



**WASHINGTON STATE  
GAMBLING COMMISSION PUBLIC  
MEETING - February 2019**

Hampton Inn & Suites  
4301 Martin Way E.  
Olympia, WA 98516



STATE OF WASHINGTON  
GAMBLING COMMISSION

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

**January Gambling Commission Meeting Minutes**

Hampton Inn & Suites 4301 Martin Way E. Olympia

**Public Meeting  
January 10, 2019**

**Commissioners Present:**

Bud Sizemore, Chair  
Julia Patterson, Vice Chair  
Chris Stearns  
Ed Troyer  
Alicia Levy

**Ex Officio Members Present:**

**Staff Present:**

David Trujillo, Executive Director; Tina Griffin, Assistant Director; Brian Considine, Legal and Legislative Manager; Julie Lies, Tribal Liaison; Heather Songer, Public Information Officer; Julie Anderson, Executive Assistant; and Suzanne Becker, Assistant Attorney General.

**Public Meeting Call to Order**

**Chair Bud Sizemore** called the Gambling Commission meeting to order at 10:00 a.m. He announced that the commissioners would be going into executive session and that the estimated time for the public meeting to start was 12:00 p.m. In executive session, the commissioners discussed litigation, pending investigations and tribal negotiations for approximately 90 minutes. The last 30 minutes of executive session was dedicated to discussing legal matters.

At 12:01 p.m., **Chair Sizemore** welcomed everyone to the Hampton Inn & Suites and to the first meeting of 2019; introductions were made.

**Chair Sizemore** asked for a moment of silence to recognize law enforcement officers across the country and in this state who were lost in the line of duty since we last met.

There were 25 people in attendance.

**Tab 1**

*Commissioner Levy moved to approve the November 15, 2018 minutes as presented by staff.*

*Commissioner Stearns seconded the motion.*

*The motion was passed 4:0*

*Commissioner Patterson moved to approve the new licenses and Class III employee licenses as presented by staff.*

*Commissioner Stearns seconded the motion.*

*The motion passed. 3:0*

*Commissioner Levy abstained.*

*Commissioner Patterson moved to approve the Class III certifications for the Snoqualmie and Cowlitz tribes.*

*Commissioner Levy seconded the motion.*

*The motion passed. 3:0*

*Commissioner Stearns abstained.*

*Commissioner Troyer was not present for the voting for Tab 1.*

### **Director's Report**

**Director Trujillo** attended the annual Gaming Law Summit in December. Commissioner Stearns, Legal and Legislative Manager Brian Considine and Director Trujillo presented at the summit. Commissioner Levy also attended the Gaming Law Summit via webinar. Director Trujillo gave an update on the problem gambling study. He announced that the study will be presented at the February commission meeting. Any questions regarding the process of the study can be directed to Mr. Considine. The report is due to the Legislature on February 15, 2019-- the day after the commission meeting. **Chair Sizemore** asked if the public would have a chance to comment. **Director Trujillo** said the public can submit comments at the February 14, 2019 commission meeting. **Staff recognition: Director Trujillo** recognized Ms. Cathee Gottfryd for her 35 years of service to the State of Washington. Ms. Gottfryd started her career at the Department of Labor and, in 1999, was hired at the Gambling Commission. She is currently a licensing specialist in the Licensing, Regulation and Enforcement Division. Photographs were taken.

### **Tab 2**

#### **Petition for Review – Numerica Credit Union**

**Chad Standifer, Assistant Attorney General (AAG)** presented the materials for this tab on behalf of the State of Washington. Ms. Shelley Ripley represented Numerica Credit Union (NCU) via phone in case number CR 2018-00200. **AAG Standifer**, presented arguments before the commissioners. NCU's original raffle application was denied by staff. NCU appealed the decision and an administrative law judge (ALJ) found that NCU should be granted a license. **AAG Standifer** argued to the Commissioners that they should not adopt the ALJ's decision because a license is prohibited under the Gambling Act and should uphold the Director's decision to deny NCU a license. Ms. Ripley argued the Commissioners have the authority to grant NCU a license and they should adopt the ALJ's initial order granting her client a license. **Commissioner Stearns** asked why the Legislature would treat the credit unions differently. **Chair Sizemore** indicated that a lobbying group or an affected individual doesn't have to lobby for or against something for it to apply to them. During oral argument, **Commissioner Troyer** voiced initial support for NCU's position, but stated he would listen to testimony in order to make a final decision. He stated that he supports credit unions in general and the work they do in the community. He raised the idea of recusing himself from the Commission's final decision since he is the chair of a local credit union, and stated he would discuss this with the legal manager. **Chair Sizemore** asked that the room be cleared so the commissioners could go into closed session.

**Chair Sizemore** reconvened the meeting after a 20-minute closed session and issued a verbal ruling denying the petition for review, adopting the administrative law judges' initial order, and

directing Commission staff to re-engage in the licensing process with Numerica. (Note: In a subsequent written final order, the Commissioner's affirmed their verbal ruling and directed staff to continue with the licensing process.) **Legal and Legislative Manager (LLM) Considine** informed commissioners that the decision would likely involve rule-making. **Commissioner Patterson** asked if staff could work with NCU to fast track the rules process. **LLM Considine** said staff can review the Commission's options and discuss possible rule-making options later in the meeting. He also indicated that staff will work with NCU and bring options to the February commission meeting.

### **Tab 3**

#### **Presentation-Seattle Jr. Hockey**

**Special Agent (SA) Greg Allen** presented the materials for this tab. SA Allen briefed the commissioners on Seattle Jr. Hockey Association's (SJHA) program review. He introduced Ric Newgard. Mr. Newgard has worked for SJHA for 41 years. He will be retiring soon and Mr. Mike Murphy will be taking over. During 2017, SJHA expended over \$886,875 for program services and served 1,106 youth participants in its hockey programs. The organization also provides scholarships that make it possible for under-privileged youth in the greater Seattle area to participate in youth hockey programs. During SA Allen's review of SJHA, numerous steps were taken to ensure it is functioning in accordance with its bylaws and continues to meet the definition of a charitable or nonprofit organization under the RCW. This was done, in part, by reviewing: board meeting minutes, program services, financial statements, internal controls and payroll. SA Allen verified that SJHA's programs exist and are being supported, and that SJHA made significant progress towards its stated purpose. Based on his review, SA Allen determined SJHA was in compliance with all WACs and RCWs during its fiscal year ending June 30, 2017 and is suitable for continued licensure.

### **Tab 4**

#### **Presentation-G2E**

**Acting Lab Administrator Jamie Aldridge, Special Agent in Charge Cathy Harvey and Legal and Legislative Manager Brian Considine** provided a presentation about their experiences at the 2018 Global Gaming Expo (G2E). G2E is the preeminent show for the gaming-entertainment industry. More than 26,000 people and 450 exhibitors attended the show from Oct. 8 -11, 2018 at the Sands Expo in Las Vegas. The Gambling Commission staff and commissioners attended keynote speeches, educational sessions and stakeholder meetings, and also visited the exhibit hall. Commissioners were joined at the show by staff from: administration, IT, TGU, licensing, legal & records and the EGL. Educational sessions and keynotes included:

- \*Mobile Gaming: The Next Big Thing for Indian Gaming
- \*Changing the Game: The Legal and Regulatory Impacts of a PASPA Repeal
- \*The Challenges of Being a Sports Betting Operator in the U.S.
- \*How States and Tribes are preparing for Legal Sports Betting
- \*Sports Betting: The Path Forward for Indian Country
- \*Indian Gaming in 2018: Legislative and Policy Issues in the U.S.
- \*How Sports Betting Works in a Regulated Market



Also included was a tour of the South Point Las Vegas sports book. **Chair Sizemore** said “Everybody works really hard, so, I definitely appreciate how well and how well-informed we can become as commissioners based on the effort and the work that goes on at that and other conferences.” **Commissioner Stearns** said that the Gambling Commission is held in high regard in the industry and that the work that the staff does at G2E is wonderful.

## **Tab 5**

### **Defaults**

**Staff Attorney Haylee Mills** presented the default materials. She also announced that the January commission meeting would be her last as staff attorney. She thanked the commission for giving her the opportunity to work at the Gambling Commission.

### **Roeun Chan, CR 2018-01094, Public Card Room Employee Revocation.**

**Chair Sizemore** asked if Roeun Chan was in the audience. He was not present.

*Commissioner Patterson moved to revoke the public card room employee license from Roeun Chan.*

*Commissioner Stearns seconded the motion.*

*The motion passed. 4:0*

*Commissioner Levy was not present for the vote.*

### **Gonzo’s LLC/dba Gonzo’s, CR 2018-00871 Punchboard/Pull-Tab revocation.**

**Chair Sizemore** asked if a representative from Gonzo’s was in the audience. Nobody was present.

*Commissioner Stearns moved to revoke the punchboard/pull-tab license for Gonzo’s.*

*Commissioner Patterson seconded the motion.*

*The motion passed unanimously.*

### **Chang S. Kim, Class III Employee Certification revocation, CR 2018-01376.**

**Chair Sizemore** asked if Chang S. Kim was in the audience. He was not present.

*Commissioner Patterson moved to revoke the Class III employee certification from Chang S. Kim.*

*Commissioner Stearns seconded the motion.*

*The motion passed unanimously.*

### **Lia B. Vanderpol, Public Card Room Employee certification revocation, CR 2018-00821.**

**Chair Sizemore** asked if Lia B. Vanderpol was in the audience. She was not present.

*Commissioner Stearns moved to revoke public card room license from Lia B. Vanderpol.*

*Commissioner Levy seconded the motion.*

*The motion passed unanimously.*

**Chair Sizemore** wished Haylee Mills good luck at her new position.

## **Tab 6**

### **Petition for Rule Change: Trade Shows**

**Legal and Legislative Manager Brian Considine** presented the materials for this tab. At this time **Director Trujillo** introduced the new rules coordinator, Ashlie Laydon. Ms. Laydon comes to the Gambling Commission for a love of rules and rule-making.

Commissioners voted unanimously to initiate rule-making regarding trade shows. The staff petition for rule change seeks to clarify requirements for trade shows, including transportation and storage of gambling equipment.

**Chair Sizemore** asked for public comment. There was no public comment.

*Commissioner Stearns moved to initiate rule-making on trade shows as presented by staff.*

*Commissioner Patterson seconded the motion.*

*The motion passed. 5:0*

*Numerica Credit Union decision and possible raffle rule-making, NCU case resumes.*

**Legal and Legislative Manager (LLM) Brian Considine** offered that he could discuss possible rule-making related to the Commissioners earlier decision to grant Numerica Credit Union a gambling license. **Chair Sizemore** asked to get Ms. Shelly Ripley back on the phone to finish the conversation regarding rule-making, in response to the commissioners' ruling on NCU's ability to receive a raffle license. **LLM Considine** informed the Commissioners that they should continue any rule-making discussion related to credit union and the agency's raffle rules to the Commission's February meeting because this topic was not on their agenda for this meeting. **LLM Considine** informed the Commissioners that staff can bring a summary sheet, much like the sheet provided on the trade show rules, to the February commission meeting to bring this issue before them for further discussion. **Ms. Ripley** asked for clarification regarding the application that NCU filled out originally. **Chair Sizemore** announced that the orders would be forthcoming and would be addressed at the February commission meeting.

## **Tab 7**

### **2019 Legislative Update**

**Legal and Legislative Manager (LLM) Brian Considine** presented the material for this tab.

**LLM Considine** went over the process for how the Gambling Commission will bring legislative decisions forward for the Commission's consideration. He asked the commissioners if anyone opposed the process; no one objected. **LLM Considine** highlighted the bills that the Gambling Commission will be watching closely. **LLM Considine** will schedule meetings with senators and representatives in the next couple weeks. He announced that the House Commerce and Gaming Committee added a few new members. **LLM Considine** is expecting our self-exclusion bill to be filed early the following week. The prime sponsor for the House will be Representative Kloba and the prime sponsor for the Senate is Senator Conway. **Director Trujillo** asked the commissioners to consider taking a formal position that the Gambling Commission should be the primary regulator of **Sports Betting**. The commissioners voted unanimously to take the position that the Washington State Gambling Commission should be the primary regulatory agency if/when sports betting is authorized by the Legislature.

**Chair Sizemore** asked for public comment. There was no public comment.

### **Other Business/General Discussion/Public Comment**

**Chair Sizemore** called for any further comment.

**Maureen Greeley**, Evergreen Council on Problem Gambling, announced that the council supports and applauds the great efforts that have been made by the Commission to move problem gambling issues forward. She believes that the self-exclusion bill has the potential to be the most impactful state legislation regarding problem gambling since state funding for treatment in 2005. She also said “the importance of that, and the scope and the processes and the requirements that need to follow the initial bill are crucially important to our field and to the individuals and families impacted in the state of Washington as well as the industry and what impacts will happen there at every level. The Task Force Bill, she stated, she would like to on behalf of our council and our board to say, we would very much like to be a part of helping to craft whatever language moves forward in a very short period of time, as well as being a key player in that task force moving forward. Just as you are the leader in the regulatory field, we believe our council is the leader in the field of problem gambling programs and services, and we would like to be a voice at that table.”

**Roxane Waldron**, program manager for the State of Washington Healthcare Authority, introduced herself to the Commission as the person who filled Ann Gray’s vacancy. Commissioner Patterson encouraged Ms. Waldron to have coffee with Ms. Gray to learn what great ideas she had.

There was no further comment. **Chair Sizemore** reminded the audience that the next commission meeting will be Feb. 14, 2019 at the Hampton Inn and Suites in Olympia.

The commission meeting adjourned at 3:45 p.m.



## HOUSE-BANKED PUBLIC CARD ROOM REPORT

Current House- Banked Locations Operating			46		
	City	Commission Approval Date	License Expiration Date	Org #	License #
ACES CASINO ENTERTAINMENT	SPOKANE VALLEY	Mar 13, 2014	Dec 31, 2019	00-23112	67-00325
ALL STAR CASINO	SILVERDALE	Jan 14, 1999	Jun 30, 2019	00-18357	67-00058
BLACK PEARL RESTAURANT & CARD ROOM	SPOKANE VALLEY	Jan 10, 2013	Sep 30, 2019	00-22440	67-00321
BUZZ INN STEAKHOUSE/EAST WENATCHEE	EAST WENATCHEE	Oct 10, 2002	Dec 31, 2019	00-11170	67-00183
CARIBBEAN CARDROOM	KIRKLAND	Aug 13, 2009	Mar 31, 2019	00-21882	67-00285
CASINO CARIBBEAN	YAKIMA	Mar 14, 2002	Dec 31, 2019	00-17603	67-00093
CASINO CARIBBEAN	KIRKLAND	Nov 15, 2005	Sep 30, 2019	00-20427	67-00238
CHIPS CASINO/LAKEWOOD	LAKEWOOD	Apr 8, 1999	Dec 31, 2019	00-17414	67-00020
CLEARWATER SALOON & CASINO	EAST WENATCHEE		Dec 31, 2019	00-24296	67-00339
CLUB HOLLYWOOD CASINO	SHORELINE	Sep 9, 2010	Jun 30, 2019	00-22132	67-00303
COYOTE BOB'S CASINO	KENNEWICK	Jul 10, 2009	Mar 31, 2019	00-21848	67-00282
CRAZY MOOSE CASINO II/MOUNTLAKE TERRACE	MOUNTLAKE TERRACE	Jul 10, 2009	Mar 31, 2019	00-21849	67-00283
CRAZY MOOSE CASINO/PASCO	PASCO	Jul 10, 2009	Mar 31, 2019	00-21847	67-00281
EMERALD DOWNS	AUBURN	May 11, 2017	Mar 31, 2019	00-23814	67-00335
FORTUNE CASINO - RENTON	RENTON	Jan 8, 2015	Sep 30, 2019	00-23339	67-00327
FORTUNE CASINO - TUKWILA	TUKWILA	Oct 8, 2015	Jun 30, 2019	00-23465	67-00329
GOLDIE'S SHORELINE CASINO	SHORELINE	May 13, 1999	Dec 31, 2019	00-17610	67-00016
GREAT AMERICAN CASINO/EVERETT	EVERETT	Nov 12, 1998	Dec 31, 2019	00-19513	67-00194
GREAT AMERICAN CASINO/LAKEWOOD	LAKEWOOD	Aug 14, 2003	Jun 30, 2019	00-19258	67-00184
GREAT AMERICAN CASINO/TUKWILA	TUKWILA	Jan 15, 1998	Sep 30, 2019	00-12554	67-00012
HAWKS PRAIRIE CASINO	LACEY	Jul 12, 2001	Jun 30, 2019	00-17579	67-00091
IRON HORSE CASINO	AUBURN	Jan 9, 2003	Dec 31, 2019	00-19477	67-00192

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**Current House- Banked Locations Operating**

**46**

	City	Commission Approval Date	License Expiration Date	Org #	License #
JOKER'S CASINO SPORTS BAR & FIESTA CD RM	RICHLAND	Nov 12, 1998	Dec 31, 2019	00-15224	67-00006
LANCER LANES/REST AND CASINO	CLARKSTON	Nov 13, 2008	Sep 30, 2019	00-21681	67-00276
LAST FRONTIER	LA CENTER	Feb 11, 1999	Sep 30, 2019	00-11339	67-00055
LILAC LANES & CASINO	SPOKANE	Jul 12, 2007	Jun 30, 2019	00-21305	67-00267
LUCKY 21 CASINO	WOODLAND	Oct 8, 2013	Jun 30, 2019	00-22918	67-00322
MACAU CASINO	LAKEWOOD	Jul 12, 2007	Mar 31, 2019	00-20428	67-00239
MACAU CASINO	TUKWILA	Jan 12, 2012	Sep 30, 2019	00-22573	67-00319
NOB HILL CASINO	YAKIMA	Sep 12, 2001	Dec 31, 2019	00-13069	67-00173
PALACE CASINO LAKEWOOD	LAKEWOOD	Jan 14, 1999	Dec 31, 2019	00-16542	67-00028
PAPAS CASINO RESTAURANT & LOUNGE	MOSES LAKE	Aug 13, 1998	Jun 30, 2019	00-02788	67-00004
RC'S AT VALLEY LANES	SUNNYSIDE	Nov 16, 2017	Mar 31, 2019	00-16220	67-00336
RIVERSIDE CASINO	TUKWILA	Aug 14, 2003	Jun 30, 2019	00-19369	67-00187
ROMAN CASINO	SEATTLE	Feb 10, 2000	Mar 31, 2019	00-17613	67-00057
ROXY'S BAR & GRILL	SEATTLE	Nov 18, 2004	Jun 30, 2019	00-20113	67-00231
ROYAL CASINO	EVERETT	Sep 9, 2010	Jun 30, 2019	00-22130	67-00301
SILVER DOLLAR CASINO/MILL CREEK	BOTHELL	Sep 9, 2010	Jun 30, 2019	00-22131	67-00302
SILVER DOLLAR CASINO/RENTON	RENTON	Sep 9, 2010	Jun 30, 2019	00-22134	67-00305
SILVER DOLLAR CASINO/SEATAC	SEATAC	Sep 9, 2010	Jun 30, 2019	00-22128	67-00299
SLO PITCH PUB & EATERY	BELLINGHAM	Aug 12, 1999	Jun 30, 2019	00-16759	67-00038
THE GETAWAY CASINO	WALLA WALLA	Mar 11, 2016	Jun 30, 2019	00-23485	67-00332
THE PALACE	LA CENTER	Apr 9, 1998	Jun 30, 2019	00-16903	67-00010
WILD GOOSE CASINO	ELLENSBURG	Apr 8, 2004	Dec 31, 2019	00-20009	67-00212
WIZARDS CASINO	BURIEN	Feb 11, 2010	Dec 31, 2019	00-21998	67-00287
ZEPOPOZ	PULLMAN	Nov 13, 2008	Mar 31, 2019	00-18777	67-00209

<b>Licensed, But Not Operating</b>					<b>1</b>
	<b>City</b>	<b>Commission Approval Date</b>	<b>License Expiration Date</b>	<b>Org #</b>	<b>License #</b>
GREAT AMERICAN CASINO/DES MOINES	DES MOINES	Jul 13, 2017	Mar 31, 2019	00-23795	67-00334

<b>Applications Pending</b>					<b>1</b>
	<b>City</b>	<b>Commission Approval Date</b>	<b>License Expiration Date</b>	<b>Org #</b>	<b>License #</b>
REGINA'S ON THE WATER	LONGVIEW			00-23997	67-00337





# Washington State Gambling Commission

## Pre-Licensing Report

### House-Banked Public Card Rooms

#### Part I

#### Licensing/Organization Information

<b>Type of Approval</b> House-Banked Card Room	<b>Premises/Trade Name/Address</b> Clearwater Saloon & Casino 838 Valley Mall Parkway East Wenatchee, WA 98802
<b>Date of Application</b> October 29, 2018	

#### APPLICANT INFORMATION

<b>Name</b> Valley Mall Entertainment, LLC	<b>License Application #</b> 00-24296	<b>Business Phone #</b> 509-888-2003
<b>Address</b> 838 Valley Mall Parkway East Wenatchee, WA 98802		<b>Liquor License:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

#### ACTIVE LICENSES ISSUED BY GAMBLING COMMISSION

Description/Class	Exp. Date	License Number(s)
Punchboard/Pull Tab	12/31/2019	05-21580
House-banked Card Room	12/31/2019	67-00339

#### COMMISSION STAFF

<b>Licensing Specialist</b> Isabel Corrigan, Licensing Services	<b>Special Agents</b> Julie Sullivan, Licensing Brian Lane, Regulation
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### Background/Structure

**General Information:**

The State of Washington Secretary of State's Office issued a *Certificate of Incorporation to Valley Mall Entertainment, LLC*, doing business as Clearwater Saloon & Casino on September 28, 2018.

On October 29, 2018, the WSGC received an application from Clearwater Saloon & Casino for a house-banked card room license.

**Ownership Information:**

- **Valley Mall Entertainment, LLC:**

Name	Title	% Ownership	Residence	State
Jerome Howe	Managing Member	45%	East Wenatchee	WA
Vernon Westerdahl	Member	45%	Burien	WA
Janis Stiverson	Member	10%	Wenatchee	WA

**Total** **100.0%**

- **Other Affiliations:**

Mr. Howe has an ownership interest in several other WSGC licensed entities including: Jokers Casino, Wild Goose Casino, Roxy's Casino and Nob Hill Casino. All licensees are in good standing with the Commission and do not have any recent material violations.

**Part II**  
**Licensing Investigations Summary**

Special Agents from the Commission's Licensing Investigations Unit conducted criminal records investigations and financial investigations focusing on funding sources and beneficiaries for suitability in accordance with RCW 9.46 and WAC 230. The investigations found:

- No unreported people or businesses involved (i.e. substantial interest holders);
- No undisclosed ownership or undisclosed involvement in other activities/businesses;
- All funding sources were disclosed; and
- All substantial interest holders qualify.

