

(2) An offer to sell a license must be made on department forms and must be received by the department's licensing division during the period 8:30 a.m., March 29 through 4:30 p.m., May 12, 1995.

(3) Income used in the calculation of offers that are accepted may not be used in the calculation of any other offer.

(4) The license holder may offer the license for any amount up to the maximum allowable under the program.

(5) An offer is not made unless a complete offer is received by the department. In order for an offer to be complete, the following must be received:

(a) A complete offer sheet, showing:

(i) The applicant's name, Social Security number, mailing address during the offer period and telephone number;

(ii) The license type and license number that is being offered;

(iii) The offer amount;

(iv) The base year income (1986-1991);

(v) The comparison year income (1992-1994, including federal unemployment funds and the amount of any federally funded training received);

(vi) The amount of uninsured loss.

(b) Supporting documents.

(i) For salmon troll, salmon delivery and gill net license fishing activity, the only acceptable supporting documents are official state fish receiving tickets, official state fish landing receipts, or computer generated landing lists that have been certified by a state agency or the Pacific States Marine Fisheries Commission to be true and correct copies. All landings count in calculation of base and comparison year incomes.

(ii) For salmon charter license fishing activity, acceptable supporting documents are trip tickets identifying the species targeted, the number of anglers, and the date of the trip or, if such tickets are unavailable, the department will accept a letter of endorsement from a charterboat association or charterboat booking office indicating salmon fishing was a major component of earnings, and, if such a letter is provided, will review the total income of the applicant for the base and comparison years.

(c) Copies of Internal Revenue Service returns for the base and comparison years are required from salmon charter license applicants who use income other than that shown on trip tickets and may be required for salmon troll, salmon delivery, and gill net license applicants claiming a percentage of income shown on fish tickets.

(d) A signed permission form that allows the department to receive copies of the applicant's Internal Revenue Service returns for the base and comparison years, and to receive landing information from the Pacific States Marine Fisheries Commission, and the states of Oregon and California.

(e) A signed statement certifying that all information provided is true and correct.

[Statutory Authority: RCW 75.08.080. 95-07-012 (Order 95-20), § 220-95-022, filed 3/3/95, effective 4/3/95.]

WAC 220-95-026 Repealed. See Disposition Table at beginning of this chapter.

WAC 220-95-027 Ranking of offers. (1) Incomplete offers will be returned.

(2) Complete offers will be verified prior to ranking.

(3) Ranking of complete offers will occur at the close of the offer period and offers will be ranked within the following three categories:

(a) Salmon troll and salmon delivery licenses.

(b) Willapa Bay-Columbia River and Grays Harbor-Columbia River gill net licenses.

(c) Salmon charter licenses.

(4) Ranking will be established in ascending order from the lowest offer to the highest offer in each license category.

(5) In the event of a tie, the offer of the person with the highest uninsured loss will be accepted.

[Statutory Authority: RCW 75.08.080. 95-07-012 (Order 95-20), § 220-95-027, filed 3/3/95, effective 4/3/95.]

WAC 220-95-031 Repealed. See Disposition Table at beginning of this chapter.

WAC 220-95-032 Offer acceptance—Acknowledgment—Retirement of licenses. (1) Offers will be accepted in rank order, beginning with the lowest offer.

(2) The department will notify license holders that it has accepted a license offer by sending an acceptance and acknowledgment to the license holder by registered mail to the address provided on the offer sheet. The acknowledgment must be signed and returned to the department and must be received by the license division at or before 4:30 p.m. on June 14, 1995. Any acknowledgment received after that date is void and the acceptance is withdrawn.

(3) If the license being offered has been issued for 1995, the department will tender the amount of the offer upon return of the license card.

(4) If the license being offered has not been issued for 1995, the department will tender the amount of the offer upon receipt of a valid acknowledgment.

[Statutory Authority: RCW 75.08.080. 95-07-012 (Order 95-20), § 220-95-032, filed 3/3/95, effective 4/3/95.]

Title 230 WAC

GAMBLING COMMISSION

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Chapter 230-02 WAC
GENERAL PROVISIONS AND DEFINITIONS

WAC

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**DISPOSITION OF SECTIONS FORMERLY
 CODIFIED IN THIS CHAPTER**

230-02-125	Adjusted net gambling receipts defined. [Statutory Authority: RCW 9.46.070. 94-11-095 (Order 251), § 230-02-125, filed 5/17/94, effective 7/1/94; 88-19-038 (Order 183), § 230-02-125, filed 9/13/88. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-02-125, filed 9/15/86, effective 1/1/87.] Repealed by 95-09-061 (Order 267), filed 4/18/95, effective 5/19/95. Statutory Authority: RCW 9.46.070 and 9.46.0217.
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WAC 230-02-010 Washington state gambling commission—Purpose and organization. (1) Purpose - The Washington state gambling commission, hereinafter called "the commission," is created pursuant to RCW 9.46.040 as the licensing and regulatory agency charged with the authority and duty to control statutorily authorized nonprofessional gambling. Where appropriate, the term "commission" also refers to the staff and employees of the commission. In order to carry out the assigned duties and responsibilities, the legislature designated the commission as a law enforcement agency with the powers to investigate all gambling and associated activities and enforce the provisions of chapter 9.46 RCW.

