



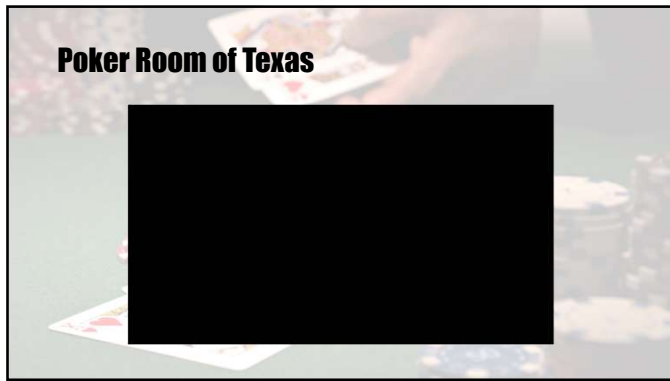
Gambling – Ch. 47 Texas Penal Code

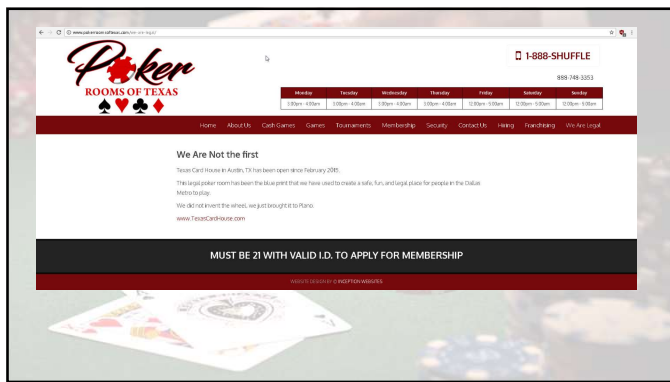
- ♣ (a) A person commits an offense if he:
 - ♣ (3) plays and bets for money or other thing of value at any game played with cards, dice, balls, or any other gambling device.
- ♣ (b) It is a defense to prosecution under this section that:
 - ♣ (1) the actor engaged in gambling in a private place;
 - ♣ (2) no person received any economic benefit other than personal winnings; AND
 - ♣ (3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

Definitions

Texas Penal Code 47.01(8)

- ♣ "Private Place" - a place to which the public does not have access, and excludes, among other places, streets, highways, restaurants, taverns, nightclubs, schools, hospitals, and the common areas of apartment houses, hotels, motels, office buildings, transportation facilities, and shops.
- ♣ "Benefit" - anything reasonably regarded as economic gain or advantage, including benefit to any other person in whose welfare the beneficiary is interested. Anything to which a price can be assigned. *Smith v. State* 959 SW2d 1, 20-21 (Tex. App. – Waco 1997, pet. ref'd)









Poker
ROOMS OF TEXAS

GAMBLING: The Texas Penal Code 47.02 (a) prohibits card gambling. However, under section 47.02 (b) it is a defense to prosecution that:

- (1) the actor engaged in gambling in a private place (our establishment is a private place);
- (2) no person received any economic benefit other than personal winnings; and
- (3) except for the advantage of skill or luck, the risk of losing and the chances of winning were the same for all participants.

The Room believes that the card playing activities in which its Members may engage as anticipated under this Agreement is legal under Section 47.02 (b) of the Texas Penal Code. However, The Room does not and cannot warrant or represent that such activities are not criminal, that they will not be prosecuted under Texas law, or that if prosecuted, such activities are defensible. The Room is not authorized to practice law or give legal advice and it is not hereby providing legal advice to its Members or prospective Members. The room will not provide any table games with a house advantage such as blackjack, roulette, craps, etc. We are a card enthusiast private club, not a casino.



June 2017 Complaint

- ♣ A player contacted the police and complained about the Poker Rooms of Texas
- ♣ Explained that it was not regulated
- ♣ Questioned the legality of “public” poker rooms in Texas

Applications for Certificates of Occupancy


- ♣ Poker Rooms of Texas
- ♣ Texas Card Club, LLC
- ♣ Big Texas Poker, LLC
- ♣ Topset Poker Club
- ♣ DFW Card Club
- ♣ Royal Card Club

Potential Responses

- ♣ Law Enforcement Response
 - ♣ Operating for over six months
 - ♣ Concern with a tactical response
 - ♣ Concern with the ambiguity in the Penal Code
- ♣ Regulatory Response

Regulatory Issues

- ♣ Certificates of Occupancy issued:
 - Indoor Commercial Amusement
 - Assembly Hall
- ♣ Certificate of Occupancy purpose
 - Compliance with Building Code
 - Compliance with other laws enforced by the Department of Building Safety