A complete inspection and review was conducted of the accounting records, bank statements, contracts and agreements of Valley Mall Gaming Entertainment, LLC. Agents verified the funding sources, reviewed the financial records, and discussed licensing requirements.

Source of Funds:

This business was funded by capital contributions from the three members of Valley Mall Entertainment, LLC.

**Part III**  
**Pre-Operational Review and Evaluation Summary**

Special Agents from the Commission's Regulation Division completed an investigation to determine that the gambling operation complies with the requirements of RCW 9.46 and WAC 230. The review found that the following are in compliance:

- Nature, size, and scope of gambling operations
- Regulations for the operation and management of gambling
- Forms and recordkeeping
- Surveillance and Security
- Internal controls for Surveillance, Security, Accounting, and Gambling.

The applicant proposes to operate the following games:

- 1 – Emperor's Challenge
- 1 – Texas Shootout
- 1 – Prime Bet Side Ben
- 1 – Four Card Prime
- 1 – High Card Flush
- 1 – Match the Dealer
- 2 – Players Edge

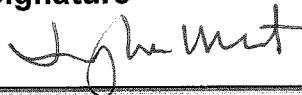
**Part IV**  
**Staff Recommendations**

Based upon the licensing and regulation investigations, staff recommends licensing Valley Mall Entertainment, LLC doing business as Clearwater Saloon & Casino as a house-banked card room to operate in accordance with the wagering limits of WAC 230-15-140.

**Prepared By**

Jennifer LaMont, Agent in Charge  
Licensing

**Signature**



**Date**

1/28/19



COMMISSION APPROVAL LIST  
(Class III Gaming Employees)  
February 2019

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PAGES: 3

Based upon the licensing investigations, staff recommends approving all new Class III employees listed on pages 1-3.

PERSON'S NAME

CERTIFICATION NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEES**

**COWLITZ INDIAN TRIBE**

ACKLEY, MCKENNA M  
69-45987

BURKE, CANDACE N  
69-45985

BUSKO, ALLYSON L  
69-45970

CASTILLO, STORM A  
69-46084

CHAND, MAYA W  
69-46015

CHRISTIANSEN, DIANN M  
69-46083

COLLIER, CASSANDRA J  
69-42703

CUNNINGHAM, SCOTT A  
69-46085

FERGUSON, WILLIAM A  
69-45910

GARNER, ANGELA B  
69-45947

JUST, KATHERINE M  
69-45971

KNAPP, GREGORY P  
69-46032

KUNAS, CODY L  
69-46008

LARSON, JORDAN M  
69-46017

MCPHERSON, DAMON L  
69-45946

MENDEZ, CHRISTIAN M  
69-46009

MOORE, CONNOR B  
69-45936

MOOS, DOUGLAS G  
69-46082

NETH, JEANNE M  
69-45986

NORRIS, JENNIFER L  
69-46012

OEDER, ELLIOTT J  
69-45935

PARKER, MATTHEW B  
69-46087

PATTERSON, DANIEL R  
69-46014

PETERS, CIAN C  
69-46088

PERSON'S NAME

CERTIFICATION NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEES**

**COWLITZ INDIAN TRIBE**

RAZO, EDUARDO  
69-46056

RIGGS, DEANNA L  
69-46086

SAKHOEUN, KIONNA D  
69-46055

SHUMAKER, JEREMY G  
69-46013

TOADITEP, SUPANNEE  
69-45988

WALKINSHAW, DONALD R  
69-46016

WICKETT, TAMMY L  
69-46065

**SNOQUALMIE TRIBE**

AUSTIN, DANIEL D  
69-46010

DUTTON, MICHELLE L  
69-46130

GASTON, CHRISTOPHER L  
69-46129

GATES, SARAH-ANN R  
69-20300

HAN, JING  
69-46098

HONG, YANYAN  
69-38722

KOROBOV, IGOR  
69-45940

LUGO, WILFREDO J  
69-46101

MIDDERHOFF, DEBRA M  
69-46018

NGUYEN, TIM A  
69-46135

OROPEZA RUIZ, EROS  
69-46131

PACADA, AGUEDO N  
69-46003

PEREZ, TERESA V  
69-46100

STOCKWELL, CHARLES G  
69-46096

TIBBS, JESSIE C  
69-46132

VAN PELT, STEPHEN A  
69-46134

DATE: 01/23/2019

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PERSON'S NAME

CERTIFICATION NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEES**

SNOQUALMIE TRIBE

WANAMAKER, HARRISON E  
69-46097

WOODWARD, KATHRYN M  
69-46099

WYATT, TROY T  
69-46128





COMMISSION APPROVAL LIST  
(New Licenses & Class III Gaming Employees)  
February 2019

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Based upon the licensing investigations, staff recommends approving all new Licenses and Class III employees listed on pages 1 to 18.

ORGANIZATION NAME

LICENSE NUMBER

PREMISES LOCATION

**NEW APPLICATIONS**

**BINGO**

EARTH MINISTRY  
00-23656 01-02719

1245 10TH AVE E  
SEATTLE WA 98102

**RAFFLE**

COMPASS HEALTH  
00-24284 02-20941

10200 QUILVEDA BLVD  
TULALIP WA 98271

EMERALD HEIGHTS ACADEMY  
00-24320 02-20966

1420 NW GILMAN BLVD, SUITE 2; PMB  
ISSAQUAH WA 98027

FOE 02622  
00-00595 02-00222

1517 W BROADWAY  
MOSES LAKE WA 98837

FOE AUX 00002  
00-24294 02-20946

6410 N LIDGERWOOD ST  
SPOKANE WA 99208

GO FOURTH FESTIVAL ASSOCIATION  
00-24301 02-20961

1515 22ND AVE  
LONGVIEW WA 98632

HELPING HANDS FOOD BANK  
00-24331 02-20971

PO BOX 632  
SEDRO-WOOLLEY WA 98284

ISSAQUAH SUNSET ELEMENTARY PTA 2.6.30  
00-20380 02-08601

4229 W LK SAMMAMISH PKWY SE  
BELLEVUE WA 98008

JUANITA REBELS BOOSTER CLUB  
00-24326 02-20968

9422 NE 130TH PL  
KIRKLAND WA 98034

KIWANIS CLUB OF GIG HARBOR  
00-20449 02-08616

3910 VERNHARDSON ST  
GIG HARBOR WA 98332

MASADA SHRINERS  
00-23995 02-20774

2802 FRUITVALE BLVD  
YAKIMA WA 98902

MAVERICKS BASEBALL  
00-24300 02-20960

8040 NE DAY RD W 4  
BAINBRIDGE ISLAND WA 98110

NORTHWEST MINI SPRINT ASSN  
00-17375 02-02875

4605 DEMING RD  
EVERSON WA 98247

PROSSER BOOSTER CLUB  
00-20908 02-08735

1203 PROSSER AVE  
PROSSER WA 99350

SHADLE PARK HIGH SCHOOL BOOSTER CLUB  
00-21550 02-08864

1818 W FRANCIS 233  
SPOKANE WA 99205

JL

ORGANIZATION NAME

LICENSE NUMBER

PREMISES LOCATION

**NEW APPLICATIONS****RAFFLE**TACOMA ARTS LIVE  
00-18238 02-08167901 BROADWAY SUITE 700  
TACOMA WA 98402THE FNDN FOR THE RAINBOW GIRLS OF WASHINGTON ID  
00-24323 02-2096711927 11TH AVE NE  
MARYSVILLE WA 98271TIFFANY PARK PTA  
00-24328 02-209701601 LAKE YOUNGS WAY SE  
RENTON WA 98058WA MUNICIPAL CLERKS ASSN  
00-20419 02-086082525 N 20TH AVE  
PASCO WA 99301WOLVERTON MOUNTAIN GUN CLUB  
00-16571 02-02770PO BOX 65056  
VANCOUVER WA 98665YOUTH OUTDOORS UNLIMITED  
00-23086 02-093441373 RD F 2  
MOSES LAKE WA 98837**PUNCHBOARD/PULL-TAB NONPROFIT**FOE 02622  
00-00595 05-021731517 W BROADWAY  
MOSES LAKE WA 98837**PUNCHBOARD/PULL-TAB COMMERCIAL STIMULANT**BEAUTIFUL BURBANK TAVERN  
00-24289 05-21578223 SECOND AVE  
BURBANK WA 99323BRASS RAIL  
00-24285 05-21577527 WHITMAN ST  
ROSALIA WA 99170CEDAR INN  
00-24279 05-215739030 MARTIN WAY E  
OLYMPIA WA 98516CHECKERBOARD BAR  
00-23565 05-213761716 E SPRAGUE AVE  
SPOKANE WA 99202CLEARWATER SALOON & CASINO  
00-24296 05-21580838 VALLEY MALL PKWY  
EAST WENATCHEE WA 98802DISTRICT 1  
00-24270 05-2157010013 SHOULTES RD B1  
MARYSVILLE WA 98270RICHLAND DUGOUT  
00-24311 05-2158599 LEE BLVD  
RICHLAND WA 99352

ORGANIZATION NAME

LICENSE NUMBER

PREMISES LOCATION

**NEW APPLICATIONS**

**PUNCHBOARD/PULL-TAB COMMERCIAL STIMULANT**

THE FISCHIN' HOLE SALOON  
00-24295 05-21579

114 E LAKE ST  
MEDICAL LAKE WA 99022

THE LITTLE NEVADA  
00-24315 05-21588

4803 N NEVADA ST  
SPOKANE WA 99207

TWIN PEAKS PUB  
00-24308 05-21584

129 W NORTH BEND WAY  
NORTH BEND WA 98045

TYEE RESTAURANT AND MOTEL  
00-24297 05-21581

405 S MAIN ST  
COUPEVILLE WA 98239

WHO'S?  
00-24313 05-21587

907 1ST ST  
SNOHOMISH WA 98290

**COMMERCIAL AMUSEMENT GAMES OPERATOR**

BULLSEYE AMUSEMENT  
00-15126 53-21530

5700 N HAVANA  
SPOKANE WA 99217-6546

**NON HOUSE BANKED CARD GAME**

FOE 02622  
00-00595 60-00374

1517 W BROADWAY  
MOSES LAKE WA 98837

SENIOR CENTER / BLAINE  
00-22892 60-00546

763 G ST  
BLAINE WA 98230

THE FISCHIN' HOLE SALOON  
00-24295 65-07494

114 E LAKE ST  
MEDICAL LAKE WA 99022

**HOUSE BANKED CARD GAMES**

CLEARWATER SALOON & CASINO  
00-24296 67-00339

838 VALLEY MALL PKWY  
EAST WENATCHEE WA 98802

PERSON'S NAME  
LICENSE NUMBER

EMPLOYER'S NAME  
PREMISES LOCATION

### NEW APPLICATIONS

#### DISTRIBUTOR REPRESENTATIVE

VU, STEVEN H  
22-01254

NRT TECHNOLOGIES INC  
LAS VEGAS NV 89118

WILLIAMS, TYLER J  
22-01272

MCCOYS DISTRIBUTING  
KENNEWICK WA 99336

#### MANUFACTURER REPRESENTATIVE

AGONCILLO, MICHAEL JR  
23-02550

GAMING ARTS  
LAS VEGAS NV 89119-3504

BENTON, CURTIS H  
23-02882

ARISTOCRAT TECHNOLOGIES INC  
LAS VEGAS NV 89135

BROWN, VICTOR L JR  
23-02896

BALLY TECHNOLOGIES  
LAS VEGAS NV 89119

BUEME, JASON M  
23-02880

ARISTOCRAT TECHNOLOGIES INC  
LAS VEGAS NV 89135

CARRISON, ALLEN S  
23-02893

ARISTOCRAT TECHNOLOGIES INC  
LAS VEGAS NV 89135

DECASA, ROGELIO S JR  
23-02881

ARISTOCRAT TECHNOLOGIES INC  
LAS VEGAS NV 89135

DURGAN, EVAN J  
23-02891

ARISTOCRAT TECHNOLOGIES INC  
LAS VEGAS NV 89135

EFFROS, ERIC I  
23-02897

AGS LLC  
LAS VEGAS NV 89118

FOX, JOSHUA D  
23-02887

ARIES TECHNOLOGY LLC  
GROVE OK 74344-6251

HUSTER, LAWRENCE J  
23-02889

EVERI GAMES INC.  
AUSTIN TX 78746

KING, KYLE C  
23-01505

EVERI PAYMENTS INC  
LAS VEGAS NV 89113-2175

MEHROTRA, AMIT  
23-02888

BALLY TECHNOLOGIES  
LAS VEGAS NV 89119

ROBERTSON, WILLIAM A III  
23-02885

IGT  
LAS VEGAS NV 89113

PERSON'S NAME  
LICENSE NUMBER

EMPLOYER'S NAME  
PREMISES LOCATION

**NEW APPLICATIONS**

**MANUFACTURER REPRESENTATIVE**

TAYLOR, EDWARD C  
23-02895

ARISTOCRAT TECHNOLOGIES INC  
LAS VEGAS NV 89135

TURNER, MARCUS D  
23-02890

EVERI PAYMENTS INC  
LAS VEGAS NV 89113-2175

VILLANIA, ANTHONY M  
23-02894

ARISTOCRAT TECHNOLOGIES INC  
LAS VEGAS NV 89135

YOUNG, DAVID J  
23-02883

ARISTOCRAT TECHNOLOGIES INC  
LAS VEGAS NV 89135

**NON-PROFIT GAMBLING MANAGER**

DEATON, RANDALL J  
61-04689

LOOM 00996  
PORT ANGELES WA 98362

HUGHES, DARREN X  
61-04688

VFW 01435  
SPOKANE VALLEY WA 99212-070

YOUNG, KIMBERLY D  
61-04690

SPOKANE YOUTH SPORTS ASSN  
SPOKANE WA 99201

**SERVICE SUPPLIER REPRESENTATIVE**

DE LA ROSA, JAVIER  
63-00853

WG-AIRWAY HEIGHTS LLC  
LAS VEGAS NV 89119

DUBOIS, KORIN K  
63-00852

WG-AIRWAY HEIGHTS LLC  
LAS VEGAS NV 89119

RUDD, VICTOR D  
63-00791

NORTH AMERICAN VIDEO  
BRICK NJ 08723

STILKEY, JEFFREY C  
63-00851

WG-AIRWAY HEIGHTS LLC  
LAS VEGAS NV 89119

**CARD ROOM EMPLOYEE**

ACHTEN, PRISCILLA S  
68-35119

B

CHIPS CASINO/LAKEWOOD  
LAKEWOOD WA 98499



PERSON'S NAME  
LICENSE NUMBER

EMPLOYER'S NAME  
PREMISES LOCATION

**NEW APPLICATIONS**

**CARD ROOM EMPLOYEE**

AULIBRICE, PETER-SON 68-35142	B	ZEPPOZ PULLMAN WA 99163
BASS, JOSEPH J 68-30318	B	LILAC LANES & CASINO SPOKANE WA 99208-7393
BENTLEY, JORDAN R 68-35120	B	CHIPS CASINO/LAKEWOOD LAKEWOOD WA 98499
BRINEMAN, CHRISTINA L 68-05731	B	LILAC LANES & CASINO SPOKANE WA 99208-7393
BROWN, RYAN C 68-30156	B	BLACK PEARL RESTAURANT & CARD SPOKANE VALLEY WA 99206-471
COLE, WILLIAM L III 68-35059	B	GREAT AMERICAN CASINO/LAKEWOOD LAKEWOOD WA 98499
CURSON, DYNAN L 68-35122	B	LAST FRONTIER LA CENTER WA 98629-0000
DANIELS, CHRISTOPHER E 68-17214	B	GREAT AMERICAN CASINO/EVERETT EVERETT WA 98204
DEVITA, STEPHEN C 68-35113	B	CARIBBEAN CARDROOM KIRKLAND WA 98034
ENGICHY, MARVON 68-35107	B	THE PALACE LA CENTER WA 98629
GARCIA, TAMARA M 68-35124	B	GOLDIE'S SHORELINE CASINO SHORELINE WA 98133
GONZALEZ FUENTES, JESSE E 68-35147	B	RC'S AT VALLEY LANES SUNNYSIDE WA 98944
GONZALEZ, BOBBI JO M 68-35145	B	CASINO CARIBBEAN YAKIMA WA 98901
GREENE, MARK G 68-35136	B	CLEARWATER SALOON & CASINO EAST WENATCHEE WA 98802
HANNA, TAMARA M 68-35104	B	HAWKS PRAIRIE CASINO LACEY WA 98516
HARSO, JANUARI S 68-31375	B	SILVER DOLLAR CASINO/SEATAC SEATAC WA 98188

PERSON'S NAME

EMPLOYER'S NAME

LICENSE NUMBER

PREMISES LOCATION

**NEW APPLICATIONS****CARD ROOM EMPLOYEE**

HOLME, BRYCE A 68-35132	B	CHIPS CASINO/LAKEWOOD LAKEWOOD WA 98499
HONG, KHORN 68-35131	B	CHIPS CASINO/LAKEWOOD LAKEWOOD WA 98499
HUANG, PEIXIAN 68-35116	B	ROMAN CASINO SEATTLE WA 98178
HUYNH, PHAT T 68-35117	B	RIVERSIDE CASINO TUKWILA WA 98168
JACKSON, KALIN A 68-35114	B	RIVERSIDE CASINO TUKWILA WA 98168
JENNEN, AUSTIN G 68-35141	B	ACES CASINO ENTERTAINMENT SPOKANE VALLEY WA 99216
JUEDES, SARA R 68-13741	B	THE PALACE LA CENTER WA 98629
KALII, KAIKAINA K 68-23570	B	PALACE CASINO LAKEWOOD LAKEWOOD WA 98499-8434
KELLY, ROBERT H 68-35146	B	LANCER LANES/REST AND CASINO CLARKSTON WA 99403-2219
KENNISON, MARK B 68-18759	B	ROXY'S BAR & GRILL SEATTLE WA 98126
KINSEY, MICHAEL E 68-35101	B	LILAC LANES & CASINO SPOKANE WA 99208-7393
LE, HANG T 68-35133	B	RIVERSIDE CASINO TUKWILA WA 98168
LEE, HEATHER J 68-35125	B	SLO PITCH PUB & EATERY BELLINGHAM WA 98225
LEWIS, DALE W 68-35144	B	CHIPS CASINO/LAKEWOOD LAKEWOOD WA 98499
LUU, NGOC V 68-10317	B	GOLDIE'S SHORELINE CASINO SHORELINE WA 98133
LY, THUTHUY T 68-08033	B	COYOTE BOB'S CASINO KENNEWICK WA 99336

PERSON'S NAME  
LICENSE NUMBER

EMPLOYER'S NAME  
PREMISES LOCATION

**NEW APPLICATIONS**

**CARD ROOM EMPLOYEE**

MARAYNE, GWYNETH A 68-35110	B	ROXY'S BAR & GRILL SEATTLE WA 98126
MOORE, LANCE R 68-33341	B	CRAZY MOOSE CASINO/PASCO PASCO WA 99301
MORRIS, DANIELLE A 68-35130	B	LAST FRONTIER LA CENTER WA 98629-0000
MORRISON, RUDY V 68-35140	B	NOB HILL CASINO YAKIMA WA 98902
NAJERA, ALFONSO L 68-35108	B	COYOTE BOB'S CASINO KENNEWICK WA 99336
OWENS, ERIC M 68-35148	B	CARIBBEAN CARDROOM KIRKLAND WA 98034
PAN, JUNJUN 68-35126	B	RIVERSIDE CASINO TUKWILA WA 98168
PEGRAM, TERESA A 68-35128	B	CRAZY MOOSE CASINO/PASCO PASCO WA 99301
PHAM, DONG V 68-18751	B	LILAC LANES & CASINO SPOKANE WA 99208-7393
PHAM, HONG H 68-35134	B	RIVERSIDE CASINO TUKWILA WA 98168
PLUMMER, ASHLEY D 68-33945	B	GREAT AMERICAN CASINO/EVERETT EVERETT WA 98204
PRAK, SENG 68-13728	B	CHIPS CASINO/LAKEWOOD LAKEWOOD WA 98499
SAVORY, CHRISTY A 68-35121	B	ROXY'S BAR & GRILL SEATTLE WA 98126
SCOTT, TRAYNAA J 68-18589	B	ALL STAR CASINO SILVERDALE WA 98383
TOW, SAU PING 68-35118	B	ROMAN CASINO SEATTLE WA 98178
TRAN, NGA N 68-20401	B	ROXY'S BAR & GRILL SEATTLE WA 98126