(2) Organization - The commission is comprised of five part-time members, four ex officio members, and a full time staff.

(a) Commission members - Five citizens, all appointed by the governor with the consent of the state senate for six-year staggered terms. One member is annually elected as chairperson. Commissioners serve part-time as necessary and otherwise as directed by the chairperson.

(b) Ex officio members - Two members each from the senate and the house of representatives, one each from the majority and minority political parties. Members are appointed for two year terms by the president of the senate and speaker of the house of representatives, respectively. Ex officio members do not vote on matters before the commission for review.

(c) Staff - The commission staff is organized under a director, a deputy director, and three assistant directors pursuant to RCW 9.46.080. The director, the deputy director, the assistant directors, and all staff required to perform undercover duties are exempt from the provisions of

chapter 41.06 RCW. Staff duties and responsibilities are as follows:

(i) Director - The director is appointed by the commission as its administrator for carrying out its powers and duties. The director ensures that staff and other resources are available to carry out the purposes and provisions of chapter 9.46 RCW. The director is directly responsible for matters pertaining to public relations, research, contracts, agreements, and legal problems.

(ii) Deputy director - The deputy director is appointed by the director with responsibilities of making decisions and carrying out duties delegated by the director: *Provided*, That those duties specifically enumerated in WAC 230-12-900 may not be delegated to the deputy director.

(iii) Assistant directors - Assistant directors are appointed by the director with the responsibilities for the day-to-day management of the various operational sections of the commission and advising the director regarding matters necessary to carry out the provisions of chapter 9.46 RCW.

[Statutory Authority: RCW 9.46.070. 95-07-095, § 230-02-010, filed 3/17/95, effective 7/1/95. Statutory Authority: Chapter 34.05 RCW. 90-03-064 (Order 203), § 230-02-010, filed 1/18/90, effective 2/18/90. Statutory Authority: RCW 9.46.070(13). 79-07-019 (Order 90), § 230-02-010, filed 6/14/79; Order 42, § 230-02-010, filed 9/18/75; Order 5, § 230-02-010, filed 12/19/73.]

WAC 230-02-102 Bingo occasion defined. A bingo occasion is a period of time beginning when the first number in the first session is called and ending when the last winning number on the final winning bingo card of the last session has been verified.

[Statutory Authority: RCW 9.46.070(1), (8), (9), (11), (13), (14), (20). 95-23-091, § 230-02-102, filed 11/20/95, effective 1/1/96.]

WAC 230-02-104 Bingo session defined. A bingo session means a continuous series of bingo games with no breaks other than short intermission breaks.

[Statutory Authority: RCW 9.46.070(1), (8), (9), (11), (13), (14), (20). 95-23-091, § 230-02-104, filed 11/20/95, effective 1/1/96.]

WAC 230-02-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-02-183 Active member defined. For purposes of this title, "active member" means an individual who is a "bona fide member," as defined by RCW 9.46.0261, and meets all of the requirements set out below:

(1) Did not join the organization specifically to participate in, or be an operator or manager of, gambling activities;

(2) Is authorized to vote in the election of officers or board members who determine the policies of the organization;

(3) Has been a member for at least twelve months preceding an application for a gambling license, or has been accepted as a member according to guidelines set out in the organization's bylaws and such acceptance recorded in the official minutes of a regular membership meeting: *Provided*, That the minimum time provision does not apply to board members or directors if the organization's membership

consists entirely of board members or directors elected or appointed for a limited term;

(4) Complies with membership criteria, as set out in the organization's bylaws;

(5) Lives within the boundaries of Washington state or, if outside the state boundaries, lives within one hundred miles of the main administrative offices of the organization which is located within Washington state: *Provided*, That the director may waive the requirements of this subsection for organizations applying for a license to conduct raffles only;

(6) Is at least eighteen years old: *Provided*, That the director may waive this provision when:

(a) The organization's primary purpose is the development of youth;

(b) The organization is applying for a license to conduct only raffles or amusement games;

(c) The organization has at least three members or advisors that are at least eighteen years of age who supervise the operation of the activity; and

(d) One of the adult members or advisors shall be designated as the manager of the activity. This member shall be responsible for ensuring that all activities are operated in accordance with all requirements of the commission and shall attend training required by WAC 230-04-020;

(7) Has participated directly in the activities conducted by the organization over the past twelve months. For purposes of this section, participation by a member in any of the following activities during the twelve-month period immediately preceding an application for certification shall be prima facie evidence of direct participation:

(a) Attended at least one regular membership meeting; or

(b) Voted in person or, if authorized by the organization's bylaws, by proxy at a meeting at which officers and/or board members were elected; or

(c) Has been actively involved in policy setting for the organization by serving as a member of the board of directors or a similar policy setting position; or

(d) Has paid dues imposed by the organization; or

(e) Has served as a volunteer providing services or raising funds from nongambling sources; or

(f) Has maintained a level of communications with the organization that would allow them to demonstrate in-depth knowledge regarding the activities of the organization. In-depth knowledge would include:

(i) The types of program services provided;

(ii) The scope of program services provided;

(iii) Sources and levels of funding available to the organization; and

(iv) Key plans, including major programs and capital projects.

