



**Staff Proposed Rule Making**  
**New, Amended, and Repealed Rules**  
**WAC 230-17 Hearing Rules**

**July 2025 – Discussion only**  
**JULY 2023 – Initiate Rule Making**

**Tab 6: July 2025 Commission Meeting Agenda.**

**Statutory Authority 9.46.070**

**Who Proposed the Rule Change?**

Washington State Gambling Commission Staff

**Background**

**BOLD = Changes made since July 2023 Commission Meeting**

In recent Commission enforcement actions, motions, responses, and other legal documents have been filed for review associated with a particular petition for review or reconsideration days prior to the upcoming meeting. Some filings have been received less than 24 hours before the next Commission meeting, forcing a continuance.

The current rule framework does not directly address motions, responses, and similar pleadings with regard to timeliness. A rule change is necessary to implement a framework to address timeliness for filings before the Commission and reduce confusion and unnecessary continuances. Other parts of the rule chapter on Hearing Rules may also be amended to add clarity or ensure consistency.

**At the July 2023 Commission meeting, Commissioners agreed to initiate rule making. The proposed changes to hearing rules (WAC 230-17) include:**

- **Procedures for the electronic submission of documents and notice for commission materials. The amendments update the rules to align with other similar state agencies and adopt the standards for electronic submission and notice as outlined in RCW.**
- **Limit the scope of interrogatories and requests for production from an unlimited number to 30, including all parts and subparts. This change will prevent abuse of the discovery process and limit the scope of proceedings to the issues at hand.**
- **Amending the submission process to clarify deadlines for documents to be considered before a commission meeting.**

Attachments:

- **New and revised WAC 230-17 sections**

**Staff Recommendation**

These proposed rules are for discussion only.

**WAC 230-17-002 Administrative Rules** In addition to these rules, for full adjudicative proceedings the commission adopts the model rules of procedure as set forth in WAC 10-08-035 through 10-08-230, as amended. If there is a conflict between the model rules and this chapter, the rules in this chapter shall govern.

**WAC 230-17-010 Requesting and scheduling a hearing. (1)**

Applicants, licensees, or permittees may request a hearing using the form we provide.

(2) We must receive the request from the applicant, licensee, or permittee at our administrative office within twenty-three days after service of the notice.

~~(a) Twenty-three days after we mail service by regular mail the notice of administrative charges; or~~

~~(b) Twenty days after they receive service by certified mail the notice of administrative charges; or~~

~~(c) Twenty days after we personally serve the notice of administrative charges; or. service~~

(3) If applicants, licensees, or permittees do not file requests in the time required, then they waive their right to a hearing. They are in default, as defined in RCW 34.05.440, and the commissioners may take action against them up to the maximum penalty stated in the notice of administrative charges.

(4) The director, director's designee, or the presiding officer of the hearing must issue a notice of hearing which meets the requirements of RCW 34.05.434(2).

[Statutory Authority: RCW 9.46.070. WSR 08-23-077 (Order 636), § 230-17-010, filed 11/18/08, effective 1/1/09; WSR 07-21-156 (Order 615), § 230-17-010, filed 10/24/07, effective 1/1/08.]

**WAC 230-17-030 Methods of service ~~in adjudicative~~**  
**~~proceedings~~**. Parties must serve all orders, notices, pleadings,  
and other documents by:

- (1) Personal service; or
- (2) First class, registered, or certified mail; or
- ~~(3) Telefacsimile (fax) to the commission's legal division,~~  
~~and same-day mailing of a copy of the faxed document; or~~
- (3) Commercial parcel delivery service; or

(45) Electronic transmission by email as authorized by RCW 34.05.010(19). Parties are required to provide a valid email address in any request for hearing.

[Statutory Authority: RCW 9.46.070. WSR 07-21-156 (Order 615), § 230-17-030, filed 10/24/07, effective 1/1/08.]

**WAC 230-17-035 When service of notices, orders, and documents is complete.** Service of notices and other documents is complete when served by:

(1) **Personal service** - which means actual, physical delivery to:

- (a) The person; or
- (b) The designated agent of the person; or
- (c) Anyone over the age of eighteen residing at the residence of:

- (i) The person; or
- (ii) A corporate officer; or
- (d) If represented, the attorney representing the person.

(2) **Mail** - which means deposit in the United States mail with proper postage and properly addressed; ~~service is complete~~

~~on the third day after mailing, excluding the date of mailing;~~

or

~~(3) **Telefacsimile (fax)** - which means faxing to the  
commission's legal division, with confirmation of the  
transmission, and the same day deposit of a copy of the faxed  
document in the United States mail, with proper postage and  
properly addressed; service is complete on the third day after  
mailing, excluding the date of mailing; or~~

(34) **Commercial parcel delivery service** - which means  
delivery to the parcel delivery service, when properly addressed  
and all charges are paid.

(45) **Electronic transmission** - Service is considered  
complete upon transmission of the documents or electronic method  
to access such documents to the email address provided by a  
party.