PERSON'S NAME  
LICENSE NUMBER

EMPLOYER'S NAME  
PREMISES LOCATION

**NEW APPLICATIONS**

**CARD ROOM EMPLOYEE**

VALENCIA, ANGELICA M  
68-33285

B

CRAZY MOOSE CASINO/PASCO  
PASCO WA 99301

VORNG, CHAN RAZMYE  
68-35111

B

ROXY'S BAR & GRILL  
SEATTLE WA 98126

WILCOX, KAREN S  
68-20745

B

CARIBBEAN CARDROOM  
KIRKLAND WA 98034

WILKINSON, ANDREW D  
68-35127

B

ALL STAR CASINO  
SILVERDALE WA 98383

ZHAO, XING FANG  
68-35115

B

RIVERSIDE CASINO  
TUKWILA WA 98168

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEE**

**COLVILLE CONFEDERATED TRIBES**

ADRIAN, SELENA R  
69-46050

BURKE, LEONARD R  
69-38812

CROSSLAND, JONNIE R  
69-46048

GENSAW, KATHLEEN R  
69-46049

HENNIGS, JERIN L  
69-45983

WILLIAMS, CHANCE A  
69-40214

**KALISPEL TRIBE**

BAULNE, PAUL C  
69-16081

DETTMANN, LINDSEY A  
69-45939

GALLER, JOSEPH D  
69-45959

GRANILLO, ANALYSA I  
69-46075

GRASSEL, PETER J  
69-46111

LEFEBVRE, KEITH C  
69-46074

LOPEZ, ALYSSA D  
69-46035

MACY, COLTON S  
69-45938

RIOS, ARIANNA M  
69-45984

RIVERS, MARYANN B  
69-45960

SAULS, CHARLES K  
69-45993

SCOTT, ZACHARY D  
69-46027

SIMONSEN, CARRIE A  
69-46077

THOMPSON, BOBBY  
69-45980

TOTTEN, BRENDA K  
69-46110

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEE**

LUMMI NATION

ALDRICH, RHETT D  
69-46047

GUEVARA, NOE I  
69-40031

KUMAR, RANUSHMA  
69-46103

MCLEAN, FORREST J  
69-46070

MILLER, ERIC D  
69-01102

PRITCHETT, CASSANDRA J  
69-46102

RUDOLPH, RITA  
69-26610

TREPANIER, DREW V  
69-46069

MUCKLESHOOT INDIAN TRIBE

BOOTH, MATTHEW S  
69-46092

CAMPBELL, NICKOLAS J  
69-46045

FARRELL, JENNIFER N  
69-46041

HOKE, ANDREW M  
69-45999

KINSEY, LUANNE C  
69-18181

KNIGHT, MICHAEL S  
69-46040

KUKA, TAVITA  
69-46042

LAMBORN, CHERRYL N  
69-45998

MCCOY, ROBERT A  
69-46046

MOEUN, VUTHY  
69-45967

ROMAN, MIGUEL A  
69-46118

STEADMAN, PAMELA J  
69-45968

NISQUALLY INDIAN TRIBE

ALVARADO PONCE, ANTONIO  
69-45948

AQUININGOC, CARSON C  
69-45955



PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEE**

**NISQUALLY INDIAN TRIBE**

ARZAGA, MARIO A  
69-46029

BEAUDREAULT, LYZA M  
69-46030

FOWLER, JOHN D  
69-35792

GERBER, TREVOR A  
69-45941

GIANG, TUAN M  
69-45954

GUTIERREZ, MILKY S  
69-45943

HILL, JARED M  
69-45958

HYUN, SEOK H  
69-46028

KOPKA, CHRISTOPHER L  
69-45942

LANGWORTHY, JOSEPHINE M  
69-46031

MULL, SUZANNE Y  
69-45945

RICCIO, CHUCK W  
69-20585

SHIPPENTOWER, APRIL D  
69-32810

TOMLINSON, NICHOLAS J  
69-45957

VELAZQUEZ, MILIZA D  
69-45944

WHITTINGTON, THEODORE A  
69-45956

YOUSOS, BINNYSALENE  
69-45953

**PORT GAMBLE S'KLALLAM TRIBE**

BENTO, JEREMY J  
69-45972

CHAMPLIN, SHANDY D  
69-46044

FANENE LAUIFI, MARIE  
69-46039

FRANCOIS, CHERIE L  
69-45974

HALL, ADAM M  
69-46037

HOLBROOK, DEMI LEIGH B  
69-40873

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEE**

**PORT GAMBLE S'KLALLAM TRIBE**

LAURSEN, SCOTT E  
69-30945

MASON, MELANIE A  
69-46038

OTANEZ, ROSALVA M  
69-46036

SPENCER, GREGORY JR  
69-41354

WAIN, ASHLYNN U  
69-46043

**PUYALLUP TRIBE OF INDIANS**

ALFANO, RUSSELL C  
69-46006

ANTONE, BETSY  
69-46002

BABBITT, JODY L  
69-16343

CHAN, SOKHA S  
69-46080

CLARK, MYRA A  
69-45949

FLORES, WAYNE S JR  
69-46116

FREEMAN, RODERICK J  
69-45934

FUTRELL, RACHELLE  
69-46094

GREGORY, ASHLEY N  
69-46115

KALAMA, HERBERT L  
69-06801

KILLINGSWORTH, ERICH A  
69-46081

LAPOINTE, LAWRENCE W  
69-46123

LINDBERG, JESSE M  
69-46091

LUANI, TILO  
69-46061

MCDONALD LOCKEN, DEBRA J  
69-45965

MCTIGHE, DYLAN R  
69-46059

MICHAELS, KEVIN P  
69-19344

NAUER, MANDRELL I  
69-37680

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEE**

**PUYALLUP TRIBE OF INDIANS**

NGUYEN, CINDY D  
69-46026

NORCROSS, WESLEY D  
69-46062

ORTEGA, KENNETH J JR  
69-46063

SAM, GILBERT L JR  
69-06491

SANCHEZ, JARED A  
69-46025

SATIACUM, MICHAEL N  
69-33436

SEAVEY, JARED A  
69-45981

SMITH, STEPHANIE L  
69-46117

WIENSKI, BRIAN A  
69-46034

**QUINAULT NATION**

GRAY, SHERYL A  
69-46113

KALAMA, SILVANNA R  
69-46114

MUKARUBIBI, SOPHIE J  
69-46112

**SKOKOMISH TRIBE**

BALES, ANDREW I  
69-46033

BERTRAM, AUBREY A  
69-45976

SKYLES, MICHAEL J  
69-26254

SPRACKLIN, MOLLY A  
69-45977

**SPOKANE TRIBE**

CARVO, BARRY T  
69-45928

KAY, MICHAEL S  
69-46053

MCKNIGHT, OLIVIA K  
69-45989

ORTEN, AARON L  
69-46057

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEE**

**SPOKANE TRIBE**

THOMPSON, DAVID E  
69-27899

**SQUAXIN ISLAND TRIBE**

KUNESH, FRANCIS C  
69-46019

SLINKER, CHRISTOPHER D  
69-43591

**STILLAGUAMISH TRIBE**

FLORES MUNOZ, FLORENCIA E  
69-45990

HOLMBERG, DANIELLE M  
69-45994

MCCORKLE, SPENCER D  
69-45992

ROGERS, MONICA M  
69-46060

WAGNER, DAYTON R  
69-46067

WILSON, BRYCE A  
69-45991

**SUQUAMISH TRIBE**

BALISI, ENRICA P  
69-46023

CASKEY, PAMELA B  
69-34571

CASSIDY, DOUGLASS A  
69-45951

CUMMINS, RONALD P  
69-46021

ELLISON, CHRISTINA M  
69-17054

GAUYAN, KARLA C  
69-46089

GEORGE-SACHAVA, MARTHA S  
69-45952

GUERRERO, VICTOR M  
69-09531

HAILEY, CODY C  
69-46058

HALL, SOPHIA A  
69-46022

HARSILA, MCKINZIE R  
69-45996

LOWRY, SHEALYN M  
69-46119

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEE**

**SUQUAMISH TRIBE**

LUCAS, DONALD L  
69-46071

LUSK, KENT R I  
69-46072

REYES, KAITLIN N  
69-46073

RHYNES, JOSHUA C  
69-45950

WALSH BURMEISTER, MELISSA E  
69-46090

**SWINOMISH INDIAN TRIBAL COMMUNITY**

CLADOOSBY, JESSICA D  
69-36691

MATSON, TRICIA L  
69-45966

TUTTLE, STEPHANY E  
69-12911

WALKER, DAN L  
69-17189

**THE TULALIP TRIBES**

ALECK, RAYMONA M  
69-06626

ALLEN, WALTER J  
69-45927

CLARK, MICHELLE M  
69-35237

FOWLER, JEDIDIAH E  
69-46004

GRANT, NEIL A  
69-15636

IMES, LORALEE M  
69-46052

JONES, DEON S  
69-45979

LEE, JESSICA A  
69-46093

OSTMAN, DEVEN L  
69-46079

PAEK, STACY F  
69-46051

RANNEY, LAURA M  
69-40356

RUIZ, MICHAEL P  
69-45978

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEE**

**THE TULALIP TRIBES**

SASS, AARON T  
69-46104

SPENCER, MARSHA M  
69-45937

TUMAMAO, MARITES A  
69-46066

WALTON, WILLIAM J II  
69-20175

**UPPER SKAGIT INDIAN TRIBE**

CHAPARRO, MICHELLE L  
69-46078

COOK, REBECCA L  
69-46076

GAINES, ROBERT J  
69-40323

LUDWIG, KAITLIN M  
69-46005

MILLS, BRYNA M  
69-46064

REEDER, MASON D  
69-46020

**YAKAMA NATION**

BILL, LAWRENCE M JR  
69-45995

CENDEJAS, CRISTOBAL N  
69-46109

CRAWFORD, ROBERT W JR  
69-46106

DAVE, CHARLES L  
69-42158

EGUIRES, STACEY M  
69-46000

FINLEY-WAHSISE, TAMARA S  
69-46001

FOSTER, TARA L  
69-32963

GLOSSEN, MARTIN A  
69-40655

HEIDE, JASON M  
69-46107

LILLY, CRYSTAL M  
69-45963

MARQUEZ, PRISCILLA M  
69-45997

ROY, KIANA J  
69-40705

DATE: 01/23/2019

Page 18 of 18

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

**NEW APPLICATIONS**

**CLASS III GAMING EMPLOYEE**

YAKAMA NATION

STAHI, RYDELL J  
69-45325



**STATE OF WASHINGTON  
GAMBLING COMMISSION**

**“Protect the Public by Ensuring that Gambling is Legal and Honest”**

**TO:**                   **COMMISSIONERS**  
Bud Sizemore, Chair  
Julia Patterson, Vice-Chair  
Christopher Stearns  
Ed Troyer  
Alicia Levy

**EX OFFICIO MEMBERS**  
Senator Steve Conway  
Representative Derek Stanford  
Representative Brandon Vick

**FROM:**            Brian J. Considine, Legal and Legislative Manager  
Tyson Wilson, Special Agent

**SUBJECT: Sports Gambling Monthly Update – February 2019**

This memo continues my sports gambling updates submitted to you since June 2018. Below is an updated sports gambling summary for our February 14, 2019 Commission Meeting:

Federal

On January 14, 2019 the Department of Justice released an opinion regarding the interpretation of the Wire Act of 1961, applying its prohibitions to all online wagering, not just sports betting. This decision reverses their own opinion from 2011. The opinion does not have the effect of law, but is guidance on how the federal government will now likely enforce the Wire Act.

Since 2011, a number of states have legalized online casino, poker, and lotteries. This likely creates uncertainty for states like New Jersey, Nevada, Pennsylvania and state lotteries that offer their products online and possibly interstate. It is expected that this opinion will be tested in federal courts. However, this opinion does not change how states and the federal government have viewed sports gambling under the Wire Act.

Sports Leagues

Professional sports leagues continue to lobby state legislators for integrity or royalty fees and control over the sharing of their statistics and data. Integrity/royalty fees and data rights have been included, or discussed to be include, in bills filed recently in New York, Missouri, and Massachusetts, and Michigan.

Additionally, NCAA president Mark Emmert recently told the Associated Press that sports gambling “is going to have a dramatic impact on everything we do in college sports [and is] going to threaten the integrity of college sports in many ways.” Mr. Emmert did not indicate what the NCAA should do to protect its athletic programs.



## States

Delaware, Mississippi, New Jersey, Nevada, West Virginia, Rhode Island and Pennsylvania currently offer varying opportunities for legal sports gambling within their state casinos and/or horse racetracks. Six of those states (Rhode Island was not operating yet) combined for just under \$1 billion in handle in November of last year.

New York and Connecticut have partial laws in place pending further action. Arkansas and Washington D.C. have recently legalized sports betting as well, but it could take several months for operations to begin in these states. In New Mexico, a tribal group is offering sports betting under an existing Class III gaming compact.

Twenty states have introduced legislation to authorize sports betting including Arizona, Montana, North Dakota, and South Dakota.

Here is an update for the states where sports gambling is currently legal:

Delaware – Sports gambling started in the state on June 5, 2018. The state Lottery is the primary regulator. Sports gambling is only offered at three land-based racetracks and casinos, and these are joint operations by the state through a vendor. The allocation of net revenues are 12.5% to the vendors (Scientific Games, William Hill, and StadiumTech) and the remaining 87.5% of net revenues are allocated 50% to the state, 40% to the racetrack/casinos, and 10% to horse racing purses. In November and December, there was approximately \$32.4 million wagered resulting in \$3.2 million in revenues.

New Jersey – Sports gambling started in the state on June 14, 2018. The Casino Control Commission is the primary licensing authority and Attorney General's Division of Gaming Enforcement (DGE) is the primary regulator. There are currently 9 land-based (previous memos had an error stating 12) and 8 online operators offering sports gambling. Its land-based gross revenues are taxed at 9.75% and mobile and online revenues are taxed at 13%. In December, approximately \$319 million was wagered resulting in \$20.8 million in gross revenue. This resulted in \$2.4 million in tax revenue.

Mississippi – Sports gambling started in the state on August 1, 2018. The Gaming Commission is the primary regulator, and gross revenues are taxed at 12%. 23 of the 28 state casinos currently offered sports gambling. In December, approximately \$41.7 million was wagered with operators retaining \$6.1 million in gross revenues. This resulted in \$740,906 in tax revenue.

West Virginia – Sports gambling started in the state on September 1, 2018. The state Lottery is the primary regulator for that state's five licensed race racetrack/casinos, and gross revenues are taxed at 10%. In November, approximately \$13.3 million was wagered with operators retaining \$1.33 million in gross revenues. This resulted in \$133,351 in tax revenue.

Rhode Island – Sports gambling started in the state on November 26, 2018. The state lottery operates sports betting at two state-run operations using IGT and William Hill as vendors. The allocation of net revenues are 51% to the state; 32% to the Vendor (IGT); and 17% to the casino. In November and December, approximately \$13.7 million was wagered resulting in approximately \$1 million in gross revenue.

In January, the President of the Senate announced that he was submitting a bill authorizing mobile sports betting as well.

Pennsylvania – Sports gambling started in the state in December 2018. The state gaming control board is the primary regulator. Currently, there are 3 retail locations with additional locations expected to open in January. Pennsylvania has a \$10 million sports wagering licensing fee and gross revenue are taxed at 36%. In December, there was approximately \$16.1 million in wagers for approximately \$2 million in gross revenues, and \$722,000 in state tax revenue.

Nevada – The Gaming Control Board is the primary regulator. Gross revenues are taxed at 6.75% and sports gambling can occur at the state's approximately 190 licensed locations and through mobile and internet platforms. Over \$5 billion was wagered on sports bets in Nevada in 2018. This resulted in a gaming win of over \$300 million, up 20.98% over 2017. That state benefited with over \$20 million in taxes.

### Tribal Governments

The Oneida Indian Nation announced that it would partner with Caesars to operate legal sports betting inside three New York casinos. This is subject to NIGC approval and New York issuing sports betting regulations.

Currently, there are two Tribes outside of Nevada offering sports gambling at their operations—Choctaw in Mississippi and Pueblo of Santa Ana in New Mexico.

### Commercial Operators

Prairie Meadows Racetrack & Casino, in Iowa, announced a partnership with sports betting operator William Hill in January. The partnership is pending legislative passage of a sports betting bill. There is optimism that a sports betting bill passes in 2019.

Caesars announced that they are now an official partner to the NFL, the first such deal for the league. The alliance doesn't include a sports betting component right now, though that almost certainly was an ingredient in the discussions.

MGM previously entered into partnerships with three other US sports leagues, NBA, NHL and MLB, but the NFL chose a different path



**STATE OF WASHINGTON  
GAMBLING COMMISSION**

**“Protect the Public by Ensuring that Gambling is Legal and Honest”**

February 4, 2019

**TO:** COMMISSIONERS:  
Bud Sizemore, Chair  
Julia Patterson, Vice Chair  
Christopher Stearns  
Ed Troyer  
Alicia Levy

**FROM:** Brian Considine, Legal and Legislative Manager  
Legal and Records Division

**SUBJECT: Brenda M. Woodward, CR 2018-01411  
Final Order – February 14, 2019 Commission Meeting**

Ms. Brenda M. Woodward has a conditional certification authorizing Class III Employee activity at the Legends Casino in Toppenish, Washington. Her certification expires on May 17, 2019.

On April 16, 2018, Yakama Nation Gaming Commission submitted an application to the Washington State Gambling Commission for Class III certification for Ms. Woodward to work at Legends Casino. Ms. Woodward did not meet the standard criteria for certification due to her criminal history and was placed on a conditional certification signed by Ms. Woodward on May 9, 2018. In the conditional certification agreement, Ms. Woodward agreed that she would not be arrested or charged with violating law, or for any crime, whether by tribal police or any other law enforcement agency. In June 2018, Ms. Woodward violated her conditional certification agreement she as charged with committing criminal violations.

Subsequently, the Yakama Nation Gaming Commission filed a Petition to Uphold Summary Suspension and Motion to Revoke and we received notification from the Yakama Nation Gaming Commission that Ms. Woodward’s tribal gaming license was revoked on August 22, 2018.

Director Trujillo issued Ms. Woodward a Notice of Administrative Charges on November 28, 2018, by regular and certified mail to her last known address on file. The certified mail was returned on December 26, 2018. Pursuant to WAC 230-17-010, a response was required to be received by the Commission by December 21, 2018. The Commission received an untimely request for hearing on December 24, 2018—after the deadline for response.

Ms. Woodward’s failure to respond to the charges or timely request a hearing is a waiver of Ms. Woodward’s right to a hearing in Case No. CR 2018-01411. You may take final action against her gambling certification. Based on her conduct, Ms. Woodward cannot show by clear and convincing evidence that she is qualified to keep her conditional certification. Therefore, staff recommends that the Commission sign the proposed final order and revoke Brenda M. Woodward’s Conditional Class III Employee certification, Number 69-44497.

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**STATE OF WASHINGTON  
GAMBLING COMMISSION**

7 In the Matter of:

NO. CR 2018-01411

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**BRENDA M. WOODWARD,**  
License No. 69-44497

**FINAL ORDER OF THE  
GAMBLING COMMISSION**

Class III Employee.

This matter having come before the Washington State Gambling Commission (Commission) on February 14, 2019, the Commission makes the following Findings of Fact, Conclusions of Law, and issues its Final Order:

**I. FINDINGS OF FACT**

1. The Washington State Gambling Commission issued a Conditional Class III certification to Brenda M. Woodward Certification No.: 69-44497, authorizing Class III Employee activity at the Legends Casino in Toppenish, Washington.

2. This conditional certification, which expires on May 17, 2019, was issued subject to Ms. Woodward's compliance with state gambling laws and Commission rules, in accordance with the Yakama Nation-State Gaming Compact.

3. On April 16, 2018, Yakama Nation Gaming Commission submitted an application to the Washington State Gambling Commission for Class III certification for Ms. Woodward to work at Legends Casino.

1           4.       Ms. Woodward did not meet the standard criteria for certification due to her  
2 criminal history, and was placed on a conditional certification, signed by Ms. Woodward on May  
3 9, 2018.

4           5.       In the conditional certification agreement, Ms. Woodward agreed that she would  
5 not be arrested or charged with violating laws, or for any crime, whether by tribal police or any  
6 other law enforcement agency.

7           6.       On June 25, 2018, Ms. Woodward violated her conditional certification  
8 agreement when she was charged with Theft Third Degree, a gross misdemeanor, and Driving  
9 While License Suspended Third Degree, a misdemeanor, in City of Union Gap- Yakima County  
10 District Court Case Nos. 8Z0655333 and 8Z0654332.

11          7.       On July 24, 2018, the Yakama Nation Gaming Commission filed a Petition to  
12 Uphold Summary Suspension and Motion to Revoke.

13          8.       On September 10, 2018, the Gambling Commission received notification from  
14 Yakama Nation Gaming Commission that on August 22, 2018, Ms. Woodward's tribal gaming  
15 license was revoked.

16          9.       On October 9, 2018, Ms. Woodward was charged with Shoplifting, a gross  
17 misdemeanor, in Yakima Municipal Court Case No. PA18-0222.

18          10.       Ms. Woodward's criminal matters are still pending.

19          11.       Director David Trujillo issued administrative charges on November 28, 2018  
20 alleging that Ms. Woodward's actions constituted bases for revocation in RCW 9.46.075 and  
21 WAC 230-03-085. Further, that she could not show by clear and convincing evidence that she  
22 was qualified for licensure as required by RCW 9.46.153(1), and that her actions warranted  
23 revocation of her Conditional Class III certification pursuant to RCW 9.46.075(1), (8), and (9),  
24 WAC 230-03-085(1), (3), and (9)(a), and in accordance with Section V.C. (1) and (3) of the  
25 Yakama Nation-State Gaming Compact.  
26



**ORDER**

This matter having come before the Commission at its February 14, 2019, Commission meeting, the Commissioners having heard arguments, been given the chance to review the administrative record, and being fully advised in this matter, now therefore:

It is hereby **ORDERED** that Brenda M. Woodward’s Conditional Class III certification, Number 69-44497, is **REVOKED**.

DATED this 14th day of February, 2019.

\_\_\_\_\_  
BUD SIZEMORE, Chair

\_\_\_\_\_  
JULIA PATTERSON, Vice Chair

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CHRISTOPHER STEARNS

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ED TROYER

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ALICIA LEVY

**NOTICE**

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3        **Reconsideration:** RCW 34.05.470 and WAC 230-17-140 provide that a party may file a  
4 petition for reconsideration of a final order. A petition for reconsideration must be received no  
5 later than thirteen (13) days after the date this final order is mailed. Any motion for  
6 reconsideration must state the specific grounds supporting the party's request for  
7 reconsideration.

8        **Stay of Final Order:** Filing for reconsideration does not stay the effectiveness of this  
9 Order. WAC 230-17-145 provides that a party may petition the Commission for a stay of a final  
10 order. Any petition for a stay should be received by the Commission within thirteen (13) days  
11 after the date this final order is mailed.

12        **Judicial Review:** RCW 34.05.542 provides that a party may appeal this final order by  
13 filing a petition for judicial review within thirty (30) days after service of this order. A petition  
14 for judicial review must be filed with the appropriate superior court and served upon both the  
15 Commission and the Office of the Attorney General.

16        **Service:** This Order was served on you three days after it was deposited in the United  
17 States Postal Service regular mail, excluding the date of mailing. WAC 230-17-035.

18        Any motions or petitions for judicial review should be served on or mailed to:

19        Washington State Gambling Commission  
20        Legal and Records Division  
21        4565 7<sup>th</sup> Avenue S.E., Lacey, WA  
22        P.O. Box 42400  
23        Olympia, WA 98504-2400

24        Gregory J. Rosen  
25        Attorney General's Office  
26        1135 Washington St. SE  
27        P.O. Box 40100  
28        Olympia, WA 98504-0100



**CERTIFICATE OF SERVICE**

I certify that on the date below I served a copy of the foregoing document on all parties and/or their counsel by United States Postal Service regular mail to the following:

BRENDA M. WOODWARD  
5462 MCDONALD ROAD  
WAPATO WA 98951

EXECUTED this \_\_\_\_ day of February, 2019, at Lacey, Washington.

\_\_\_\_\_  
Ashlie Laydon  
Rules Coordinator



**STATE OF WASHINGTON  
GAMBLING COMMISSION**

**“Protect the Public by Ensuring that Gambling is Legal and Honest”**

February 4, 2019

**TO:** COMMISSIONERS:  
Bud Sizemore, Chair  
Julia Patterson, Vice Chair  
Christopher Stearns  
Ed Troyer  
Alicia Levy

**FROM:** Brian Considine, Legal and Legislative Manager  
Legal and Records Division

**SUBJECT: Rodney M. Madison, CR 2018-01196  
Final Order – February 14, 2019 Commission Meeting**

Mr. Rodney M. Madison has a gambling license authorizing Public Card Room Employee activity at Iron Horse Casino in Auburn, Washington. His license expires on June 12, 2019.

On August 6, 2018, Mr. Madison was working as security officer at Iron Horse Casino. On that date, a patron of Iron Horse Casino inadvertently forgot his banking card at the bar. The bartender gave the banking card to Mr. Madison so he could secure it in the security station. Surveillance video shows that instead of securing the patron’s banking card, Mr. Madison took the card to an ATM in the card room. Mr. Madison made two attempts to withdraw at least \$603.50 from the ATM. In each instance, when the withdrawal was denied, Mr. Madison looked at the card and the receipt, comparing the two. On August 9, 2018, Mr. Madison admitted attempting to use the card when questioned about the incident by our special agent, but he claimed he mistakenly thought it was his own. Mr. Madison’s employment was terminated on August 10, 2018.

