straight flush with joker	1,000 to 1	\$500
Five aces	400 to 1	\$250
Royal flush	150 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Paytable 4</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	2,500 to 1	\$1,000
Royal flush + royal match	1,000 to 1	\$750
7 card straight flush with joker	750 to 1	\$250
Five aces	250 to 1	\$100
Royal flush	125 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Paytable 5</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	5,000 to 1	\$2,500
Royal flush + royal match	1,000 to 1	\$500
7 card straight flush with joker	500 to 1	\$250
Five aces	300 to 1	\$150
Royal flush	100 to 1	\$55
Straight flush	45 to 1	\$25
Four-of-a-kind	5 to 1	\$6
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Paytable 6</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	5,000 to 1	\$2,500
Royal flush + royal match	2,000 to 1	\$500
7 card straight flush with joker	1,000 to 1	\$250
Five aces	400 to 1	\$150
Royal flush	150 to 1	\$55
Straight flush	50 to 1	\$25
Four-of-a-kind	25 to 1	\$6
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

(d) The certificate holder shall pay out winning Progressive Payout Wagers and Envy Bonus payouts at the odds and amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Paytable 1 (\$1 wager)</i>	<i>Pay</i>
7 card straight flush	100% of meter
Five aces	10% of meter
Royal flush	\$500
Straight flush	\$100
Four-of-a-kind	\$75
Full house	\$4
Meter seed: \$10,000	
Rate of progression: 28%	
Original wager not returned to player	

<i>Paytable 2 (\$1 wager)</i>	<i>Pay</i>
7 card natural straight flush	100% of meter
7 card wild straight flush	10% of meter
Five-of-a-kind	\$500
Royal flush	\$300
Straight flush	\$100
Four-of-a-kind	\$30
Full house	\$7
Meter seed: \$10,000	
Rate of progression: 7%	
Original wager not returned to player	
Fully wild joker	

<i>Paytable 3 (\$1 wager)</i>	<i>Pay</i>
7 card straight flush	100% of meter
Five aces	10% of meter
Royal flush	\$500
Straight flush	\$100
Four-of-a-kind	\$75
Full house	\$4
Meter seed: \$2,000	
Rate of progression: 29%	
Original wager not returned to player	

<i>Paytable 4 (\$5 wager)</i>		
<i>Outcome</i>	<i>Pay & Progressive</i>	<i>Envy</i>
7 card straight flush	\$5,000/100% of meter	\$5,000
Royal flush + royal match	\$5,000/20% of meter	\$3,750
7 card straight flush w/joker	\$5,000/10% of meter	\$1,250
Five aces	\$2,500	\$500
Royal flush	\$500	\$250
Straight flush	\$200	\$100
Four-of-a-kind	\$100	\$25
Full house	\$25	
Flush	\$20	
Three-of-a-kind	\$15	

<i>Paytable 4 (\$5 wager)</i>		
<i>Outcome</i>	<i>Pay & Progressive</i>	<i>Envy</i>
Straight	\$7.50	
Meter seed: \$10,000		
Rate of progression: 1%		
Reserve rate: 1%		
Original wager returned to player		

<i>Paytable 5 (\$1 wager)</i>	<i>Pay</i>
7 card straight flush	100% of meter
Five aces	10% of meter
Five-of-a-kind	\$1,000
Royal flush	\$500
Straight flush	\$100
Four-of-a-kind	\$20
Full house	\$5
Meter seed: \$5,000	
Rate of progression: 17%	
Original wager not returned to player	
Fully wild joker	

<i>Paytable 6 (\$1 wager)</i>	<i>Pay</i>
7 card straight flush	100% of meter
Five aces	10% of meter
Five-of-a-kind	\$800
Royal flush	\$400
Straight flush	\$75
Four-of-a-kind	\$10
Meter seed: \$2,000	
Rate of progression: 17%	
Original wager not returned to player	
Fully wild joker	

<i>Paytable 7 (\$1 wager)</i>	<i>Pay</i>
7 card straight flush	100% of meter
Five aces	10% of meter
Five-of-a-kind	\$800
Royal flush	\$400
Straight flush	\$75
Four-of-a-kind	\$10
Meter seed: \$1,000	
Rate of progression: 26%	
Original wager not returned to player	
Fully wild joker	

§ 688a.13. Irregularities; invalid roll of dice.

(a) If the dealer uncovers the Pai Gow Poker shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a “no roll” and reshake the dice.

(b) If the dealer uncovers the Pai Gow Poker shaker and a die or dice fall out of the shaker, the dealer shall call a “no roll” and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card to the wrong position, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If the dealer exposes any of the cards dealt to a player, the player may void the hand. The player shall make the decision to either play out the hand or to void the hand without looking at the unexposed cards.

(e) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(f) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(g) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(h) If the dealer does not set his hands in the manner in which the certificate holder requires the hands of the dealer to be set, the hands shall be reset in accordance with the certificate holder’s Rules Submission and the round of play shall be completed.

(i) If a card is exposed while the dealer is dealing the cards in accordance with § 688a.9 (relating to procedures for dealing the cards from the hand) or the seven stacks in accordance with § 688a.10 (relating to procedures for dealing the cards from an automated dealing shoe), all wagers shall be returned to the players and the cards shall be reshuffled.

(j) If any player position or the dealer is dealt an incorrect number of cards, all hand shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(k) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(l) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(m) If an automated shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

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