[Statutory Authority: RCW 9.46.070. WSR 07-21-156 (Order 615), §  
230-17-035, filed 10/24/07, effective 1/1/08.]

**WAC 230-17-065 Depositions and interrogatories. (1)**

Parties may take testimony by deposition on oral examination (deposition) or written questions (interrogatories) for use as evidence in the administrative hearing. A party may serve no more than thirty (30) interrogatories, including all discrete subparts, and no more than thirty (30) requests for production, including all discrete subparts, except where permitted by the presiding officer on notice and motion for good cause.

(2) In addition to limitations on discovery set forth in any other applicable law, regulation, or rule, discovery does not include:

(a) Information or documents from the personnel file of any commission employee;

(b) Information or documents relating to any investigation conducted by the commission against unrelated parties;

(c) Information or documents relating to any action brought by the commission against unrelated parties;

(d) Information or documents relating to any examination conducted by the commission of unrelated parties;

(e) Information or documents relating to any license applications or determinations made by the commission of unrelated parties; or

(f) Depositions of the agency director or assistant directors.

(~~32~~) Parties must depose persons in the same manner, and before the same officers, authorized by the Washington civil rules for superior court, unless otherwise agreed in writing by the parties.

(~~43~~) Witnesses may be subpoenaed to attend a deposition or produce documents.

(~~54~~) Parties may only depose a commissioner, the director, deputy director, or an assistant director if they apply to the presiding officer and show good cause that circumstances prevent the statements or depositions of other staff members from revealing the information, evidence, or details needed.

(~~65~~) Unless otherwise ordered, the person being deposed may be examined about any matter to the same extent that the Washington civil rules for superior court allow.

[Statutory Authority: RCW 9.46.070. WSR 07-21-156 (Order 615), § 230-17-065, filed 10/24/07, effective 1/1/08.]

**WAC 230-17-090 Petitions for review and cross appeals of initial orders.** (1) RCW 34.05.464 governs the review of initial orders.

(2) Any party to an adjudicative proceeding may file a petition for review of an initial order. Parties must file the petition for review with us within twenty days of the date of service of the initial order unless otherwise stated. Parties must serve copies of the petition to all other parties or their representatives at the time the petition for review is filed.

(3) Petitions must specify the portions of the initial order the parties disagree with and refer to the evidence in the record on which they rely to support their petition.

(4) Any party to an adjudicative proceeding may file a reply to a petition for review of an initial order. Parties must file the reply with us within thirty days of the date of service of the petition and must serve copies of the reply to all other parties or their representatives at the time the reply is filed.



The Commission will only consider a Petition and a reply to a petition; any other replies or responses will not be considered unless granted for good cause. If the reply falls within fifteen (15) days of the next regularly scheduled commission meeting, then the matter will be heard at the following regularly scheduled commission meeting unless otherwise scheduled.

(5) Any party may file a cross appeal. Parties must file cross appeals with us within ten days of the date the petition for review was filed with us.

(6) Copies of the petition or the cross appeal must be served on all other parties or their representatives at the time the petition or appeal is filed.

(7) After we receive the petition or appeal, the commissioners review it at a regularly scheduled commission meeting within one hundred twenty days and make a final order.

(8) The Commission or the Commission's designee shall have the authority, subject to the other provisions of these rules, to rule on all procedural matters.

[Statutory Authority: RCW 9.46.070. WSR 07-21-156 (Order 615), § 230-17-090, filed 10/24/07, effective 1/1/08.]

**WAC 230-17-145 Stays of final orders.** (1) Any party may petition the commission for a stay of a final order in accordance with RCW 34.05.467.

(2) For purposes of this rule, the commission hereby delegates to the director the authority to deny a stay or issue a temporary stay ~~until the reviewing court can rule on a permanent stay~~. The decision of the director denying a stay is not subject to judicial review.

[Statutory Authority: RCW 9.46.070. WSR 07-21-156 (Order 615), § 230-17-145, filed 10/24/07, effective 1/1/08.]

**WAC 230-17-150 Brief adjudicative proceedings.** The commission adopts the procedure for brief adjudicative proceedings provided in RCW 34.05.482 through 34.05.494. The commission finds brief adjudicative proceedings will be conducted where the matter involves one of the following:

- (1) Stays of summary suspension; and
- (2) Denying or revoking extended operating hours for:
  - (a) Card games; and

(b) Bingo; and

(3) Charitable or nonprofit licensee appealing a denial of a request for waiver of significant progress requirements; and

(4) Failure to pay required gambling taxes, where that is the only alleged violation in the administrative charges; and

(5) Failure to pay a quarterly license fee or submit a quarterly license report or failure to pay a late fee assessed as a result of failure to pay a quarterly license fee or submit a quarterly license report; and

(6) When the penalty we are requesting is a suspension of seven days or less; and

(7) When the parties stipulate to using a brief adjudicative proceeding.

[Statutory Authority: RCW 9.46.070. WSR 18-05-029, § 230-17-150, filed 2/9/18, effective 7/1/18; WSR 07-21-156 (Order 615), § 230-17-150, filed 10/24/07, effective 1/1/08.]