Director Trujillo issued Mr. Madison a Notice of Administrative Charges on December 21, 2018, by regular and certified mail to his last known address on file. The certified mail was returned on January 4, 2019. The regular mail was returned on January 8, 2019. As of the date of this memo, the Commission has not received any response from Mr. Madison.

Mr. Madison’s failure to respond to the charges or request a hearing is a waiver of Mr. Madison’s right to a hearing in Case No. CR 2018-01196. You may take final action against his gambling license. Based on his conduct, Mr. Madison cannot show by clear and convincing evidence that he is qualified to keep his gambling license. Therefore, staff recommends that the Commission sign the proposed final order and revoke Rodney M. Madison’s Public Card Room Employee license, Number 68-23786.

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**STATE OF WASHINGTON  
GAMBLING COMMISSION**

In the Matter of:

NO. CR 2018-01196

RODNEY M. MADISON,  
License No. 68-23786,

FINAL ORDER OF THE  
GAMBLING COMMISSION

Licensee.

This matter having come before the Washington State Gambling Commission (Commission) on February 14, 2019, the Commission makes the following Findings of Fact, Conclusions of Law, and issues its Final Order:

**I. FINDINGS OF FACT**

1. The Washington State Gambling Commission issued Rodney M. Madison License No.: 68-23786, authorizing Public Card Room activity at Iron Horse Casino in Auburn, Washington.

2. This license, which expires on June 12, 2019, was issued subject to Mr. Madison’s compliance with state gambling laws and Commission rules.

3. On August 6, 2018, Mr. Madison was working as a security officer at Iron Horse Casino.

4. On the above date, a patron of Iron Horse Casino inadvertently forgot his banking card at the bar when he left.

5. The bartender gave the banking card to Mr. Madison so he could secure it in the security station.





**NOTICE**

Reconsideration: RCW 34.05.470 and WAC 230-17-140 provide that a party may file a petition for reconsideration of a final order. A petition for reconsideration must be received no later than thirteen (13) days after the date this final order is mailed. Any motion for reconsideration must state the specific grounds supporting the party's request for reconsideration.

Stay of Final Order: Filing for reconsideration does not stay the effectiveness of this Order. WAC 230-17-145 provides that a party may petition the Commission for a stay of a final order. Any petition for a stay should be received by the Commission within thirteen (13) days after the date this final order is mailed.

Judicial Review: RCW 34.05.542 provides that a party may appeal this final order by filing a petition for judicial review within thirty (30) days after service of this order. A petition for judicial review must be filed with the appropriate superior court and served upon both the Commission and the Office of the Attorney General.

Service: This Order was served on you three days after it was deposited in the United States Postal Service regular mail, excluding the date of mailing. WAC 230-17-035.

Any motions or petitions for judicial review should be served on or mailed to:

Washington State Gambling Commission  
Legal and Records Division  
4565 7<sup>th</sup> Avenue S.E., Lacey, WA  
P.O. Box 42400  
Olympia, WA 98504-2400

Gregory J. Rosen  
Attorney General's Office  
1135 Washington St. SE  
P.O. Box 40100  
Olympia, WA 98504-0100

**CERTIFICATE OF SERVICE**

I certify that on the date below I served a copy of the foregoing document on all parties and/or their counsel by United States Postal Service regular mail to the following:

RODNEY MADISON  
1900 SW CAMPUS DR APT 26-202  
FEDERAL WAY, WA 98023

EXECUTED this \_\_\_\_ day of February, 2019, at Lacey, Washington.

\_\_\_\_\_  
Ashlie Laydon  
Rules Coordinator



STATE OF WASHINGTON  
GAMBLING COMMISSION

**“Protect the Public by Ensuring that Gambling is Legal and Honest”**

February 4, 2019

**TO:** COMMISSIONERS:  
Bud Sizemore, Chair  
Julia Patterson, Vice Chair  
Christopher Stearns  
Ed Troyer  
Alicia Levy

**FROM:** Brian Considine, Legal and Legislative Manager  
Legal and Records Division

**SUBJECT: Hung Le, CR 2018-00604**  
**Final Order – February 14, 2019 Commission Meeting**

Mr. Hung Le has a gambling license authorizing Public Card Room Employee activity at Chips Casino in Lakewood, Washington. His license expires on March 12, 2019.

On April 14, 2018, while working as a Blackjack dealer at Chips Casino, Mr. Le assisted three players to cheat. On the above date, Mr. Le exposed his hole card, then turned it face down again, and allowed players to withdraw double down wagers after seeing the card. Mr. Le manipulated the deck of cards during the cut so that he could see the card a player would receive, then told the player what the card was, and encouraged her to increase her bonus wager. Upon a request for a hit by a player, Mr. Le looked at the card, told the player what it was, and allowed him the option to not take the hit. Mr. Le committed multiple procedural errors that required a floor supervisor's correction, but failed to report the errors to the floor supervisor, and instead chose to correct some of the irregularities himself. Following the incident, Mr. Le's employment with Chips Casino was terminated.

Director Trujillo issued Mr. Le a Notice of Administrative Charges on November 19, 2018, by regular and certified mail to his last known address on file. Neither the regular nor certified mail was returned. As of the date of this memo, the Commission has not received any response from Mr. Le.

Mr. Le's failure to respond to the charges or request a hearing is a waiver of Mr. Le's right to a hearing in Case No. CR 2018-00604. You may take final action against his gambling license. Based on his conduct, Mr. Le cannot show by clear and convincing evidence that he is qualified to keep his gambling license. Therefore, staff recommends that the Commission sign the proposed final order and revoke Hung Le's Public Card Room Employee license, Number 68-32862.



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**STATE OF WASHINGTON  
GAMBLING COMMISSION**

7 In the Matter of:

NO. CR 2018-00604

8  
9 HUNG M. LE,  
License No. 68-32862,

FINAL ORDER OF THE  
GAMBLING COMMISSION

10  
11 Licensee.

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12 This matter having come before the Washington State Gambling Commission  
13 (Commission) on February 14, 2019, the Commission makes the following Findings of Fact,  
14 Conclusions of Law, and issues its Final Order:

15 **I. FINDINGS OF FACT**

16 1. The Washington State Gambling Commission issued Hung Le License No.: 68-  
17 32862, authorizing Public Card Room activity at Chips Casino in Lakewood, Washington.

18 2. This license, which expires on March 12, 2019, was issued subject to Mr. Le's  
19 compliance with state gambling laws and Commission rules.

20 3. On April 14, 2018, while working as a Blackjack dealer at Chips Casino, Mr. Le  
21 assisted three players to cheat.

22 4. On the above date, Mr. Le exposed his hole card, then turned it face down again,  
23 and allowed players to withdraw double down wagers after seeing the card.

24 5. Mr. Le manipulated the deck of cards during the cut so that he could see the card  
25 a player would receive, then told the player what the card was, and encouraged her to increase  
26 her bonus wager.

FINAL ORDER OF THE  
GAMBLING COMMISSION



**ORDER**

This matter having come before the Commission at its February 14, 2019, Commission meeting, the Commissioners having heard arguments, been given the chance to review the administrative record, and being fully advised in this matter, now therefore:

It is hereby **ORDERED** that Hung Le’s gambling license, Number 68-32862, is **REVOKED**.

DATED this 14th day of February, 2019.

\_\_\_\_\_  
BUD SIZEMORE, Chair

\_\_\_\_\_  
JULIA PATTERSON, Vice Chair

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CHRISTOPHER STEARNS

\_\_\_\_\_  
ED TROYER

\_\_\_\_\_  
ALICIA LEVY

1 **NOTICE**

2 Reconsideration: RCW 34.05.470 and WAC 230-17-140 provide that a party may file a  
3 petition for reconsideration of a final order. A petition for reconsideration must be received no  
4 later than thirteen (13) days after the date this final order is mailed. Any motion for  
5 reconsideration must state the specific grounds supporting the party's request for  
6 reconsideration.

7 Stay of Final Order: Filing for reconsideration does not stay the effectiveness of this  
8 Order. WAC 230-17-145 provides that a party may petition the Commission for a stay of a final  
9 order. Any petition for a stay should be received by the Commission within thirteen (13) days  
10 after the date this final order is mailed.

11 Judicial Review: RCW 34.05.542 provides that a party may appeal this final order by  
12 filing a petition for judicial review within thirty (30) days after service of this order. A petition  
13 for judicial review must be filed with the appropriate superior court and served upon both the  
14 Commission and the Office of the Attorney General.

15 Service: This Order was served on you three days after it was deposited in the United  
16 States Postal Service regular mail, excluding the date of mailing. WAC 230-17-035.

17 Any motions or petitions for judicial review should be served on or mailed to:

18 Washington State Gambling Commission  
19 Legal and Records Division  
20 4565 7<sup>th</sup> Avenue S.E., Lacey, WA  
21 P.O. Box 42400  
Olympia, WA 98504-2400

Gregory J. Rosen  
Attorney General's Office  
1135 Washington St. SE  
P.O. Box 40100  
Olympia, WA 98504-0100

**CERTIFICATE OF SERVICE**

I certify that on the date below I served a copy of the foregoing document on all parties and/or their counsel by United States Postal Service regular mail to the following:

HUNG LE  
1201 E 42<sup>ND</sup> ST  
TACOMA, WA 98404

EXECUTED this \_\_\_\_ day of February, 2019, at Lacey, Washington.

\_\_\_\_\_  
Ashlie Laydon  
Rules Coordinator



STATE OF WASHINGTON  
GAMBLING COMMISSION

**“Protect the Public by Ensuring that Gambling is Legal and Honest”**

February 4, 2019

**TO:** COMMISSIONERS:  
Bud Sizemore, Chair  
Julia Patterson, Vice Chair  
Christopher Stearns  
Ed Troyer  
Alicia Levy

**FROM:** Brian Considine, Legal and Legislative Manager  
Legal and Records Division

**SUBJECT: Carlos Rodriguez Bravo, CR 2018-01620**  
**Final Order – February 14, 2019 Commission Meeting**

Mr. Carlos Rodriguez Bravo has a gambling license authorizing Public Card Room Employee activity at Clearwater Saloon & Casino in East Wenatchee, Washington. His license expires on April 6, 2019.

On April 4, 2018, Mr. Rodriguez Bravo was charged in Chelan County Superior Court Case No. 18-1-00161 with Violation of No Contact Order- Domestic Violence, a Class C Felony, three counts of Violation of No Contact Order- Domestic Violence, gross misdemeanors, and one count of Interfering with Domestic Violence Reporting, a gross misdemeanor. On July 11, 2018, Mr. Rodriguez Bravo plead guilty to Violation of No Contact Order- Domestic Violence, a Class C Felony, and Violation of No Contact Order- Domestic Violence, a gross misdemeanor. Mr. Rodriguez Bravo was sentenced to 12 months community custody. Mr. Rodriguez Bravo never reported the above listed charges or convictions to the Gambling Commission as required.

Director Trujillo issued Mr. Rodriguez Bravo a Notice of Administrative Charges on November 28, 2018, by regular and certified mail to his last known address on file. The certified mail was returned on December 28, 2018. As of the date of this memo, the Commission has not received any response from Mr. Rodriguez Bravo.

Mr. Rodriguez Bravo’s failure to respond to the charges or request a hearing is a waiver of Mr. Rodriguez Bravo’s right to a hearing in Case No. CR 2018-01620. You may take final action against his gambling license. Based on his conduct, Mr. Rodriguez Bravo cannot show by clear and convincing evidence that he is qualified to keep his gambling license. Therefore, staff recommends that the Commission sign the proposed final order and revoke Carlos Rodriguez Bravo’s Public Card Room Employee license, Number 68-34137.

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**STATE OF WASHINGTON  
GAMBLING COMMISSION**

In the Matter of:

NO. CR 2018-01620

CARLOS RODRIGUEZ BRAVO,  
License No. 68-34137,

FINAL ORDER OF THE  
GAMBLING COMMISSION

Licensee.

This matter having come before the Washington State Gambling Commission (Commission) on February 14, 2019, the Commission makes the following Findings of Fact, Conclusions of Law, and issues its Final Order:

**I. FINDINGS OF FACT**

1. The Washington State Gambling Commission issued Carlos Rodriguez Bravo License No.: 68-34137, authorizing Public Card Room activity at Clearwater Saloon & Casino in East Wenatchee, Washington.

2. This license, which expires on April 6, 2019, was issued subject to Mr. Rodriguez Bravo’s compliance with state gambling laws and Commission rules.

3. On April 4, 2018, Mr. Rodriguez Bravo was charged in Chelan County Superior Court Case No. 18-1-00161 with Violation of No Contact Order- Domestic Violence, a Class C Felony, three counts of Violation of No Contact Order- Domestic Violence, gross misdemeanors, and one count of Interfering with Domestic Violence Reporting, a gross misdemeanor.







**NOTICE**

Reconsideration: RCW 34.05.470 and WAC 230-17-140 provide that a party may file a petition for reconsideration of a final order. A petition for reconsideration must be received no later than thirteen (13) days after the date this final order is mailed. Any motion for reconsideration must state the specific grounds supporting the party's request for reconsideration.

Stay of Final Order: Filing for reconsideration does not stay the effectiveness of this Order. WAC 230-17-145 provides that a party may petition the Commission for a stay of a final order. Any petition for a stay should be received by the Commission within thirteen (13) days after the date this final order is mailed.

Judicial Review: RCW 34.05.542 provides that a party may appeal this final order by filing a petition for judicial review within thirty (30) days after service of this order. A petition for judicial review must be filed with the appropriate superior court and served upon both the Commission and the Office of the Attorney General.

Service: This Order was served on you three days after it was deposited in the United States Postal Service regular mail, excluding the date of mailing. WAC 230-17-035.

Any motions or petitions for judicial review should be served on or mailed to:

Washington State Gambling Commission  
Legal and Records Division  
4565 7<sup>th</sup> Avenue S.E., Lacey, WA  
P.O. Box 42400  
Olympia, WA 98504-2400

Gregory J. Rosen  
Attorney General's Office  
1135 Washington St. SE  
P.O. Box 40100  
Olympia, WA 98504-0100

**CERTIFICATE OF SERVICE**

I certify that on the date below I served a copy of the foregoing document on all parties and/or their counsel by United States Postal Service regular mail to the following:

CARLOS RODRIGUEZ BRAVO  
PO BOX 3247  
WENATCHEE, WA 98807

EXECUTED this \_\_\_\_ day of February, 2019, at Lacey, Washington.

\_\_\_\_\_  
Ashlie Laydon  
Rules Coordinator



STATE OF WASHINGTON  
GAMBLING COMMISSION

**“Protect the Public by Ensuring that Gambling is Legal and Honest”**

February 4, 2019

**TO:** COMMISSIONERS:  
Bud Sizemore, Chair  
Julia Patterson, Vice Chair  
Christopher Stearns  
Ed Troyer  
Alicia Levy

**FROM:** Brian Considine, Legal and Legislative Manager  
Legal and Records Division

**SUBJECT: Duchess Tavern, CR 2018-01858**  
**Final Order – February 14, 2019 Commission Meeting**

Duchess Tavern has a gambling license authorizing Punchboard/Pull-Tab activity in the State of Washington. The license expires on June 30, 2019, and was issued subject to the Licensee’s, and its substantial interest holder’s compliance with state gambling laws and Commission rules at all times after receiving its gambling license.

Licensees must submit quarterly license fees and license reports to the Commission for each licensed gambling activity beginning with the first quarter of their license year under our new fee structure. Quarterly license reports and quarterly license fees were due no later than October 30, 2018. Duchess Tavern failed to timely submit to the Commission its quarterly license fees and quarterly license reports within 30 days following the end of the quarter. Duchess Tavern also failed to submit to the Commission its quarterly license fee and quarterly license report during the additional 30-day late filing and payment period.

Director Trujillo issued a Notice of Administrative Charges on December 7, 2018 to the Licensee by regular and certified mail to the last address the Gambling Commission had on file on December 7, 2018. Under Chapter 34.05 RCW, and in accordance with Chapter 9.46 RCW and WAC 230-17-150, a brief adjudicative proceeding hearing was scheduled for December 19, 2018. Notice of this hearing was sent by regular and certified mail on December 7, 2018 to the last address the Gambling Commission had on file. Duchess Tavern failed to appear at the hearing nor did they request a continuance.

You may take final action against Duchess Tavern’s gambling license due to their failure to appear at the scheduled hearing or request a continuance. Staff recommends that the Commission sign the proposed final order and suspend Duchess Tavern’s Punchboard/Pull-Tab Activity License, Number 05-07397, until they have submitted their outstanding quarterly license report and paid their quarterly license fee, including any additional costs associated with the collection of this fee.

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**STATE OF WASHINGTON  
GAMBLING COMMISSION**

In the Matter of:

NO. CR 2018-01858

DUCHESS TAVERN,  
License No. 05-07397

FINAL ORDER OF THE  
GAMBLING COMMISSION

Licensee.

This matter having come before the Washington State Gambling Commission (Commission) on February 14, 2019, the Commission makes the following Findings of Fact, Conclusions of Law, and issues its Final Order:

**I. FINDINGS OF FACT**

1. The Washington State Gambling Commission issued Licensee Duchess Tavern License number: 05-07397, authorizing Punchboard/Pull-Tab activity in the State of Washington.

2. This license, which expires on June 30, 2019, was issued subject to the licensee’s substantial interest holder’s compliance with state gambling laws and Commission rules at all times after receiving its gambling license.

3. Licensees must submit quarterly license fees and license reports to the Commission for each licensed gambling activity beginning with the first quarter of their license year.

1 4. Quarterly license reports and quarterly license fees were due no later than October  
2 30, 2018.

3 5. Duchess Tavern failed to timely submit to the Commission its quarterly license  
4 fees and quarterly license reports within 30 days following the end of the quarter.

5 6. Duchess Tavern also failed to submit to the Commission its quarterly license fee  
6 and quarterly license report during the additional 30-day late filing and payment period.

7 7. Director David Trujillo issued administrative charges on December 7, 2018  
8 alleging that Duchess Tavern's actions constituted a violation of WAC 230-05-132(1). Further,  
9 that their actions warranted suspension of their license pursuant to RCW 9.46.075(1) and WAC  
10 230-03-085(1) and (5).

11 8. Pursuant to WAC 230-05-132(4) and WAC 230-03-085(5), Duchess Tavern's  
12 license is suspended until it has submitted its outstanding quarterly licensing report and paid its  
13 quarterly licensing fee, including any additional costs associated with the collection of this fee.

14 9. Licensee was sent the charges by regular and certified mail on December 7, 2018,  
15 to the last address the Gambling Commission had on file. Under Chapter 34.05 RCW, and in  
16 accordance with Chapter 9.46 RCW and WAC 230-17-150, a brief adjudicative proceeding  
17 hearing was scheduled for December 19, 2018. Notice of this hearing was sent by regular and  
18 certified mail on December 7, 2018 to the last address the Gambling Commission had on file.  
19 Duchess Tavern failed to appear the hearing, nor did they request a continuance.

## 20 II. CONCLUSIONS OF LAW

21 1. Licensee received proper notice of the October 26, 2018 charges by regular and  
22 certified mail on November 8, 2018 pursuant to RCW 34.05.434, RCW 34.05.431, and WAC  
23 10-08-130.

24 2. The Commission can take final action against Licensee's gambling license under  
25 Case Number CR 2018-01858 pursuant to RCW 9.46.075(1), RCW 34.05.440(1), RCW  
26 34.05.461, and WAC 230-03-085(1) and (5).

1           3.       Duchess Tavern’s license should be suspended under Case Number CR 2018-  
2 01858 until it has submitted its outstanding quarterly licensing report and paid its quarterly  
3 licensing fee, including any additional costs or late penalties associated with the collection of  
4 this fee pursuant to RCW 9.46.075, RCW 34.05.440(1), RCW 34.05.461, and WAC 230-03-  
5 085.

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**ORDER**

This matter having come before the Commission at its February 14, 2019, Commission meeting, the Commissioners having heard arguments, been given the chance to review the administrative record, and being fully advised in this matter, now therefore:

It is hereby **ORDERED** that Duchess Tavern’s gambling license, Number 05-07397, is **SUSPENDED** until it has submitted its outstanding quarterly licensing report and paid its quarterly licensing fee, including any additional costs or late penalties associated with the collection of this fee.

DATED this 14th day of February, 2019.

\_\_\_\_\_  
BUD SIZEMORE, Chair

\_\_\_\_\_  
JULIA PATTERSON, Vice Chair

\_\_\_\_\_  
CHRISTOPHER STEARNS

\_\_\_\_\_  
ED TROYER

\_\_\_\_\_  
ALICIA LEVY



**NOTICE**

Reconsideration: RCW 34.05.470 and WAC 230-17-140 provide that a party may file a petition for reconsideration of a final order. A petition for reconsideration must be received no later than thirteen (13) days after the date this final order is mailed. Any motion for reconsideration must state the specific grounds supporting the party's request for reconsideration.

Stay of Final Order: Filing for reconsideration does not stay the effectiveness of this Order. WAC 230-17-145 provides that a party may petition the Commission for a stay of a final order. Any petition for a stay should be received by the Commission within thirteen (13) days after the date this final order is mailed.

Judicial Review: RCW 34.05.542 provides that a party may appeal this final order by filing a petition for judicial review within thirty (30) days after service of this order. A petition for judicial review must be filed with the appropriate superior court and served upon both the Commission and the Office of the Attorney General.

Service: This Order was served on you three days after it was deposited in the United States Postal Service regular mail, excluding the date of mailing. WAC 230-17-035.

Any motions or petitions for judicial review should be served on or mailed to:

Washington State Gambling Commission  
Legal and Records Division  
4565 7<sup>th</sup> Avenue S.E., Lacey, WA  
P.O. Box 42400  
Olympia, WA 98504-2400

Gregory J. Rosen  
Attorney General's Office  
1135 Washington St. SE  
P.O. Box 40100  
Olympia, WA 98504-0100

**CERTIFICATE OF SERVICE**

I certify that on the date below I served a copy of the foregoing document on all parties and/or their counsel by United States Postal Service regular mail to the following:

DUCHESS TAVERN  
2827 NE 55<sup>th</sup> STREET  
SEATTLE, WA 98105

EXECUTED this \_\_\_\_ day of February, 2019, at Lacey, Washington.

\_\_\_\_\_  
Ashlie Laydon  
Rules Coordinator



**STATE OF WASHINGTON  
GAMBLING COMMISSION**

**“Protect the Public by Ensuring that Gambling is Legal and Honest”**

February 7, 2019

**TO:** COMMISSIONERS:  
Bud Sizemore, Chair  
Julia Patterson, Vice Chair  
Christopher Stearns  
Ed Troyer  
Alicia Levy

**FROM:** Brian J. Considine, Legal and Legislative Manager  
Legal and Records Division

**SUBJECT: Numerica Credit Union, Case No. 2018-00200  
Petition for Reconsideration Materials – February 14, 2019 Commission  
Meeting**

Commission staff has filed a Petition for Reconsideration of the Commission’s Final Order in the above-referenced case. Enclosed in your Commission Meeting packet is the Petition for Reconsideration filed by assistant attorney general Chad Standifer, the Applicant’s Response to the Petition for Reconsideration filed by the applicant’s attorney, Ms. Ripley.

