



STATE OF WASHINGTON
GAMBLING COMMISSION

"Protect the Public by Ensuring that Gambling is Legal and Honest"

February 14, 2017

The Honorable John Braun
Chair, Senate Ways and Means Committee
303 J.A. Cherberg Bldg.
P.O. Box 40482
Olympia, WA 98504

SUBJECT: Opposition to SB 5211 – Addressing adjudicative proceedings by state agencies

Dear Chair Braun:

The Washington State Gambling Commission voted to oppose Senate Bill 5211 during its public meeting on February 9, 2017. The Commissioners' opposition is only to the bill's requirement that an administrative law judge, instead of the Commission, issue final orders in adjudicative proceedings as identified in Sections 1 and 2. The Commission would withdraw its objection if there were an amendment to remove the agency from the bill.

The Gambling Commission is a five-member citizen commission established under the Gambling Act. The Commissioners and agency staff are responsible for keeping the "criminal element out of gambling and to promote the social welfare of the people by limiting the nature and scope of gambling activities and by strict regulation and control." The Gambling Act creates a licensing structure that allows people and businesses to engage in lawful gambling activities subject to the authority of the Gambling Commission.

When the agency takes administrative action against a licensee, the person or business can appeal the decision under the Administrative Procedure Act (APA). A hearing is held before an administrative law judge who creates the record and issues an initial order. Then, the licensee can appeal that initial order to the five-member Commission.

The Commissioners believe the Legislature's intent under the Gambling Act was to allow the Commissioners to use their specialized knowledge of the gambling laws to make final licensing decisions. The Commissioners believe this bill circumvents its purpose under the Gambling Act and it should retain its final decision-making authority. Therefore, we strongly encourage the Committee to take no action on the bill or, in the alternative, adopt an amendment removing the Gambling Commission from the bill.

If you have any questions, please do not hesitate to contact me at (253) 951-5090 or Director Dave Trujillo (360) 486-3512.

Sincerely,

A handwritten signature in black ink that reads "Bud Sizemore". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Bud Sizemore
Commission Chair

cc: Sen. Steve Conway
Sen. Mike Padden
Sen. Linda Wilson