Regulatory Issues

- ♣ Zoning Ordinance – no clear language on illegal gambling
- ♣ Property Standards investigation
- ♣ Misdemeanor enforcement


OR

- ♣ Building Code- revocation when “building or structure” is in violation of any ordinance



Regulatory Issues

- ♣ Aces & Eights from Tombstone AZ
- ♣ Hearing before the Board of Adjustment



County Response

♣ July 2017

- ♣ Met with city attorneys, law enforcement officials, and the D.A.'s office
- ♣ Determined that the current business model violated the gambling statute
- ♣ Discussed possible responses:
 - Revoking certificates of occupancy
 - Notifying owners of the illegality by certified letter
 - Filing a suit to enjoin the use of a place for purposes constituting a nuisance
 - Criminal prosecution
 - Forfeiture with or without criminal prosecution

Soft Approach



C.J.'s Card Club – Sept. 7, 2017





Dallas Morning News

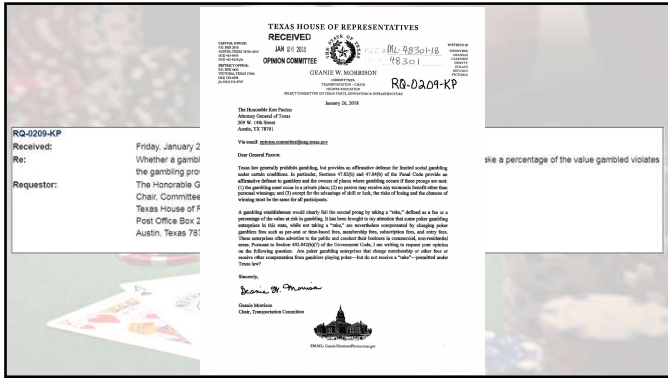
'Threatening letters'

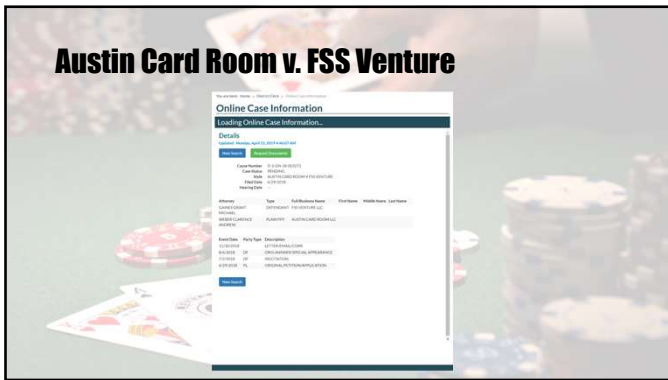
Big Texas Poker Club opened in late August in a commercial building off Jupiter Road in Plano. Owners Fred and Heather Zimmerman said they did their homework to ensure that they would be legal. Three weeks later, they

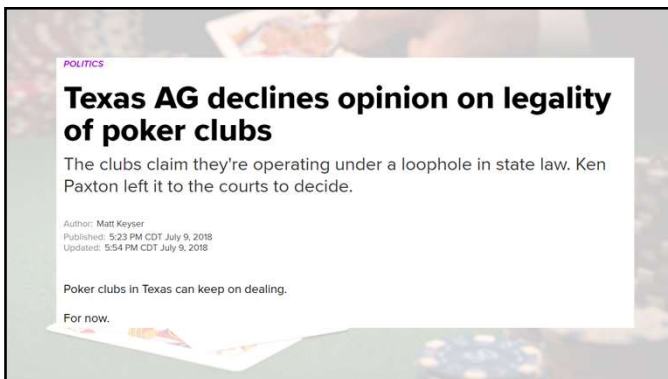
The couple said they were transparent about their club as they sought a city permit to open. Only after they started gaining members did they receive "threatening letters" from police stating that their business model violated the state's gambling law.

Plano City Attorney Paige Mims said certificates of occupancy are about the fitness of a building and have nothing to do with the activity inside. As for whether a private card room can operate, she said the city does not give legal advice.









Card Player Poker Tour Heads To Texas For First Ever Tournament Stop In State


Post Oak Poker Club To Host Lone Star State Poker Championship

by Card Player News Team | Published: Jul 30, 2018

The *Card Player Poker Tour* is finally heading to the state of Texas.

The Post Oak Poker Club in Houston, the first licensed poker club in the state, is excited to announce the first major poker tournament tour stop ever in the Lone Star State. The 2nd annual *Lone Star State Poker Championship*, presented by the *Card Player Poker Tour*, will be held July 30 through Aug. 5, 2018.

Yes, you heard that right. Legal Texas hold'em in Texas! The series also marks the first non-charity major poker tournament in the state.



CPPT VI - Post Oak Poker Club Houston
July 30 - August 5