Copies of the Administrative Law Judge’s Initial Order and the Commission’s Final Order on Petition for Review are also in your packet. For reference, the complete case record, including audio recordings and transcripts of the administrative hearings, was previously provided to you for review at our January Commission Meeting.

ORIGINAL

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JAN 28 2019

RECORDS

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**BEFORE THE WASHINGTON STATE GAMBLING COMMISSION**

In the Matter of:	OAH No. 04-2018-GMB-00046
NUMERICA CREDIT UNION,	GMB No. CR 2018-00200
Applicant.	GAMBLING COMMISSION STAFF'S MOTION FOR CLARIFICATION OF THE FINAL ORDER

**I. INTRODUCTION**

Gambling Commission Staff (Staff) submits this Motion for Clarification of the Final Order Denying Petition for Review issued by the Commission. Staff do not seek to disturb the Commission's findings of fact or conclusions of law with respect to Numerica Credit Union's (Numerica's) eligibility for a raffle license. Rather, Staff seek clarification as to the criteria by which Staff should process Numerica's license application. Likewise, Staff seek confirmation that the Director should issue a temporary license to Numerica upon staff's satisfactory completion of the licensing investigation process.

**II. PROCEDURAL HISTORY**

The Commission's Director issued a Denial of Gambling License Application (Denial) to Numerica on March 6, 2018. Numerica requested a hearing with the Office of Administrative Hearings as to the Commission's Denial. On August 6, 2018, Numerica filed a memorandum in support of its motion for summary judgment. Commission Staff filed a response to the motion for summary judgment on September 7, 2018. On September 21, 2018, Numerica filed a reply in support of its motion. On October 9, 2018, Administrative Law Judge T.J. Martin issued an

1 Initial Order granting Numerica’s motion for summary judgment (Initial Order). The  
2 Commission issued a Final Order on January 17, 2019, adopting the Initial Order in its entirety.  
3 The Final Order directed Staff to “proceed with processing Numerica’s application for a license.”

4 WAC 230-17-140(1) provides that a party may file a petition for reconsideration of a  
5 final order with the Commission within ten days from the date of service of the Final Order. A  
6 party may file a response to the petition for reconsideration within ten days of the date a petition  
7 for reconsideration is filed. WAC 230-17-240(2). If a petition for reconsideration is received at  
8 least fifteen business days before the next regularly scheduled commission meeting, the  
9 Commission schedules the petition to be heard at that next meeting.<sup>1</sup>

### 10 III. ISSUES

11 1) Should Staff process Numerica’s application based primarily on the statutory  
12 criteria set forth in RCW 9.46.0209(2)(a)?

13 2) Should the Director, pursuant to RCW 9.46.070(1), issue a temporary license to  
14 Numerica upon Staff’s satisfactory completion of the licensing investigation process?

### 15 IV. ARGUMENT

#### 16 A. Staff Seek Clarification that Numerica’s Application Should be Reviewed Based 17 Primarily on the Statutory Criteria Set Forth in RCW 9.46.0209(2)(a)

18 Staff seek clarification as to the criteria it should apply when processing Numerica’s  
19 raffle license application. WAC 230-03-145 sets forth the additional requirements required for a  
20 “bona fide charitable or nonprofit organization” seeking licensure. For the most part, it appears  
21 these requirements are specific to those applicants seeking licensure pursuant to  
22 RCW 9.46.0209(1)(a), and cannot be applied, at least as a whole, to credit unions.<sup>2</sup> In the absence

23 <sup>1</sup> The Commission’s next meeting is on February 14, 2019, which is less than fifteen business days from  
24 the date of this motion. Notwithstanding WAC 230-17-140(3), Staff do not object to having its motion considered  
at the February 14<sup>th</sup> meeting.

25 <sup>2</sup> For example, pursuant to WAC 230-03-145(3), organizations “must provide, in their bylaws or in their  
26 articles of incorporation, a statement that guarantees that, if the organization is dissolved, **all the assets  
remaining after satisfaction of all their debts must be distributed to another charitable or nonprofit  
organization qualified under RCW 9.46.0209.**” (Emphasis added). As Numerica has asserted, this requirement

1 of any such requirements specific to credit unions seeking a raffle license, Staff seek  
2 confirmation that it should primarily apply the statutory criteria set forth in RCW 9.46.0209(2)(a)  
3 to the application.<sup>3</sup> Pursuant to RCW 9.46.0209(2)(a), Numerica must demonstrate that it: 1) it  
4 is “[a] credit union organized and operating under state or federal law.” Second, Numerica must  
5 affirm that, “[a]ll revenue less prizes and expenses received from raffles conducted by credit  
6 unions must be devoted to purposes authorized under this section for charitable and nonprofit  
7 organizations.” RCW 9.46.0209(2)(a). To the extent it has not already done so, Numerica must  
8 also comply with all applicable provisions of WAC 230-03 relating to license applications.

9 **B. Staff Seek Confirmation that the Director Should Issue a Temporary License to**  
10 **Numerica Upon a Demonstration that Numerica Meets the Criteria for Licensure**

11 The Commission may authorize the Director to temporarily issue a raffle license, subject  
12 to final action by the Commission. RCW 9.46.070(1). WAC 230-03-080(1) provides that the  
13 Director may issue a temporary license “on completing of the licensing investigation for  
14 licensees issued under RCW 9.46.070.” Staff seek to confirm that the Director should issue a  
15 temporary license to Numerica upon satisfaction that the statutory criteria set forth in  
16 RCW 9.46.0209(2)(a) have been met, and that Numerica has complied with all applicable  
17 provisions of WAC 230-03. Any such temporary license granted would be subject to final action  
18 by the Commission. RCW 9.46.070(1).

19 **V. CONCLUSION**

20 For the above stated reasons, Staff respectfully requests that the Commission amend the  
21 Final Order to clarify that: 1) Staff should process Numerica’s application based on the statutory  
22 criteria set forth in RCW 9.46.0209(2)(a) and all applicable rules set forth in WAC 230-03; and  
23

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24 conflicts with the authority set forth in the Washington State Credit Union Act, RCW 31.12. That Act requires  
25 that upon liquidation, each share account holder or depositor of Numerica be distributed their proportionate share  
of the assets of the credit union after all shares, deposits and debts have been paid. RCW 31.12.474(2).

26 <sup>3</sup> Staff may seek further direction from the Commission regarding the initiation of rule-making that could further  
clarify the requirements applicable to credit unions seeking a raffle license, or the renewal of a raffle license.

1 2) the Director should issue a temporary license to Numerica, pursuant to RCW 9.46.070(1),  
2 upon Staff's satisfactory completion of the licensing investigation process.

3 DATED this 28th day of January, 2019.

4 ROBERT W. FERGUSON  
5 Attorney General

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7 CHAD C. STANDIFER, WSBA #29724  
8 Assistant Attorney General  
9 Attorneys for Washington State  
10 Gambling Commission Staff  
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1 **DECLARATION OF SERVICE**


2 I declare that I served a true and correct copy of this document on all parties or their  
3 counsel of record on the date below as follows:

4 SHELLEY N. RIPLEY  
5 WITHERSPOON, KELLEY  
6 DAVENPORT & TOOLE PS  
7 422 W RIVERSIDE AVE STE 1100  
8 SPOKANE, WA 99201

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile:
- courtesy copy via electronic mail:  
snr@witherspoonkelley.com
- ABC/Legal Messenger

9 I declare under penalty of perjury under the laws of the state of Washington that the  
10 foregoing is true and correct.

11 DATED this 28 day of January, 2019, at Olympia, Washington.

12   
13 \_\_\_\_\_  
14 TINA BERT  
15 Legal Assistant



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BEFORE THE WASHINGTON STATE GAMBLING COMMISSION

In Re:

NUMERICA CREDIT UNION,  
  
Appellant.

Docket No. 04-2018-GMB-00046  
GMB No. CR-2018-0020  
RESPONSE TO GAMBLING  
COMMISSION STAFF'S MOTION FOR  
CLARIFICATION OF THE FINAL ORDER

**A. The Commission should process Numerica's application under the criteria set forth in RCW 9.46.0209(2)(a).**

The Commission Staff requests clarification as to how they should process Numerica Credit Union's ("Numerica") application for a raffle gambling license. With all due respect, the Commission Staff is making a matter more complicated than it need be. The Commission affirmed and adopted in its entirety the Administrative Law Judge's ("ALJ") Initial Order as the Final Order. Under the Initial Order, the ALJ specifically found that authority exists for the Commission to grant a raffle gambling license to a credit union. This authority is contained in RCW 9.46.0209(2)(a) whereby statutorily a credit union is considered a "bona fide charitable or nonprofit organization" for purposes of RCW 9.46.0315. See Initial Order, ¶ 5.20. Thus, the Commission Staff should process and grant Numerica's raffle gambling license based upon the

1 statutory criteria set forth in RCW 9.46.0209(2)(a).

2 **B. Numerica satisfied the criteria set forth in RCW 9.46.0209(2)(a).**

3 Under RCW 9.46.0209(2)(a), Numerica is deemed a "bona fide charitable or nonprofit  
4 organization" for purposes of RCW 9.46.0315. Numerica's Chief Financial Officer, Cindy  
5 Leaver, swore under penalty of perjury that the funds from Numerica's proposed raffle would be  
6 paid to various 501(c)(3) tax exempt charities devoted to purposes authorized under RCW  
7 9.46.0209 for charitable and nonprofit organizations. See Initial Order, ¶4.10; see also Decl. of  
8 C. Leaver. The Commission did not dispute this fact. See Initial Order, ¶4.10. Because  
9 Numerica is statutorily a bona fide charitable or nonprofit organization and has affirmed to give  
10 all of the revenue (less prizes and expenses) received from Numerica's proposed raffle to  
11 organizations devoted to charitable purposes, there is no reason for the Commission to not grant  
12 Numerica its raffle gambling license. The Commission should so order.

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15 **C. WAC 230-03-145 does not apply; Numerica is statutorily a bona fide  
16 nonprofit organization.**

17 The Staff Commission also seeks clarification as how to process Numerica's application  
18 pursuant to WAC 230-03 *et seq.* and specifically, WAC 230-03-145. Clarification is not needed  
19 because of the plain language of WAC 230-03-145; WAC 230-03-145 simply does not apply.  
20 The first sentence of WAC 230-03-145(1) explicitly states its purpose: "Organizations must  
21 provide the following records for us to determine the organization's qualifications as a bona fide  
22 charitable or nonprofit organization as set forth in RCW 9.46.0209" (emphasis added). Once  
23 Numerica establishes that it is a state or federal credit union (which is not disputed by the  
24 Commission – see Initial Order, ¶4.8), no further documentation is required or necessary to  
25 establish Numerica as a bona fide nonprofit organization. It is a bona fide nonprofit  
26 organization by definition under RCW 9.46.0209(2)(a). To the extent any other provision of  
27  
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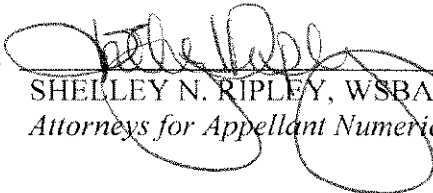
1 WAC 230-03 *et seq.* relates to Numerica conducting an employee only raffle pursuant to RCW  
 2 9.46.0315 that does not to relate to Numerica establishing it is a bona fide charitable or  
 3 nonprofit organization or affirming the use of the raffle proceeds, then Numeric will comply.  
 4 However, the Commission Staff failed to identify any such applicable rule or criteria.  
 5

6 **D. A temporary license is not necessary as Numerica is entitled to a raffle**  
 7 **gambling license pursuant to RCW 9.46.0315.**

8 Numerica has no objection to it being issued a temporary raffle gambling license  
 9 pursuant to RCW 9.46.070(1) and WAC 230-03-080(1). However, given that Numerica has (1)  
 10 established that is a state chartered credit union, and (2) affirmed to the use of the raffle  
 11 proceeds without objection by the Commission, Numerica is unclear as to what additional  
 12 information or investigation may be required by the Commission in order to grant it a raffle  
 13 gambling license outright. As a credit union, Numerica is not a typical nonprofit organization; it  
 14 is highly regulated by other state and federal agencies. It is unclear if the Commission Staff  
 15 understands or appreciates this fact. Given the regulatory regime imposed on Numerica pursuant  
 16 to RCW 31.12 *et seq.*, Numerica believes is has satisfied the requirements of RCW  
 17 9.46.0209(2)(a) and WAC 230-03 *et seq.* for it to conduct an employee only raffle. The  
 18 Commission should grant Numerica's application for a raffle gambling license accordingly.  
 19  
 20

21 DATED this 5th day of February, 2019.

22 WITHERSPOON • KELLEY

23  
 24 By:   
 25 SHELLEY N. RIPLEY, WSBA #28901  
 26 Attorneys for Appellant Numerica Credit Union  
 27  
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**CERTIFICATE OF SERVICE**

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the State of Washington, that on the 5<sup>th</sup> day of February, 2019, the foregoing RESPONSE TO GAMBLING COMMISSION STAFF'S MOTION FOR CLARIFICATION was delivered to the following persons in the manner indicated:

Chad C. Standifer  
Assistant Attorney General  
Office of the Attorney General  
1125 Washington St. SE  
MS 40100  
Olympia, WA 98504-0100  
*Attorney for Gambling Commission*

- By Hand Delivery
- By U.S. Mail
- By Overnight Mail
- By Facsimile Transmission
- By Electronic Mail:  
[chads@ATG.WA.GOV](mailto:chads@ATG.WA.GOV)

Haylee Mills  
Staff Attorney  
MS 40100  
PO Box 42400  
Olympia, WA 98504-2400

- By Hand Delivery
- By U.S. Mail
- By Overnight Mail
- By Facsimile Transmission
- By Electronic Mail:  
[hailey.miles@oah.wa.gov](mailto:hailey.miles@oah.wa.gov)

  
KELLEY FLORES  
Legal Assistant





**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**

Government Compliance & Enforcement Division  
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

January 17, 2019

Shelley N. Ripley  
Witherspoon, Kelley, Davenport & Toole P.S.  
422 West Riverside Ave Ste 1100  
Spokane WA 99201

Chad C. Standifer  
Assistant Attorney General  
Office of the Attorney General  
1125 Washington Street SE  
PO Box 40100  
Olympia WA 98504-0100

**WSGC**

**JAN 18 2019**

**RECORDS**

RE: *In the Matter of: Numerica Credit Union*  
**OAH No. 04-2018-GMB-00046**  
**GMB No. CR 2018-00200**

Dear Counsel:

Enclosed, please find a copy of the Commission's Final Order Denying Petition for Review in the above-referenced matter.

Sincerely,

SUZANNE BECKER  
Assistant Attorney General  
(360) 586-1636

SB:da

Enclosure

cc: Numerica Credit Union (w/ encl.)  
Brian Considine (w/ encl.)

BEFORE THE WASHINGTON STATE GAMBLING COMMISSION

In the Matter of:

NUMERICA CREDIT UNION,

Applicant.

OAH NO. 04-2018-GMB-00046

GMB NO. CR 2018-00200

FINAL ORDER DENYING

PETITION FOR REVIEW

THIS MATTER came before the undersigned Commissioners of the Washington State Gambling Commission ("Commission") at the Commission's regularly scheduled meeting on January 10, 2019 in Olympia, Washington on Gambling Commission Staff's Petition for Reconsideration. Shelley N. Ripley, Attorney, represented Numerica Credit Union. Assistant Attorney General Chad Standifer, represented the Washington State Gambling Commission's agency staff. The Commission had before it the record of the prior proceedings relating to this matter, as well as additional pleadings prepared for this petition for reconsideration. Oral argument was held.

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Following oral argument and review of the record, the Commission DENIES Gambling Commission Staff's Petition for Review. The Commission AFFIRMS and ADOPTS in its entirety the Administrative Law Judge's previously entered Initial Order as its Final Order in this matter. The Commission directs gambling commission staff to proceed with processing Numerica's application for a license.

DATED this        day of January, 2019.

*Bud Sizemore*

\_\_\_\_\_  
BUD SIZEMORE, CHAIR

*Chris Stearns*

\_\_\_\_\_  
CHRIS STEARNS, COMMISSIONER

*Alicia Levy*  
\_\_\_\_\_  
ALICIA LEVY, COMMISSIONER

*Julia Patterson*

\_\_\_\_\_  
JULIA PATTERSON, VICE-CHAIR

*Ed Troyer*

\_\_\_\_\_  
ED TROYER, COMMISSIONER

NOTICE:        RECONSIDERATION  
PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 230-17-140 YOU MAY FILE A PETITION FOR RECONSIDERATION WITH THE COMMISSION WITHIN TEN (10) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE WASHINGTON STATE GAMBLING COMMISSION, PO BOX 42400, OLYMPIA, WA 98504-2400.

NOTICE:        PETITION FOR JUDICIAL REVIEW  
YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE DATE THIS FINAL ORDER IS SERVED UPON YOU.

**PROOF OF SERVICE**

I certify that I served a true and correct copy of the **Commission's Final Order Denying**  
**Petition for Review** on all parties or their counsel of record on the date below as follows:

Shelley N. Ripley  
Witherspoon, Kelley, Davenport &  
Toole P.S.  
422 West Riverside Ave Ste 1100  
Spokane WA 99201

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile:
- courtesy copy via electronic mail:  
[snr@witherspoonkelley.com](mailto:snr@witherspoonkelley.com)
- ABC/Legal Messenger

Numerica Credit Union  
14610 East Sprague Ave  
Spokane Valley WA 99016

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile:
- courtesy copy via electronic mail:  
\_\_\_\_\_
- ABC/Legal Messenger

Chad C. Standifer  
Assistant Attorney General  
Office of the Attorney General  
1125 Washington Street SE  
PO Box 40100  
Olympia WA 98504-0100

- via personal service
- courtesy copy via facsimile:
- courtesy copy via electronic mail:  
[chads@atg.wa.gov](mailto:chads@atg.wa.gov)
- ABC/Legal Messenger

Brian J. Considine  
Legal and Legislative Manager  
Washington State  
Gambling Commission  
PO Box 42400  
Olympia WA 98504-2400

- Campus mail via state Consolidated Mail Service
- courtesy copy via facsimile:
- courtesy copy via electronic mail:  
[Brian.considine@wsgc.wa.gov](mailto:Brian.considine@wsgc.wa.gov)
- ABC/Legal Messenger



1 I declare under penalty of perjury under the laws of the state of Washington that the  
2 foregoing is true and correct.

3 DATED this 17<sup>th</sup> day of January, 2019, at Olympia, Washington.

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5 DARLA AUMILLER  
6 Legal Assistant  
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**WASHINGTON STATE  
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Numerica Credit Union,

Appellant.

Docket No. 04-2018-GMB-00046

**INITIAL ORDER GRANTING APPELLANT'S  
MOTION FOR SUMMARY JUDGMENT**

Agency: Washington State Gambling  
Commission

Program: Gambling Commission

Agency No. 2018-00200

**1. ISSUES**

1.1. Whether a genuine issue of material fact exists if the Washington State Gambling Commission correctly denied the Appellant/Applicant, Numerica Credit Union's raffle license application, in accordance with RCW 9.46.075(1) and (8)?

**2. ORDER SUMMARY**

2.1. No genuine issue of material fact exists. The Gambling Commission **erred** in denying the Appellant a raffle license under RCW 9.46.075(1) and (8). The Appellant qualifies as a 'bona fide charitable or nonprofit organization' for licensure, under RCW 9.46.0209(2)(a), consistent with RCW 9.46.0315 'Raffles'. As a result, the Appellant's Motion for Summary Judgement is **GRANTED**.

**3. NUMERICA CREDIT UNION'S MOTION FOR SUMMARY JUDGMENT**

3.1. Oral Argument Date: No oral argument occurred.

3.2. Administrative Law Judge: TJ Martin

3.3. Appellant/Applicant: Numerica Credit Union ('Appellant'/'Applicant')

3.3.1. Representative: Shelley N. Ripley, Attorney

3.4. Agency: Washington State Gambling Commission  
( 'Commission Staff' )

3.4.1. Representative: Greg Rosen, Senior Counsel

[Continued]

3.5. Documents Considered: The undersigned administrative law judge considered the following documents:

Doc. No.	Document Name	Document Date	No. Pages
1	Appellant's Motion for Summary Judgment and Appellant's Memorandum in Support of Motion for Summary Judgment	08/06/2018	12
2	Declaration of Cindy Leaver in Support of Appellant's Motion for Summary Judgment	08/06/2018	2
3	Office of Administrative Hearings' Order Establishing Summary Judgment Briefing Schedule	08/16/2018	3
4	Commission Staff's Response to Applicant's Motion for Summary Judgment	09/07/2018	7
5	Reply in Support of Appellant's Memorandum in Support of Motion for Summary Judgment	09/21/2018	8

#### 4. FACTS FOR PURPOSE OF SUMMARY JUDGMENT

On a motion for summary judgment, the decision maker only considers those facts for which the parties establish "no genuine issue as to any material fact".<sup>1</sup> "Summary judgment is appropriate only where the undisputed facts entitle the moving party to judgment as a matter of law."<sup>2</sup> Only evidence in the record and inferences from that evidence establish facts. If evidence in the record points to more than one possible finding of fact, then summary judgment may not rest on the moving party's version of that fact.<sup>3</sup> Admissions, stipulations, procedural history, and uncontested declarations and affidavits establish facts for summary judgment. The record here supports the following facts for the purposes of summary judgment:

##### ***Jurisdiction***

- 4.1. On September 21, 2017, Numerica Credit Union filed a Class "C" Raffle License Application with the Washington State Gambling Commission.
- 4.2. On March 6, 2018, the Gambling Commission denied Numerica's application.
- 4.3. On March 21, 2018, Numerica Credit Union appealed the denial.

<sup>1</sup> WAC 10-08-135. In Superior Court matters, CR 56 governs summary judgment. Where the relevant procedural rules do not conflict with CR 56, it and the cases interpreting it serve as persuasive authority in the management of summary judgment under WAC 10-08-135.

<sup>2</sup> *Verizon NW, Inc. v. Employment Sec. Dep't*, 164 Wn.2d 909, 916 (2008), citing *Alpine Lakes Prot. Soc'y v. Dep't of Natural Res.*, 102 Wn. App. 1, 14 (1999).

<sup>3</sup> *Verizon NW*, 164 Wn.2d 916.

