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March 19, 2012

Director's Advisory Bulletin

Electronic Tables; Status of Game Operators

N.J.S.A. 5:12-100o(2) states:

A dealer may accept tips or gratuities from a patron at the table at which such dealer is conducting play, subject to the provisions of this subsection. All such tips or gratuities shall be immediately deposited in a lockbox reserved for that purpose, unless the tip or gratuity is authorized by a patron utilizing an automated wagering system approved by the division. All tips or gratuities shall be accounted for, and placed in a pool for distribution pro rata among the dealers, with the distribution based upon the number of hours each dealer has worked....

An issue has been raised as to whether the operators of electronic table games are considered dealers and are subject to the provisions of N.J.S.A. 5:12-102o(2) or whether such game operators may be deemed as hosts or entertainers who would be able to retain their own individual gratuities. Having examined the issue, the Director has determined that the key factor in determining the status of the operator of an electronic game is whether such operator must determine the outcome of wagers, cash out players with physical chips which the operator must successfully count out and be responsible for, or is otherwise involved in a manner which affects the integrity of any game.

The purpose of N.J.S.A. 5:12-100o(2) is to prevent collusion between a dealer and a patron. A dealer who receives a large gratuity from a patron might be induced to pay losing hands, overpay winning hands, "accidentally" allow a patron to see the dealer's cards, or engage in some other activity that undermines the integrity of gaming

operations. By spreading the gratuities among all dealers, actual collusion, as well as the perception of collusion, can be avoided. In the case of an electronic table game host who does not pay patrons and who does not determine whether the patron's wager is a winner, the harm against which N.J.S.A. 5:12-100o(2) is directed is not present. The table game software determines the results and pays the wagers. Upon cashout, the patron is presented with a gaming voucher issued at the electronic table. Accordingly, the operators of such automated electronic table games need not be required, but are permitted, to be part of the gratuity pool for dealers at the discretion of the casino operator as specified through the operator's internal controls. Conversely, where the electronic table game operator is dispensing chips to patrons and is responsible for maintaining the accuracy of the chip float, then such operator is considered a dealer and is subject to the provisions of N.J.S.A. 5:12-100o(2).