### ***Numerica's Motion for Summary Judgment***

- 4.4. On August 6, 2018, Numerica Credit Union filed 'Appellant's Motion for Summary Judgment' and 'Appellant's Memorandum in Support of Motion for Summary Judgment'.
- 4.5. On August 16, 2018, the Office of Administrative Hearings (OAH) issued an 'Order Establishing Summary Judgment Briefing' regarding the Appellant's Summary Judgment Motion.
- 4.6. On September 7, 2018, the Gambling Commission filed 'Commission Staff's Response to Applicant's Motion for Summary Judgment'.
- 4.7. On September 21, 2018, Numerica Credit Union filed a 'Reply in Support of Appellant's Memorandum in Support of Motion for Summary Judgment'.

### ***Undisputed Facts regarding Numerica's Class "C" Raffle License Application***

- 4.8. Numerica is a credit union organized under RCW (Revised Code of Washington) 31.12 and chartered by the Washington State Department of Financial Institutions. *'Declaration of Cindy Leaver in Support of Appellant's Motion for Summary Judgment' ('Dec. of Leaver'); Page ('Pg.'). 1.*
- 4.9. Numerica is a tax-exempt organization under IRC (Internal Revenue Code) 501(c)(14). *Dec. of Leaver; Pg. 1.*
- 4.10. Numerica planned to conduct an 'employee only' raffle, with funds raised going to various 501(c)(3) tax-exempt charities. *Dec. of Leaver; Pg. 1-2.*
- 4.11. The Gambling Commission did not present any evidence, via sworn declaration or other documentation, refuting the Appellant's facts.

## **5. CONCLUSIONS OF LAW**

Based upon the facts above, the undersigned administrative law judge makes the following conclusions:

### ***Jurisdiction***

- 5.1. The Office of Administrative Hearings has jurisdiction over the persons and subject matter of this case under Revised Code of Washington (RCW) 9.46.140(4), Washington Administrative Code (WAC) 230-17-025, and chapters 34.05 and 34.12 RCW.

[Continued]

### **Summary Judgment**

- 5.2. A motion for summary judgment may be granted and an order issued if the written record shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. WAC 10-08-135.
- 5.3. "Summary judgment is appropriate 'if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.' CR 56(c)." *American Legion Post #149 v. Washington State Dept. of Health*, 164 Wn.2d 570, 584, 192 P.3d 306 (2008).

### **Appellant qualifies for Raffle Licensure**

- 5.4. The Washington State Gambling Commission is responsible for implementing and enforcing the provisions within Chapter 9.46 RCW (Revised Code of Washington) and Title 230 WAC (Washington Administrative Code), which governs gambling activities in the State of Washington.

- 5.5. RCW 9.46.075 establishes, in relevant part:

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

...

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;

- 5.6. RCW 9.46.0277 'Raffle' provides:

"Raffle," as used in this chapter, means a game in which tickets bearing an individual number are sold for not more than one hundred dollars each and in

which a prize or prizes are awarded on the basis of a drawing from the tickets by the person or persons conducting the game, when the game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of the organization takes any part in the management or operation of the game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting the game.

5.7. RCW 9.46.0315 'Raffles- No license required, when' establishes:

Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of this chapter, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle. The organization may provide unopened containers of beverages containing alcohol as raffle prizes if the appropriate permit has been obtained from the \*liquor control board: PROVIDED, That raffles that exceed five thousand dollars may also be conducted pursuant to the provisions of this section if the organization obtains a license from the commission: PROVIDED FURTHER, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

5.8. RCW 9.46.0209 'Bona fide charitable or nonprofit organization' provides:

(2) For the purposes of RCW 9.46.0315 ['Raffles'] and 9.46.110 ['Taxation of Gambling activities'], a bona fide nonprofit organization also includes:  
(a) A **credit union** organized and operating under state or federal law. All revenue less prizes and expenses received from raffles conducted by credit unions must be devoted to purposes authorized under this section for charitable and nonprofit organizations; (**Emphasis Added**).

5.9. In the present matter, RCW 9.46.0315 'Raffles' allows a bona fide charitable or nonprofit organization to conduct a raffle without a gambling license if gross revenues during the calendar year are less than \$5,000. The Gambling Commission agrees with the Appellant it would not need a license if gross revenue from the raffle is less than \$5,000. (See '*Commission Staff's Response to Applicant's Motion for*



*Summary Judgment': Pg. 4; Line 9-11).*

- 5.10. Further, RCW 9.46.0315 requires a bona fide charitable or nonprofit organization to get a license for a raffle if gross receipts exceeds \$5,000. However, the Gambling Commission contends, if the gross revenue exceeds \$5,000, the Appellant cannot get a license. *(See 'Commission Staff's Response to Applicant's Motion for Summary Judgment; Pg. 4; Line 11-14).*
- 5.11. The Gambling Commission does not dispute the Appellant, a credit union, is considered a 'bona fide charitable or nonprofit organization' for purposes of RCW 9.46.0315, as established by RCW 9.46.0209(2)(a). Further, the Gambling Commission does not dispute the purpose of the Appellant's raffle is to benefit charitable and nonprofit organizations.
- 5.12. However, the Gambling Commission contends the Appellant fails to meet the qualifications under RCW 9.46.0315 'Raffles' since it qualifies under RCW 9.46.0209(2)(a), but fails to qualify under RCW 9.46.0209(1)(a)(i).
- 5.13. Namely, the Gambling Commission contends "Credit Unions, however, cannot [get a license], because they do not satisfy the purpose under RCW 9.46.0209(1)(a)(i).
- 5.14. RCW 9.46.0209(1)(a) provides: "Bona fide charitable or nonprofit organization," as used in this chapter, means:
- (i) Any organization duly existing under the provisions of chapter 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter;
- 5.15. The undersigned administrative law judge disagrees with the Gambling Commission's argument. The language of RCW 9.46.0315 'Raffles' is clear and unambiguous. The statute provides a 'bona fide charitable or nonprofit organization' does not need a gambling license to conduct a raffle, if gross revenues are less than \$5,000. If however, gross revenues exceed \$5,000, a gambling license is needed. For purposes of RCW 9.46.0315, a credit union is a 'bona fide charitable or nonprofit

organization', as pronounced by RCW 9.46.0209(2)(a).

- 5.16. Nowhere in RCW 9.46.0209 does the statute require a credit union to comply with the 'purpose' of (1)(a), since it qualifies as 'a bona fide charitable or nonprofit organization' under (2)(a). To condition qualification under subsection (2)(a), by requiring 'purpose' compliance to subsection (1)(a), is to read beyond the plain meaning of the statute.
- 5.17. A court must look at the statute's plain language and ordinary meaning. When the plain language is unambiguous, that is, when the statutory language admits to only one meaning- the legislative intent is apparent and the court will not consider the statute otherwise. *State v. J.P.*, 149 Wn.2d 444 (2003), citing *State v. Wilson*, 125 Wn.2d 212, 883 P.2d 320 (1994).
- 5.18. If a 'bona fide charitable or nonprofit organization' needs a gambling license for a raffle, if gross revenue exceeds \$5,000, and the Appellant is 'bona fide charitable or nonprofit organization', as provided by RCW 9.46.0209(2)(a), then the Appellant should be granted a gambling license for a raffle, consistent with RCW 9.46.0315.
- 5.19. The Gambling Commission further contends in its 'Response':

[The Gambling Commission] has "not adopted rules that establish the criteria for the granting of a license to a credit union. Unless specific authority exists in statute or Commission administrative rule, the Commission cannot legally issue a license to a credit union. There is no legal authority that requires the Commission to grant the credit union a license, and the Commission has not adopted rules that allow for such licensure by a credit union."

*'Commission Staff's Response to Applicant's Motion for Summary Judgment': Page 4; Line 19-23.*

- 5.20. The undersigned administrative law judge disagrees with the Gambling Commission's argument for several reasons: First, specific authority does exist by statute for the granting of a raffle gambling license to a credit union. This explicit authority can be found in RCW 9.46.0209(2)(a), whereby a credit union is considered a 'bona fide charitable or nonprofit organization' for purposes of RCW 9.46.0315 'Raffles'; Second, the position taken by the Gambling Commission that "[t]here is no legal authority that requires the Commission to grant the credit union a license" is essentially the Gambling Commission's refusal to adhere to RCW 9.46.0209(2)(a) as it applies to RCW 9.46.0315; and Finally, if the legislature had intended to exclude credit unions from qualifying for licensure under RCW 9.46.0315, it could have easily done so by codifying the exclusion under



RCW 9.46.0315, or better yet, striking out subsection (2)(a) within RCW 9.46.0209 in its entirety. The legislature has taken neither such action.

- 5.21. For the above-cited reasons, the Appellant has established by 'clear and convincing evidence' it qualifies as a 'bona fide charitable or nonprofit organization' for purposes of RCW 9.46.0315 'Raffles', as pronounced by RCW 9.46.0209(2)(a). Therefore, if the Appellant is seeking to conduct a raffle, in which gross revenues are expected to exceed \$5,000, a gambling license to conduct the raffle is required, in accordance with RCW 9.46.0315.
- 5.22. No genuine issue of material fact exists in the present case. The Gambling Commission **erred** in denying the Appellant a raffle license under RCW 9.46.075(1) and (8), since the Appellant qualifies as a 'bona fide charitable or nonprofit organization' for licensure, under RCW 9.46.0209(2)(a), consistent with RCW 9.46.0315 'Raffles'. As a result, the Appellant's Motion for Summary Judgement is **GRANTED**.

## 6. INITIAL ORDER

### IT IS HEREBY ORDERED THAT:

- 6.1. No genuine issue of material fact exists in the present matter. The Gambling Commission **erred** in denying the Appellant a raffle license under RCW 9.46.075(1) and (8), since the Appellant qualifies as a 'bona fide charitable or nonprofit organization' for licensure, under RCW 9.46.0209(2)(a), consistent with RCW 9.46.0315 'Raffles'. As a result, the Appellant's Motion for Summary Judgement is **GRANTED**.

**SIGNED** at Tacoma, Washington on the date of mailing.



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TJ Martin  
Administrative Law Judge  
Office of Administrative Hearings

## **PETITION FOR REVIEW**

Any party to this proceeding may file a Petition for Review of this initial order. The written petition for review must be mailed to the Washington State Gambling Commission at:

Washington State Gambling Commission  
PO Box 42400  
Olympia, WA 98504

The petition for review must be received by the Commission within twenty (20) days from the date this initial order was mailed to the parties. A copy of the petition for review must be sent to all parties of record. The petition for review must specify the portions of the initial order with which the party disagrees, and must refer to the evidence in the record which supports the party's position. The other party's reply must be received at the address above, and served on all parties of record, within thirty (30) days from the date the petition for review was mailed.

Any party may file a cross appeal. Parties must file cross appeals with the Washington State Gambling Commission within ten days of the date the petition for review was filed with the Washington State Gambling Commission. Copies of the petition or cross appeal must be served on all other parties or their representatives at the time the petition or appeal is filed.

**CERTIFICATE OF MAILING IS ATTACHED**

**CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 04-2018-GMB-00046**

I certify that true copies of this document were served from Tacoma, Washington via Consolidated Mail Services upon the following as indicated:

Numerica Credit Union 14610 East Sprague Avenue Spokane Valley, WA 99016 <b><i>Appellant</i></b>	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail
Shelley N. Ripley, Attorney Witherspoon, Kelley, Davenport & Toole, PS 422 West Riverside Avenue Suite 1100 Spokane, WA 99201 <b><i>Appellant Representative</i></b>	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail
Gregory J. Rosen, AAG Office of The Attorney General 1125 Washington St SE MS: 40100 PO Box 40100 Olympia, WA 98504-0100 <b><i>Agency Representative</i></b>	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail
Haylee Mills, Staff Attorney Gambling Commission MS: 42400 PO Box 42400 Olympia, WA 98504-2400 <b><i>Agency Contact</i></b>	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail

Date: Tuesday, October 09, 2018

OFFICE OF ADMINISTRATIVE HEARINGS



Christen Brooks  
 Legal Assistant 2



- (h) Any other information that we request or any information the licensee wishes to submit.

**Request for Your Approval:**

On January 11, 2019, the Puget Sound Flyers submitted a request seeking your approval to offer a raffle prize in excess of \$40,000. Their raffle plan and budget includes all information required by rule.

Attachments



## Puget Sound Flyers, INC

(A 501 (C) (3) Listed Non-Profit)

2909 100<sup>th</sup> ST SW, Suite A, Everett, WA 98204  
425.777.0671 [chinookflightltd@gmail.com](mailto:chinookflightltd@gmail.com) [www.chinookflight.com](http://www.chinookflight.com)

Response to WAC 230-11-067

Requesting commission approval prior to offering raffle prizes exceeding forty thousand dollars per prize or three hundred thousand dollars in a license year.

While this is a new thing to Washington State, Dozens of organizations across the United States and Canada have held Raffles which have awarded light airplanes as either a single prize or a Grand prize. Puget Sound Flyers has drawn, not only inspiration from these other entities and states, but have received much assistance and advice from twenty three states where these planes have been raffled.

Drawing on their success, and the assistance and promotion that major, nationwide organizations have provided groups who have raffled airplanes, we hope that Washington State Gambling Commission will authorize our effort to raffle and airplane like so many other states have. Mind you, the plane we are awarding could be called a "Volkswagen with wings" in its size and similarities in complexity. This plane is a well-known training and fun plane, known for its economy and fun nature.

Below is my effort to answer all your questions and concerns you may have regarding awarding an airplane:

(1) The commissioners may vote to approve a licensee to exceed raffle prize limits if a licensee shows good cause in writing.

(2) Prior to offering raffle prizes that exceed forty thousand dollars per prize, the licensee must submit a raffle plan to us that includes at least the following information:

(a) The organization's goals for conducting the raffle; and

Puget Sound Flyers is a group of aviation enthusiasts, all holding Private Pilot Certificates or more advanced. Most of our group is comprised of folks employed by Microsoft, Corp or Boeing, some with the Everett Police Department, some with the Snohomish Fire Department, and others that are retired and want to give back to the community. Our effort is to raise money for young people who survived cancer, but, are from families of limited means and wish to continue on to college or trade schools, but, have financial hardship. Our goal is to help them and help the Aviation Community also by raffling a training airplane for our efforts.

(b) A brief overview of the licensee's mission and vision including the type of programs supported by the licensee and clients served; and

As stated: Raising money for young people who survived cancer but come from families of limited financial means.

(c) Specific details of the raffle rules including:

All Tickets will be sold in WA state in person at various events. Our first event in the Northwest Aviation Conference held at the Puyallup Fairgrounds 23 to 24 FEB and all aviation and other events we can attend.

(i) Date of the drawing; and

1 JUNE 2019 is our goal

(ii) Cost of raffle tickets; and

\$50 per ticket

- (i) **Prizes available; and**  
A fully refurbished 1975 Cessna 150M Two Seat Training Plane
- (ii) **Security of prizes; and**  
Aircraft is a documented and Registered Aircraft under the auspices of the Federal Aviation Administration and WA State DOT/Aviation. Is fully certified and titled by the FAA and upon awarding of the plane, title and registration will be transferred to the winner upon winner providing proof of identification. Aircraft will be stored and hangered at Snohomish County Airport, Everett, WA in secured facilities.
- (iii) **Plans for selling raffle tickets; and**  
Tickets will be advertised on social media and through aviation news outlets but will be sold, principally at the offices of ChinookFlight, Ltd at Everett's Paine Field which sponsors the club. Tickets will also be sold at other aviation and non aviation gatherings and activities held in Washington State by senior members of Puget Sound Flyers, Inc.
- (iv) **Description of how the licensee protects the integrity of the raffle; an**  
President of the Club is a Retired Officer of the U.S. Army. Club Secretary is a retired serviceman and retired business owner. Club security is a Sergeant with the Everett Police Department. All abide by the rules governing Raffles produced by the Gambling Commission and the WAC/s.
- (d) **An explanation of how the proceeds from the raffle will be used; and**  
All proceeds are held by Boeing Employees Credit Union which will assist in the distribution of funds to scholarship award recipients.
- (e) **A plan to protect the licensee in the event of low ticket sales and other risks;**  
While our goal is to sell 3000 tickets, this is the first event of its kind in Washington State to award an aircraft. Break Even point is only 1816 tickets which we anticipate easily meeting, though we will not have funds then to award scholarships, our costs will be covered and we would create notoriety to continue on with repeated raffle efforts, anticipating increasing success with each award.  
Demographics show that 3000 pilots alone live between Seattle and the Canadian Border and out to the peninsula. Our effort will not be confined to just pilots, but to other individuals as well who may be inspired to attain a plane and learn to fly.

And

Principle, Richard T. Newman, has already procured three (3) planes for this and subsequent raffle efforts. Richard T. Newman is fully funding this first effort, covering all costs of the refurbishment and will be reimbursed those costs.

(f) **An explanation of how the licensee will purchase the prize(s) for the raffle; and**  
As stated above: Principle Richard T. Newman has procured three aircraft. The first aircraft we anticipate completion of refurbishment and FAA inspection by 1 APR 2019. Aircraft #2 airframe has already been refurbished and is ready for reassembly for the next raffle effort when the first raffle is completed.

(g) **A projected budget including:** Refer to Attached Budget Proposal, which, at this point, we are projecting come in at a much lower level.

First Airplane is expected to cost between \$80 and \$95,000.00 upon completion and recertification 1 APR 2018. Final costs are determined by bids that will be submitted for installation of new Navigation and Communication Radio, indicator and Transponder.

- (i) **Estimated gross gambling receipts, expenses, and net income for the raffle;** Goal is \$150,000.00 with immediate goal of \$40,000 for scholarships of \$10,000.00 to four students.
- and**
- (ii) **Minimum number of projected ticket sales to break even; and**  
1,816 to "break even" with the goal of 3,000 total tickets to fund our initial effort to put scholarships into young peoples hands.
- (iii) **Corresponding sales and prize levels with projected revenues and expenses for each level; and**  
Only the plane will be awarded
- (iv) **Minimum and maximum prizes available; and**  
Only the plane will be awarded

Only the plane will be awarded

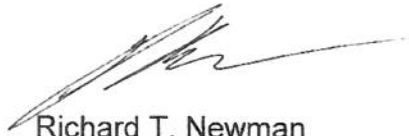
**(h) Any other information that we request or any information the licensee wishes to submit.**

Aircraft is under refurbishment by a crew, all holding FAA Airframe and Powerplant Mechanic Certificates. Final review of the aircraft will be conducted by two individuals who hold "Inspector Authorization" issued by the FAA.

Aircraft is Owned by Puget Sound Flyers with a Lien held by President Richard T. Newman who is taking the position of "banker" to fund the project. Lien is to protect his investment for his estate should misfortune befall him prior to raffle. Two (2) weeks prior to raffle, the lien will be paid and certified release provided to Puget Sound Flyers along with FAA Form AC 8050-41 Conveyance Recordation Notice sent to FAA Aircraft Registration Branch.

**(3) Prior to offering raffle prizes that exceed three hundred thousand dollars in a license year, the licensee must submit a raffle plan that includes: Not Applicable**

Respectfully,



Richard T. Newman  
President  
Puget Sound Flyers, Inc.





# Puget Sound Flyers, Inc

A Washington State Non-Profit with IRS 501(c)(3) status

2909 100<sup>th</sup> ST SW, Suite A, Everett, WA 98204  
425.777.0671 [info@pugetsoundflyers.org](mailto:info@pugetsoundflyers.org)

4 October 2018

Proposed Budget for the refurbishment and raffle of a Cessna 150M aircraft by Puget Sound Flyers

By Capping sales to 3000 tickets, individuals purchasing tickets will feel that there are better odds of winning as opposed to a greater number, which, it is believed will help achieve the desired sales, hence, the desired first-time effort to raise scholarship funds at a level we desire.

## Assumptions

- The budget proposal is separated in two categories: First being the refurbishment of the aircraft. The second being any costs anticipated to be expended to market the raffle*
- The proposed refurbishment portion of this budget assumes that only the primary airframe, engine case, crankshaft, camshaft and propeller are in usable condition; that all other parts, components and substructures would be replaced with New, Exchange or Overhauled items.*
- As components are examined and determined "airworthy" and, with overhaul, can be returned to service, then costs can be reduced and the budget revised as appropriate*
- While volunteer labor is anticipated in either section, some "professional" services and fees must be expected and planned for.*
- Cost to prepare and proceed with the raffle depends on use of Social Media, internet and participation at shows. Volunteer activity is expected but costs of travel, fees, flyers and postage are assumed to be that of the clubs.*
- Club members have garnered support from their employers (Microsoft, Amazon, Constant Contact, etc) to aid in Social Media advertising)*

## SALES

Planned Ticket Sales of 3000 tickets at \$50.00 per ticket

\$150,000.00

Anticipated "Break Even Point" 1816 Tickets

\$90,800.00

## EXPENSES

Projected expenses (detailed below) to conduct raffle and create prize to be awarded

\$90800.00

Net Results (anticipation of full sales)

\$59200.00

Net Results (with Break Even sales)

0.00

## Budget Section 1

Aircraft Acquisition, refurbishment and recertification.

Search, inspect, acquire and transport of aircraft  
Treatment after strip-down, coatings and paint  
Engine and Components  
Glazing  
Cables, Controls  
Stock Fastener Allocation  
Stock Misc coatings, lubricants, preservatives  
Replace Exhaust System


\$15,000.00  
10,000.00  
24,000.00  
3,000.00  
1,500.00  
750.00  
500.00  
1500.00

Electrical and upgrades (new LED lighting, wiring, etc)	1000.00
Instrumentation (new instruments, tubings, connectors)	7,000.00
Radio Package (Garmin NavCom, Indicator, Installation	
Garmin ADS-B Out and IN, antennae, ELT	12,000.00
Propeller, OCM6948 McCauley	4200.00
Interior components (bulkhead, overhead, seats, soundproofing	
And other items required to outfit interior	3500.00
Inspections, tests, & FAA certification	1500.00
Vinyl Graphic for exterior	1000.00
Total Planned expenditure to bring aircraft near "new" standards:	\$86450.00

Budget Section 2

Marketing and Raffle Expenses

Facebook push advertising	\$1,500.00
Direct Mail	1,500.00
Quickbooks Online	50.00
Raffle Ticketing software	100.00
Transportation cost to events	500.00
Event Rentals	500.00
Banners	200.00
Planned Total	\$4350.00



Richard T. Newman  
 President  
 Puget Sound Flyers, Inc.



**Rule Petition to Amend**

WAC 230-16-151 Gambling equipment connecting to external tools for standard maintenance.

**February, 2019 – Discussion and Possible Filing**

<b>Tab 6: FEBRUARY, 2019 Commission Meeting Agenda.</b>	<b>Statutory Authority 9.46.070</b>
<b>Who Proposed the Rule Change?</b>	
Bo Zarach, Bally Technologies/Scientific Games, Las Vegas, Nevada	
<b>Background</b>	
Bally Technologies/Scientific Games is proposing to amend WAC 230-16-151 so that specific gambling equipment can be connected to a secure cellular network for billing purposes only. Currently, gambling equipment can only be connected to external tools for standard maintenance through a closed network.	
<b>Reason for the Rule Change</b>	
This change would allow for a new billing option in card rooms and/or casinos where the establishment would only get billed for the shuffler when it was in use. It would save on costs for those card rooms and/or casinos that are only open or in use part time. Rather than paying a standard price for the shuffler, they would be charged only for the amount of successful shuffles.	
Attachments:	
<ul style="list-style-type: none"> <li>• Letter from Bo Zarach, Bally Technologies/Scientific Games</li> <li>• Petition</li> <li>• Shuffler Flex Cellular System Overview</li> <li>• WAC 230-16-151</li> <li>• Proposed language</li> </ul>	
<b>Policy Considerations</b>	
Policy considerations include evaluating unintended consequences of using a secure cellular network, investigating the use of this billing option with other electronic gambling devices, evaluating whether all of the information included in the petitioner’s proposal is necessary for billing purposes, and defining terms within their proposal.	
<b>Staff Recommendation</b>	
Staff recommends accepting the petition and filing initial rule-making. Staff further recommends that because the use of a cellular network for billing purposes is not part of “standard maintenance” and because this concept may be applied to other types of gambling equipment, it would be better to adopt a new rule rather than amend WAC 230-16-151.	



December 26, 2018

VIA UPS

Washington State Gambling Commission  
ATTN: Ashlie Laydon, Rules Coordinator  
4565 7th Avenue SE  
Lacey, WA 98503

**RE: Rule Amendment Petition for WAC 230-16-151**

Dear Ms. Laydon:

Bally Gaming is respectfully requesting your review and adoption of our Rule Amendment Petition. This petition is requesting a modification to WAC 230-16-151 - gambling equipment being connected to external tools for standard maintenance. Currently, Item #1 within this WAC, states that gambling equipment can only be connected to a closed network. We would like this WAC amended to allow our gaming equipment to connect to a secure cellular network for billing purposes only.

We have developed a new billing option that allows Card Rooms/Casinos to pay for the shuffler based on the amount it is used. This option is targeted for locations that have table game pits that are only open part time but still want the security of using a shuffler. Rather than paying a standard lease price they will only pay for the number of successful shuffles. This is accomplished by adding a secure cellular modem to our approved shufflers. This modem will transmit the shuffler data to our server a set number of times during the day. This information will then be used to bill the Card Room/Casino. The shuffler data that is sent to our server is historical information only and does not include real time information for the games in progress. The shuffler data that is transmitted includes:

- Equipment statistics such as software versions, serial numbers, network information, hard count meters and shuffler configuration information.
- Usage information such as hard count meters, successful and unsuccessful shuffles, shuffles completed for service purposes, number of card sorts and the number of cards in each shuffle.
- History logs such as shuffler malfunctions, card recognition errors and maintenance logs.
- Test messages used for setup.

Enclosed for your consideration of this request are the following:

- Washington Petition Form
- Shuffler Flex Cellular System Overview
- Proposed Rule Change Wording

6601 S. Bermuda Road  
Las Vegas, NV 89119  
Las Vegas Office: 702.532.7700, Fax 702.532.7582  
Reno Office: 775.532.1500, Fax 702.532.9045

[www.BallyTech.com](http://www.BallyTech.com)



We welcome the opportunity to meet with the Washington State Gambling Commission directly on this matter. If you have any questions regarding this request, please contact me at 702-532-7140 or [Bo.Zarach@scientificgames.com](mailto:Bo.Zarach@scientificgames.com).

Sincerely,

A handwritten signature in blue ink that reads "Bo Zarach". The signature is written in a cursive style.

Bo Zarach  
Compliance Product Manager

6601 S. Bermuda Road  
Las Vegas, NV 89119  
Las Vegas Office: 702.532.7700, Fax 702.532.7582  
Reno Office: 775.532.1500, Fax 702.532.9045

[www.BallyTech.com](http://www.BallyTech.com)



# PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

### CONTACT INFORMATION *(please type or print)*

Petitioner's Name Bo Zarach

Name of Organization Bally Gaming

Mailing Address 6601 S. Bermuda Road

City Las Vegas State NV Zip Code 89119

Telephone 702-532-5857 Email Bo.Zarach@ScientificGames.com

### COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

### INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington State Gaming Commission

**1. NEW RULE - I am requesting the agency to adopt a new rule.**

The subject (or purpose) of this rule is: \_\_\_\_\_

The rule is needed because: \_\_\_\_\_

The new rule would affect the following people or groups: \_\_\_\_\_

**2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: 230-16-151, Gambling equipment connecting to external tools for standard maintenance.

- I am requesting the following change: Gambling equipment can connect to a secure cellular network when being used for billing purposes only.
- This change is needed because: Current rule states "The following gambling equipment can be connected to external tools for standard maintenance only through a closed network".
- The effect of this rule change will be: This will allow the Card Rooms to pay for the amount the gaming equipment is used rather than paying a flat rate monthly lease.
- The rule is not clearly or simply stated: \_\_\_\_\_

**3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

*(Check one or more boxes)*

- It does not do what it was intended to do.
- It is no longer needed because: \_\_\_\_\_
- It imposes unreasonable costs: \_\_\_\_\_
- The agency has no authority to make this rule: \_\_\_\_\_
- It is applied differently to public and private parties: \_\_\_\_\_
- It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: \_\_\_\_\_
- It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: \_\_\_\_\_
- Other (please explain): \_\_\_\_\_

# Shuffle Flex Cellular System

## System overview

The Shuffle Flex Cellular System connects casino card shufflers to Bally's data collection server. The primary purpose of the system is to track shuffler usage in order to provide flexible leasing plans to the casinos. In addition to usage, software version numbers and history logs are sent to the server.

All communication is single direction, initiating at the shuffler and received by the server. The shufflers receive no external communication, except a reply from the server that a message has been received. Unlike a progressive cellular link, no game or prize dependent messages are sent. The data is historical, no real time information is sent. The shufflers connect to the server over a private, secure network.

## Wireless Security Architecture

The shuffler connects to either a GSM or CDMA cellular network via a cellular modem. The connection is to a private Access Point Name (APN) managed by the cellular network. The APN is connected to Bally's Virtual Private Network (VPN). The VPN connects to a Bally local network that includes the collection server.

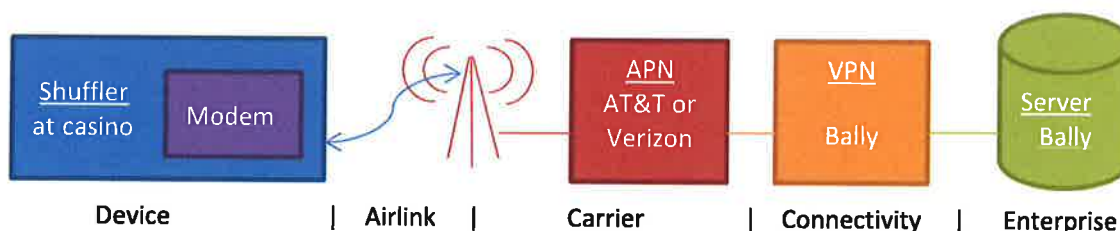


Figure 1

The Airlink connection between the modem and the carrier is data only. The Airlink segment uses A5/1 encryption or A5/2 encryption in some global locations if export restrictions apply.

The APN and VPN convey data from the shuffler to the Bally local network through secure and private access. There is no public or internet access to the shufflers or server. All the shufflers are assigned local IP addresses in the 10.6X.xxx.xxx range.

## Details of the messages

Refer to the document "Shuffle Flex Message Protocol" for specific field names and type of data.

All messages are formatted using the JavaScript Object Notation (JSON) which is a lightweight data-interchange format. The format is described at [www.json.org](http://www.json.org).



### *Message header*

All messages contain the shuffler serial number, time the message was created, a message ID, the shuffler type (MD3, DM2, etc.) and the type of message being sent. Depending on the type of message, other fields are included as indicated below. Even though the protocol describes other message types, only these four message types are implemented in the Shuffle Flex system.

#### *Message type: Power up*

When the shuffler is turned on, a power up message is sent to the server that includes the version numbers of the firmware, the SIM card and Modem serial numbers, the network connected to, the hard count meter, game, deck type, number of cards in a shuffle and whether card recognition is enabled.

#### *Message type: Usage*

Periodically, a usage message is sent to the server that includes the hard count meter, good shuffles, failed shuffles, service shuffles, sorts and number of cards in a shuffle. The frequency of these messages is determined by the rate set in the Setup/Modem/Usage Update rate screen. Typically, the rate is set at 4 to 6 times per day.

#### *Message type: Log*

The history log contains records of shuffler malfunctions, card recognition errors and service related entries such as when the machine is cleaned. The message includes a Log type field, a description of what happened and the hard count meter at the time of the log entry.

#### *Message type: Test*

A test message can be sent using the shuffler service menu. It contains the hard count meter and a unique key to verify that communication with the server is successful.

### **The Billing System**

A SQL database connects with the collection server and retrieves the usage messages. These are processed by the database to generate billing reports that are fed into SHFL's Accounting system to produce invoices.

### **Web server**

The GoBally web site allows casino customers to track the usage on the shufflers within their property.

### **System summary**

The Shuffle Flex Cellular System is a secure, unidirectional, usage collection system for the purpose of tracking the amount of shuffler usage by Bally's customers. This data is collected in order to offer flexible leasing plans to the casinos. No real time data is sent to the collection server. Usage is uploaded a few times per day. In addition to usage, the shuffler's firmware version numbers are uploaded at power up and its history logs are uploaded to track maintenance issue.

## Components of the Shuffle Flex Cellular System

- Shuffler
  - Deck Mate 2 or MD3
  - RS422 or RS232 serial communication with modem
- Cellular modem
  - Attached to shuffler
  - Dual network capable
    - GSM
    - CDMA
- Cellular Network
  - Towers
  - Microcells
  - Access Point Name (APN)
- Enterprise network
  - Router
  - Virtual Private Network (VPN)
  - Collection server
  - SQL database
  - Billing system

## **WAC 230-16-151**

### **Gambling equipment connecting to external tools for standard maintenance.**

(1) The following gambling equipment can be connected to external tools for standard maintenance only through a closed network:

- (a) Card shuffling devices; and
- (b) Ace finders or no peek devices; and
- (c) Similar gambling equipment that has been approved by us.

(2) For purposes of this rule:

- (a) A closed network includes only the gambling equipment and the external tool.
- (b) Standard maintenance means:

(i) Reviewing event logs on gambling equipment, which can consist of card and software errors.

(ii) Installing and uninstalling card libraries and card calibration files.

(iii) Configuring touch screen calibration.

(iv) Gathering diagnostic information.

(v) Verifying the hardware board type(s).

(vi) Reviewing the number of times the equipment has been powered up.

(vii) Reviewing the total number of operating cycles.

(c) External tools may only include laptops, tablets, USB products, or similar products approved by us, containing troubleshooting programs, which will connect to the gambling equipment via their Ethernet or USB ports.

(3) The following requirements apply when using external tools:

(a) A functional replica of the external tools and their troubleshooting programs must be tested and approved by us before they are first used; and

(b) During standard maintenance, the gambling equipment must not be in play or have access to live gaming data; and

(c) Wireless capabilities must not be used when an external tool is connected to gambling equipment. If an external tool has wireless capabilities, it must be tested by us to ensure wireless capabilities are disabled when connected to the gambling equipment; and

(d) There must be no access to the internet; and

(e) The connection for maintenance must only exist while the manufacturer representative or distributor representative is performing maintenance; and

(f) When standard maintenance is performed, the operator must keep a log in the format we require and access to the gambling equipment must be recorded by surveillance; and

(g) The external tools must only be in possession of a manufacturer representative or distributor representative.

## WAC 230-16-151

### **Gambling equipment connecting to external tools for standard maintenance.**

(1) The following gambling equipment can be connected to external tools for standard maintenance only through a closed network, unless connecting to a cellular network for billing purposes:

- (a) Card shuffling devices; and
- (b) Ace finders or no peek devices; and
- (c) Similar gambling equipment that has been approved by us.

(2) For purposes of this rule:

(a) A closed network includes only the gambling equipment and the external tool.

(b) Standard maintenance means:

(i) Reviewing event logs on gambling equipment, which can consist of card and software errors.

(ii) Installing and uninstalling card libraries and card calibration files.

(iii) Configuring touch screen calibration.

(iv) Gathering diagnostic information.

(v) Verifying the hardware board type(s).

(vi) Reviewing the number of times the equipment has been powered up.

(vii) Reviewing the total number of operating cycles.

(c) External tools may only include laptops, tablets, USB products, or similar products approved by us, containing troubleshooting programs, which will connect to the gambling equipment via their Ethernet or USB ports.

(3) For purposes of this rule:

(a) A cellular connection includes the gambling equipment and a cellular modem that is used to transmit information via a secure cellular network.

(b) Billing purposes mean:

(i) Transmitting historical shuffler data that is used when billing is based on the number of successful shuffles.

(c) Shuffler data means:

(i) Equipment statistics such as software versions, serial numbers, network information, hard count meters and shuffler configuration information.

(ii) Usage information such as hard count meters, successful and unsuccessful shuffles, shuffles completed by service, number of card sorts and the number of cards in each shuffle.

(iii) History logs such as shuffler malfunctions, card recognition errors and maintenance logs.

(iv) Test messages used for setup.

~~(3)~~ (4) The following requirements apply when using external tools:

(a) A functional replica of the external tools and their troubleshooting programs must be tested and approved by us before they are first used; and

(b) During standard maintenance, the gambling equipment must not be in play or have access to live gaming data; and

(c) Wireless capabilities must not be used when an external tool is connected to gambling equipment. If an external tool has wireless capabilities, it must be tested by us to ensure wireless capabilities are disabled when connected to the gambling equipment; and

(d) There must be no access to the internet; and

(e) The connection for maintenance must only exist while the manufacturer representative or distributor representative is performing maintenance; and

(f) When standard maintenance is performed, the operator must keep a log in the format we require and access to the gambling equipment must be recorded by surveillance; and

(g) The external tools must only be in possession of a manufacturer representative or distributor representative.

(5) For purposes of billing, the following requirements apply when using a cellular modem:

(a) A functional replica of the gaming equipment with cellular option must be tested and approved by us before they are used; and

(b) The transmitted data must not include the card specific information or live gaming data; and

(c) A cellular modem may only have one way communication from the gaming equipment to a secure cellular network.

(i) Excluding the confirmation notification from the network that the shuffler data was successfully received.



**Rule Petition to Amend**

WAC 230-16-005 Transporting, displaying, and selling gambling equipment at trade shows and conventions.

**February, 2019 - Discussion**  
**January, 2019 – Discussion and Possible Filing**

<b>Tab 7: FEBRUARY, 2019 Commission Meeting Agenda.</b>	<b>Statutory Authority 9.46.070</b>
<b>Who Proposed the Rule Change?</b>	
Washington State Gambling Commission Staff	
<b>Background</b>	
<p><b>Bold = Changes made after the January 2019 Commission Meeting.</b></p> <p>RCW 9.46.215 states that the possession or transportation of gambling equipment is illegal, unless it is in the furtherance of a gambling activity authorized by RCW or Commission rule. WAC 230-12-337, now WAC 230-16-005, was adopted and became effective in July, 2006, allowing licensed manufacturers and distributors to transport, display, and take orders for authorized gambling equipment at trade shows and conventions.</p> <p>In 2018, there was a request to transport and display unapproved tribal lottery system machines at a Washington Indian Gaming Association tradeshow. Staff denied the request because the machines had not been tested in and approved by the Electronic Gaming Lab. Other instances have arose where manufacturers and/or distributors possessed gambling equipment, not yet approved by the Electronic Gaming Lab, in warehouses, which may be considered an unauthorized gambling activity.</p> <p><b>Commissioners approved to initiate rule making at the January, 2019 Commission meeting. Stakeholder meeting convened on January 24, 2019 to discuss timeline for clarifying WAC 230-16-005 in time for the WIGA trade show and potential language. Draft language will be presented to the Commission at the March 14, 2019 meeting. Other areas of the rule surrounding possession, transportation, and storage of gambling equipment will continue to be addressed by the stakeholder group.</b></p>	
<b>Reason for the Rule Change</b>	
<p>Clarification is needed as to what types of gambling devices can be displayed at trade shows. Specifically:</p> <ul style="list-style-type: none"> <li>- Can devices that have not been approved by Washington State Gambling Commission but would be used for authorized gambling activities be displayed at tradeshow?</li> <li>- Can devices used for unauthorized activities be displayed at tradeshow?</li> </ul> <p>Attachments:</p> <ul style="list-style-type: none"> <li>• WAC 230-16-005</li> <li>• Email from Marcus Prater, AGEM</li> <li>• <b>Letter from Steve Bolz, Suquamish Tribal Gaming Commission</b></li> <li>• <b>Email from Lance Ledford, Tulalip Gaming Agency</b></li> </ul>	
<b>Policy Considerations</b>	

**WAC 230-05-050 may need to be updated.**

**Stakeholder Feedback**

Marcus Prater, AGEM  
Steve Bolz, Suquamish Tribal Gaming Commission  
Lance Ledford, Tulalip Gaming Agency

**Staff Recommendation**

Further Discussion.

**WAC 230-16-005**

**Transporting, displaying, and selling gambling equipment at trade shows and conventions.**

Licensed manufacturers and distributors selling gambling equipment authorized by state or federal law may transport, display, and accept orders for the sale or lease of their products at trade shows and conventions as long as:

- (1) They notify us in writing of the nature, date, and location ten days before the trade show or convention; and
- (2) Their target audience of the trade show or convention are operators of authorized gambling activities in Washington; and
- (3) They deliver all gambling equipment purchased or leased at the trade show or convention to the operator's authorized location.

**From:** [Marcus Prater](#)  
**To:** [Laydon, Ashlie \(GMB\)](#)  
**Subject:** RE: Tradeshow Discussion; January 10th  
**Date:** Sunday, December 30, 2018 2:03:27 PM

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The Association of Gaming Equipment Manufacturers (AGEM) would like to submit the following as part of the public comment process:

“The Association of Gaming Equipment Manufacturers (AGEM), which represents all of the leading slot machine and table game companies in the world and has 166 member companies from 22 countries, respectfully asks the Washington State Gambling Commission to update its rules to allow suppliers to exhibit products in Washington that have not received final lab approvals. Trade show environments in particular should allow for the latest games and technology to be displayed so that the Washington market remains vibrant and strong and operators, and ultimately players, have as many choices as possible to select from. As evidenced by trade shows in gaming markets around the world, there is no downside to allowing this, and regulatory safeguards in Washington and all gaming markets ensure unapproved software, slots, tables or other technology will never make it to the live gaming floor. Thank you for your consideration and we look forward to working with you on this effort going forward.”

**MARCUS PRATER**  
**Executive Director**  
**Association of Gaming Equipment Manufacturers (AGEM)**  
**E-mail - [AGEM.org@cox.net](mailto:AGEM.org@cox.net)**  
**Phone - (702) 812-6932**  
**Web - [www.AGEM.org](http://www.AGEM.org)**

---

**From:** Laydon, Ashlie (GMB) [<mailto:ashlie.laydon@wsgc.wa.gov>]  
**Sent:** Friday, December 21, 2018 2:46 PM  
**To:** 'Marcus Prater'  
**Subject:** RE: Tradeshow Discussion; January 10th

They will.

---

**From:** Marcus Prater <[agem.org@cox.net](mailto:agem.org@cox.net)>  
**Sent:** Friday, December 21, 2018 2:45 PM  
**To:** Laydon, Ashlie (GMB) <[ashlie.laydon@wsgc.wa.gov](mailto:ashlie.laydon@wsgc.wa.gov)>  
**Subject:** RE: Tradeshow Discussion; January 10th

Thank you for this update. Will the comments submitted via email in advance of the meeting be entered into the record as part of the public comment process? In other words, if we don't have someone there in person, will our comments count along with those there in person? Thanks

**MARCUS PRATER**  
**Executive Director**  
**Association of Gaming Equipment Manufacturers (AGEM)**  
**E-mail - [AGEM.org@cox.net](mailto:AGEM.org@cox.net)**  
**Phone - (702) 812-6932**  
**Web - [www.AGEM.org](http://www.AGEM.org)**

---

**From:** Laydon, Ashlie (GMB) [<mailto:ashlie.laydon@wsgc.wa.gov>]  
**Sent:** Friday, December 21, 2018 2:05 PM



**To:** 'Little, Dan'; 'agem.org@cox.net'; 'rebecca@washingtonindiagaming.org'  
**Cc:** Considine, Brian (GMB)  
**Subject:** Tradeshow Discussion; January 10th

Good afternoon,

I wanted to let you know that we'll be discussing the need for clarification of [WAC 230-16-005-Transporting, displaying, and selling gambling equipment at trade shows and conventions](#)- at the January Commission Meeting. You are welcome to attend (details below). There will be an opportunity for public comment. If you'd like to submit materials to the Commission for their consideration, please email them to me by January 2<sup>nd</sup>. Please feel free to pass this information on to those on the call last month.

**January Commission Meeting**

-

Date: January 10, 2019 @ 9am PST  
Location: Hampton Inn & Suites  
4301 Martin Way E.  
Olympia, WA 98516

Please contact me if you have any questions. Thank you and have a great holiday!

**Ashlie Laydon**  
**Rules Coordinator**  
**Legal and Records Division**  
**Washington State Gambling Commission**  
**(360) 486-3473**  
[ashlie.laydon@wsgc.wa.gov](mailto:ashlie.laydon@wsgc.wa.gov)



SUQUAMISH TRIBAL GAMING COMMISSION

P.O. Box 527

Suquamish, WA 98392

1/22/19

To: Julie Lies, Tribal Liaison, Washington State Gambling Commission

From: Steve Bolz, Audit Manager, Suquamish Tribal Gaming Commission

Subj: Comments on WAC 230-16-005

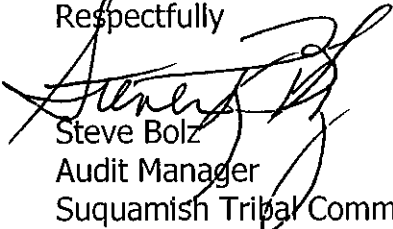
Based on your request for comment in the Notice of Rule Making dated 1/6/19. I am providing the following comments:

The WSGC should reword the section and eliminate the use of terms "authorized" or "approved". Attempts to alter the meaning of either of these 2 terms can have a ripple effect on compact language, processes, and procedures utilized at the casino level. We suggest using the terms "legal" or "pursuant to law".

It would be in the best interest of the tribes and the vendors for the state to allow new technology to be demonstrated in the state. The understanding for all parties concerned would be that demonstrated does not mean offered to the public. Offering something to the public for live play is the final standard for the tribes according to Compact and Appendix X2. Anything short of that is conceptual and has no impact on the general public.

If you have any further questions regarding the comments please feel free to contact me.

Respectfully

  
Steve Bolz  
Audit Manager  
Suquamish Tribal Commission

CC: Ashlie Laydon, Rules Coordinator, WSGC  
Jim Armstrong, Director, Suquamish Tribal Gaming Commission  
Tim Woolsey, Legal Counsel, Suquamish Tribal Gaming Commission

**From:** [Lance Ledford](#)  
**To:** [Laydon, Ashlie \(GMB\)](#)  
**Subject:** Notice of Rule Making Tradeshows  
**Date:** Tuesday, January 22, 2019 1:53:22 PM  
**Attachments:** [image001.jpg](#)  
[Notice of Rulemaking: Tradeshows.pdf](#)

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Good Afternoon,

The Tulalip Gaming Agency supports the Washington State Gambling Commission's efforts to update its rules to clarify and allow manufacturers and/or suppliers to showcase Class III gaming equipment or product at a user conference or tradeshow location prior to that manufacturer or supplier having to obtain approval through the standard WSGC EGL testing and approval process. In lieu, we may support a limited scope authorization from WSGC for the specific purpose of gambling equipment being exhibited or demonstrated at a user conference or trade show. It is well established and understood in the Washington state gambling jurisdiction that before gaming equipment can be offered for play on a live, production system; it must go through an independent testing lab, such as GLI or BMM, as well as the WSGC EGL for its approval. Requiring a manufacturer or supplier to go through the approval process prior to knowing whether there is an appetite for a particular game or product can be a time consuming and expensive effort.

Please let me know if you have any questions or if we can be of any assistance.

Thanks,

Lance Ledford

Director | Tulalip Gaming Agency

Email | [lledford@tulaliptga.org](mailto:lledford@tulaliptga.org)

Desk | 360.716.2011



*"Regulation and Service with Integrity"*



## **Bills Supported by the Commission**

### **2. HB 1064 and SB 5029, Concerning law enforcement**

Representative Goodman's HB 1064 is an amendment to I-940. The bill was passed by the Legislature and signed by the Governor on February 4, 2019.

The bill modifies I-940's provisions relating to training, the criminal liability standard for use of deadly force, independent investigations of deadly force incidents, and rendering of first aid. It also requires the state to reimburse a peace officer for reasonable defense costs when he or she is found not guilty or charges are dismissed in certain circumstances.

## **Possible Legislation Action Items:**

### **3. HB 1880 and SB 5818, Creating a joint legislative task force on problem gambling (attached)**

Representative Kloba's HB 1880 and Senator Conway's SB 5818 establish a joint legislative task force on problem gambling. These bills are filed in anticipation of the Commission's forthcoming problem gambling study and recommendations. The bills establish a task force until November 30, 2022; identify proposed members of the task force; and identify topics the task force will cover and make recommendations on. The bills are expected to be amended once the Commission's problem gambling study and recommendations are released and as input is received from stakeholders.

### **4. HB 1159, Changing the definition of theft (attached)**

Representative Griffey's HB 1159 amends the definition of "theft" for purposes of theft-related offenses to include concealing the property of another intending to deprive the other person of its use or benefit. This bill is meant to address issues related to retail theft but it is applicable to violations that can occur in the gambling industry, including players/dealers that conceal chips or other things of value with the intent to steal them.

The bill was heard in the House Public Safety Committee and will likely be passed out of the committee during the week of February 4, 2019.

### **5. HB 1356, Concerning privileged communication with peer support group counselors (attached)**

Representative Lovick's HB 1356 establishes a testimonial privilege for communications made by a first responder or local jail staff person to a designated peer support group counselor while receiving counseling based on an incident while acting in their official capacity. The privilege applies under the same standards and conditions that apply to the privilege for communications by a law enforcement officer or firefighter to a peer support group counselor.

The bill was heard in the House Civil Rights and Judiciary Committee and is scheduled for executive action on February 8, 2019.

## **Bills with Direct Gambling Industry Impacts**

6. **HB 1343 and SB 5129, Increasing revenues for the support of state government**  
Representative Tarleton and Senator Rolfes bills are OFM request bills that imposes a capital gains tax and increases business and occupation (B&O) tax rate on service-related activities from 1.5 percent to 2.5 percent, including the B&O tax for games of chance.

The bill had a hearing in the Senate but no executive action scheduled at this time. There has been no hearing in the House at this time.

## **Law Enforcement Bills**

7. **HB 1269, Concerning seizure and forfeiture procedures and reporting**  
Representatives Shea and Goodman's HB 1269 addresses civil forfeiture standards and reporting. I briefed you on this bill during last session. It does not amend the Gambling Act, but it creates new civil forfeiture reporting requirements for the Commission and all other law enforcement agencies. WASPC and other stakeholders have taken the lead on this bill due to concerns with some language in the bill, including some reporting requirements and ability of the Treasurer's office charging a fee for reports we are required to submit under this bill.

The bill was heard in the House Civil Rights and Judiciary Committee on January 29, 2019 and is scheduled for executive action on February 8, 2019. We have concerns but I recommend taking no action at this time since the Gambling Act is not amended.

8. **HB 1253, Concerning the timeline for commencing basic law enforcement training**  
Representative Kloba's HB 1253 requires newly hired law enforcement personnel to commence Basic Law Enforcement Academy training within two months of employment, rather than within six months as currently required. This could benefit the Gambling Commission because it will require the Legislature to fund additional CJTC academy classes that should allow for our new special agents to enter the academy sooner than what is currently occurring.

The bill was heard in House Public Safety and passed out of the Committee on January 31, 2019.

9. **SB 5121, Concerning embezzlement**  
Senator Honeyford's SB 5121 creates new criminal violations and penalties for embezzlement—financial fraud where money and property is stolen from a person or business. This bill is likely applicable to violations that can occur in the gambling industry and could help the Commission when investigating criminal conduct against gambling commercial and nonprofit organizations.

The bill was referred to the Senate Law and Justice Committee and has not been scheduled for a hearing at this time.

### **Budget Bills**

**10. HB 1109 and SB 5153, operating appropriations**

The House and Senate have filed their proposed 2019-21 operational budget bills. Neither bill currently impacts our gambling revolving account and funds the Problem Gambling Account at approximately \$1.4 million for the biennium. It is early in the budgeting process and I will inform you of any changes that will impact the agency or the gambling revolving account as amendments are made.

### **Public Records Act and State Government Bills**

**11. HB 1537, HB 1538, SB 5246, Sunshine committee recommendations; and HB 1667, SB 5667, concerning public records request administration**

These bills could have an impact on the agency's administration of its public disclosure program. These bills address different types of information collected and stored by the agency, including certain types of personal information and trade secrets, and potentially helpful changes to agency reporting requirements imposed by the legislature last year.

These bills are scheduled, or expected to be scheduled, for hearings in the House State Government and Tribal Relations and Senate State Government, Tribal Relations & Elections Committees. I will brief these bills more in depth for our March meeting, if they make it out of committee.

**12. HB 1071 and SB 5064, Protecting personal information  
HB 1840, Payment credentials and other sensitive data from state data networks;  
HB 1844, Modular contracting for IT procurement by state agencies;  
SB 5377, Data sales and governance; and  
SB 5662, Cloud computing solutions;**

Many Legislators have prioritized ensuring that information collected and disseminated by government agencies is protected against data breaches and only used for purposes approved by the Legislature. These bills address the security and management of the agency's information technology infrastructure. Each bill could impact the agency and how it manages electronic information collected and used for its law enforcement and regulatory work.

These bills are scheduled, or expected to be scheduled, for hearings in various House and Senate Committees. I will brief these bills more in depth for our March meeting, if they make it out of committee.

### **Legislative Work Session**

The House Commerce and Gaming Committee held two work sessions. Director Trujillo and I gave an agency overview on January 15, 2019. The Committee also held a work session on January 22, 2019 on public health and societal costs related to issues that come before the Committee, including discussion on problem gambling. Michael Langer,

Health Care Authority, and Maureen Greeley, Evergreen Council on Problem Gambling provided an overview of current problem gambling state resources and services.

Director Trujillo and I also gave an agency overview to the Senate Labor and Commerce Committee on January 22, 2019.



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HOUSE BILL 1880

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Kloba, Harris, Davis, Ryu, and Stanford

Read first time 02/04/19. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to the creation of a joint legislative task force  
2 on problem gambling; adding a new section to chapter 9.46 RCW;  
3 creating a new section; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the state  
6 continues to have a responsibility to provide resources related to  
7 prevention, treatment, and recovery for persons suffering with a  
8 gambling problem or gambling disorder. The state last reviewed  
9 problem gambling policies in 2005 and the gambling industry has  
10 nearly doubled to more than a three billion dollar industry since  
11 this last review. The legislature directed the gambling commission to  
12 contract for a preliminary problem gambling study in 2018. The study  
13 surveyed and reviewed current problem gambling programs and services  
14 and responsible gaming practices in the state and provided a report  
15 and recommendation to the legislature based on the findings in the  
16 report.

17 Therefore, the legislature finds that a joint legislative task  
18 force is necessary in order for there to be a comprehensive review of  
19 current problem gambling funding, services, programs, and policies,  
20 including review of the gambling commission's problem gambling study,  
21 report, and recommendations. The task force will be responsible for

1 providing recommendations to the legislature on how the state should  
2 continue to meet its responsibility to assist those who suffer from a  
3 gambling problem or disorder.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW  
5 to read as follows:

6 (1) A joint legislative task force on problem gambling is  
7 created. The task force membership is composed of:

8 (a) One member from each of the two largest caucuses of the  
9 senate, appointed by the president of the senate;

10 (b) One member from each of the two largest caucuses in the house  
11 of representatives, appointed by the speaker of the house of  
12 representatives;

13 (c) A representative from the health care authority;

14 (d) A representative from the department of health;

15 (e) A representative from the gambling commission;

16 (f) A representative from the state lottery;

17 (g) A representative from the horse racing commission;

18 (h) A representative from a nonprofit organization with  
19 experience in problem gambling treatment and recovery services;

20 (i) Two representatives, one from a federally recognized Indian  
21 tribe, with experience in problem gambling treatment and recovery  
22 services;

23 (j) A member of the public who is impacted by a gambling problem  
24 or gambling disorder;

25 (k) A representative from a licensed gambling business or  
26 organization;

27 (l) A representative from a federally recognized tribal gaming  
28 operation, group, or organization; and

29 (m) Other tribal representatives, state agency representatives,  
30 or stakeholder group representatives, at the discretion of the task  
31 force, for the purpose of participating in specific topic discussions  
32 or subcommittees.

33 (2) The task force shall engage in the following activities:

34 (a) Review findings of the problem gambling study completed in  
35 2018-19;

36 (b) Review existing programs, services, and treatment to address  
37 problem gambling and gambling disorders in this state by public,  
38 private, and nonprofit entities;

1 (c) Review existing programs, services, and treatment to address  
2 problem gambling and gambling disorders in other states and the  
3 federal government;

4 (d) Make recommendations to the legislature regarding:

5 (i) Whether additional research and study is needed on prevalence  
6 of problem gambling and gambling disorder in the state;

7 (ii) Whether this state should expand state funding for  
8 prevention, treatment, and recovery services to address the need for  
9 these programs;

10 (iii) Whether the current delivery of state licensing and  
11 certification of problem gambling providers meets the current and  
12 projected future demand for services;

13 (e) Identify additional problem gambling areas for consideration  
14 and any actions needed to ensure the state and/or regulatory agencies  
15 are effectively addressing problem gambling in an attempt to reduce  
16 the number of persons impacted by this disorder.

17 (3) Staff support for the task force must be provided by the  
18 senate committee services and the office of program research.

19 (4) The task force shall submit a preliminary report of  
20 recommendations to the appropriate committees of the legislature by  
21 November 1, 2020, and a final report by November 30, 2021.

22 (5) This section expires November 30, 2022.

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HOUSE BILL 1159

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Griffey, Goodman, Klippert, Lovick, Springer, Orwall, Irwin, Stokesbary, Blake, Pellicciotti, and Van Werven

Read first time 01/16/19. Referred to Committee on Public Safety.

1 AN ACT Relating to changing the definition of theft; and amending  
2 RCW 9A.56.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.56.020 and 2004 c 122 s 1 are each amended to  
5 read as follows:

6 (1) "Theft" means:

7 (a) To wrongfully obtain or exert unauthorized control over the  
8 property or services of another or the value thereof, with intent to  
9 deprive him or her of such property or services; or

10 (b) By color or aid of deception to obtain control over the  
11 property or services of another or the value thereof, with intent to  
12 deprive him or her of such property or services; or

13 (c) To appropriate lost or misdelivered property or services of  
14 another, or the value thereof, with intent to deprive him or her of  
15 such property or services; or

16 (d) To conceal property of another intending that the concealment  
17 will deprive the other person of its use or benefit.

18 (2) In any prosecution for theft, it shall be a sufficient  
19 defense that:

1 (a) The property or service was appropriated openly and avowedly  
2 under a claim of title made in good faith, even though the claim be  
3 untenable; or

4 (b) The property was merchandise pallets that were received by a  
5 pallet recycler or repairer in the ordinary course of its business.

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HOUSE BILL 1356

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Lovick, Maycumber, Tarleton, Pettigrew, Doglio, Stonier, Morgan, Orwall, Gregerson, Kilduff, Mead, Kloba, Valdez, Ortiz-Self, Thai, Lekanoff, Cody, Stanford, Chapman, Walen, Sells, Kirby, Appleton, Blake, Ryu, Reeves, Bergquist, Jinkins, Goodman, Pollet, Leavitt, and Ormsby

Read first time 01/21/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to privileged communication with peer support  
2 group counselors; and amending RCW 5.60.060.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 5.60.060 and 2018 c 165 s 1 are each amended to read  
5 as follows:

6 (1) A spouse or domestic partner shall not be examined for or  
7 against his or her spouse or domestic partner, without the consent of  
8 the spouse or domestic partner; nor can either during marriage or  
9 during the domestic partnership or afterward, be without the consent  
10 of the other, examined as to any communication made by one to the  
11 other during the marriage or the domestic partnership. But this  
12 exception shall not apply to a civil action or proceeding by one  
13 against the other, nor to a criminal action or proceeding for a crime  
14 committed by one against the other, nor to a criminal action or  
15 proceeding against a spouse or domestic partner if the marriage or  
16 the domestic partnership occurred subsequent to the filing of formal  
17 charges against the defendant, nor to a criminal action or proceeding  
18 for a crime committed by said spouse or domestic partner against any  
19 child of whom said spouse or domestic partner is the parent or  
20 guardian, nor to a proceeding under chapter 71.05 or 71.09 RCW:  
21 PROVIDED, That the spouse or the domestic partner of a person sought

1 to be detained under chapter 71.05 or 71.09 RCW may not be compelled  
2 to testify and shall be so informed by the court prior to being  
3 called as a witness.

4 (2)(a) An attorney or counselor shall not, without the consent of  
5 his or her client, be examined as to any communication made by the  
6 client to him or her, or his or her advice given thereon in the  
7 course of professional employment.

8 (b) A parent or guardian of a minor child arrested on a criminal  
9 charge may not be examined as to a communication between the child  
10 and his or her attorney if the communication was made in the presence  
11 of the parent or guardian. This privilege does not extend to  
12 communications made prior to the arrest.

13 (3) A member of the clergy, a Christian Science practitioner  
14 listed in the Christian Science Journal, or a priest shall not,  
15 without the consent of a person making the confession or sacred  
16 confidence, be examined as to any confession or sacred confidence  
17 made to him or her in his or her professional character, in the  
18 course of discipline enjoined by the church to which he or she  
19 belongs.

20 (4) Subject to the limitations under RCW 71.05.360 (8) and (9), a  
21 physician or surgeon or osteopathic physician or surgeon or podiatric  
22 physician or surgeon shall not, without the consent of his or her  
23 patient, be examined in a civil action as to any information acquired  
24 in attending such patient, which was necessary to enable him or her  
25 to prescribe or act for the patient, except as follows:

26 (a) In any judicial proceedings regarding a child's injury,  
27 neglect, or sexual abuse or the cause thereof; and

28 (b) Ninety days after filing an action for personal injuries or  
29 wrongful death, the claimant shall be deemed to waive the physician-  
30 patient privilege. Waiver of the physician-patient privilege for any  
31 one physician or condition constitutes a waiver of the privilege as  
32 to all physicians or conditions, subject to such limitations as a  
33 court may impose pursuant to court rules.

34 (5) A public officer shall not be examined as a witness as to  
35 communications made to him or her in official confidence, when the  
36 public interest would suffer by the disclosure.

37 (6)(a) A peer support group counselor shall not, without consent  
38 of the (~~law enforcement officer, limited authority law enforcement~~  
39 ~~officer, or firefighter~~) first responder or jail staff person making  
40 the communication, be compelled to testify about any communication

1 made to the counselor by the (~~officer or firefighter~~) first  
2 responder or jail staff person while receiving counseling. The  
3 counselor must be designated as such by the agency employing the  
4 (~~officer or firefighter~~) first responder or jail staff person prior  
5 to the incident that results in counseling. The privilege only  
6 applies when the communication was made to the counselor while acting  
7 in his or her capacity as a peer support group counselor. The  
8 privilege does not apply if the counselor was an initial responding  
9 (~~officer or firefighter~~) first responder or jail staff person, a  
10 witness, or a party to the incident which prompted the delivery of  
11 peer support group counseling services to the (~~law enforcement~~  
12 ~~officer, limited authority law enforcement officer, or firefighter~~)  
13 first responder or jail staff person.

14 (b) For purposes of this section:

15 (i) "First responder" means:

16 (A) A law enforcement officer;

17 (B) A limited authority law enforcement officer;

18 (C) A firefighter;

19 (D) An emergency services dispatcher or recordkeeper; or

20 (E) Emergency medical personnel, as licensed or certified by this  
21 state.

22 (ii) "Law enforcement officer" means a general authority  
23 Washington peace officer as defined in RCW 10.93.020;

24 (~~(iii)~~) (iii) "Limited authority law enforcement officer" means  
25 a limited authority Washington peace officer as defined in RCW  
26 10.93.020 who is employed by the department of corrections, state  
27 parks and recreation commission, department of natural resources,  
28 liquor and cannabis board, or Washington state gambling commission;  
29 and

30 (~~(iii)~~) (iv) "Peer support group counselor" means ((a)):

31 (A) (~~Law enforcement officer, limited authority law enforcement~~  
32 ~~officer, firefighter,~~) A first responder or jail staff person or a  
33 civilian employee of ((a law enforcement agency, fire department,)) a  
34 first responder entity or agency, local jail, or state agency who has  
35 received training to provide emotional and moral support and  
36 counseling to ((an officer or firefighter)) a first responder or jail  
37 staff person who needs those services as a result of an incident in  
38 which the ((officer or firefighter)) first responder or jail staff  
39 person was involved while acting in his or her official capacity; or



1 (B) A nonemployee counselor who has been designated by the ((law  
2 enforcement agency, fire department)) first responder entity or  
3 agency, local jail, or state agency to provide emotional and moral  
4 support and counseling to ((an officer or firefighter)) a first  
5 responder or jail staff person who needs those services as a result  
6 of an incident in which the ((~~officer or firefighter~~)) first  
7 responder or jail staff person was involved while acting in his or  
8 her official capacity.

9 (7) A sexual assault advocate may not, without the consent of the  
10 victim, be examined as to any communication made between the victim  
11 and the sexual assault advocate.

12 (a) For purposes of this section, "sexual assault advocate" means  
13 the employee or volunteer from a community sexual assault program or  
14 underserved populations provider, victim assistance unit, program, or  
15 association, that provides information, medical or legal advocacy,  
16 counseling, or support to victims of sexual assault, who is  
17 designated by the victim to accompany the victim to the hospital or  
18 other health care facility and to proceedings concerning the alleged  
19 assault, including police and prosecution interviews and court  
20 proceedings.

21 (b) A sexual assault advocate may disclose a confidential  
22 communication without the consent of the victim if failure to  
23 disclose is likely to result in a clear, imminent risk of serious  
24 physical injury or death of the victim or another person. Any sexual  
25 assault advocate participating in good faith in the disclosing of  
26 records and communications under this section shall have immunity  
27 from any liability, civil, criminal, or otherwise, that might result  
28 from the action. In any proceeding, civil or criminal, arising out of  
29 a disclosure under this section, the good faith of the sexual assault  
30 advocate who disclosed the confidential communication shall be  
31 presumed.

32 (8) A domestic violence advocate may not, without the consent of  
33 the victim, be examined as to any communication between the victim  
34 and the domestic violence advocate.

35 (a) For purposes of this section, "domestic violence advocate"  
36 means an employee or supervised volunteer from a community-based  
37 domestic violence program or human services program that provides  
38 information, advocacy, counseling, crisis intervention, emergency  
39 shelter, or support to victims of domestic violence and who is not  
40 employed by, or under the direct supervision of, a law enforcement

1 agency, a prosecutor's office, or the child protective services  
2 section of the department of social and health services as defined in  
3 RCW 26.44.020.

4 (b) A domestic violence advocate may disclose a confidential  
5 communication without the consent of the victim if failure to  
6 disclose is likely to result in a clear, imminent risk of serious  
7 physical injury or death of the victim or another person. This  
8 section does not relieve a domestic violence advocate from the  
9 requirement to report or cause to be reported an incident under RCW  
10 26.44.030(1) or to disclose relevant records relating to a child as  
11 required by RCW 26.44.030(14). Any domestic violence advocate  
12 participating in good faith in the disclosing of communications under  
13 this subsection is immune from liability, civil, criminal, or  
14 otherwise, that might result from the action. In any proceeding,  
15 civil or criminal, arising out of a disclosure under this subsection,  
16 the good faith of the domestic violence advocate who disclosed the  
17 confidential communication shall be presumed.

18 (9) A mental health counselor, independent clinical social  
19 worker, or marriage and family therapist licensed under chapter  
20 18.225 RCW may not disclose, or be compelled to testify about, any  
21 information acquired from persons consulting the individual in a  
22 professional capacity when the information was necessary to enable  
23 the individual to render professional services to those persons  
24 except:

25 (a) With the written authorization of that person or, in the case  
26 of death or disability, the person's personal representative;

27 (b) If the person waives the privilege by bringing charges  
28 against the mental health counselor licensed under chapter 18.225  
29 RCW;

30 (c) In response to a subpoena from the secretary of health. The  
31 secretary may subpoena only records related to a complaint or report  
32 under RCW 18.130.050;

33 (d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.360  
34 (8) and (9); or

35 (e) To any individual if the mental health counselor, independent  
36 clinical social worker, or marriage and family therapist licensed  
37 under chapter 18.225 RCW reasonably believes that disclosure will  
38 avoid or minimize an imminent danger to the health or safety of the  
39 individual or any other individual; however, there is no obligation  
40 on the part of the provider to so disclose.

1           (10) An individual who acts as a sponsor providing guidance,  
2 emotional support, and counseling in an individualized manner to a  
3 person participating in an alcohol or drug addiction recovery  
4 fellowship may not testify in any civil action or proceeding about  
5 any communication made by the person participating in the addiction  
6 recovery fellowship to the individual who acts as a sponsor except  
7 with the written authorization of that person or, in the case of  
8 death or disability, the person's personal representative.

--- END ---