(8) Incorporated towns or cities applying for a license to conduct gambling activities are exempted from all requirements of this section. The citizens of an incorporated town or city, who are registered to vote in the election for the mayor or governing body of such town or city, are deemed to be "active members" of such towns and cities.

[Statutory Authority: RCW 9.46.070, 95-07-093, § 230-02-183, filed 3/17/95, effective 7/1/95. Statutory Authority: RCW 9.46.070, 9.46.0261 and 9.46.0209, 94-01-035, § 230-02-183, filed 12/6/93, effective 1/6/94.]

WAC 230-02-210 Distributor defined. A "distributor" is any person who purchases or otherwise obtains a completed piece of equipment for use in authorized gambling activities, including but not limited to punchboards or pull tabs, from any person and sells or otherwise furnishes such equipment, with or without merchandise to be awarded as prizes in connection therewith, to another person for the resale of or the display or operation of that equipment. A manufacturer who sells or otherwise furnishes such equipment not manufactured by him to any other person for resale or for display or operation of that equipment is also a "distributor."

As used in these rules, the term "distributor" shall include a person who services and repairs pull tab dispensing devices, bingo equipment, or any other authorized gambling equipment and makes no addition, modification or alteration of the device.

The term "distributor" does not include persons that perform routine maintenance, such as lubrication, cleaning, replacement of electrical fuses or bulbs, or other activities that are not directly related to the operation of the equipment.

[Statutory Authority: RCW 9.46.070(4) and 9.46.215, 95-19-071, § 230-02-210, filed 9/18/95, effective 1/1/96. Statutory Authority: RCW 9.46.070, 94-01-033 § 230-02-210, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070(4), 81-09-055 (Order 106), § 230-02-210, filed 4/17/81; Order 80, § 230-02-210, filed 12/28/77; Order 5, § 230-02-210, filed 12/19/73.]

WAC 230-02-240 Commercial gambling manager defined. A "commercial gambling manager" is a person, whether compensated or not, who is responsible for operating and controlling authorized commercial gambling activities, and who has the authority to make decisions regarding the operation of such gambling activities. The gambling manager supervises and directs all other persons directly or indirectly involved in the conduct of such activities. A gambling manager may be: An owner; partner; officer of a corporation; or a person designated by any of the above. A gambling manager's duties include, but are not limited to the following: Hiring, firing, and evaluating gambling personnel; supervising and controlling the conduct of gambling activities; preparing or supervising the preparation of gambling records; controlling cash generated by gambling activities and making bank deposits; and purchasing gambling supplies.

[Statutory Authority: RCW 9.46.070, 95-09-062 (Order 268), § 230-02-240, filed 4/18/95, effective 5/19/95. Statutory Authority: RCW 9.46.070 (7)(14), 91-07-021, § 230-02-240, filed 3/13/91, effective 4/13/91.]

WAC 230-02-250 Bingo equipment. Bingo equipment includes all equipment that is actually used, made for use, or sold for the purpose of use, in bingo games for which consideration is charged to participate and prizes are awarded to winners. Bingo equipment includes, but is not limited to:

(1) Blowers or other devices from which balls are mixed and randomly withdrawn to determine the letters and numbers to be called;

(2) Reusable and disposable bingo cards;

(3) Electronic flashboards that interface with the mixing and selection device;

(4) Electronic bingo card daubers, including software or equipment interfaced with such; and

(5) Any other device commonly used in the direct operation of the game: *Provided*, That general purpose equipment and supplies that are only indirectly involved in the conduct of the game shall not be deemed bingo equipment. The following equipment and supplies will not be deemed bingo equipment for purposes of this title:

(a) Tables, chairs, or card stands;

(b) Audio or video equipment used only to communicate progress of the game to players;

(c) Computer or cash register equipment used to record sales or act as a storage medium for records;

(d) General supplies, such as glue sticks, daubers, and other items for resale to players; and

(e) Bingo games manufactured and sold for recreational purposes.

[Statutory Authority: RCW 9.46.070. 95-19-070, § 230-02-250, filed 9/18/95, effective 1/1/96; 94-01-033 § 230-02-250, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 (8), (11), and (14). 83-13-050 (Order 134), § 230-02-250, filed 6/14/83; Order 29, § 230-02-250, filed 1/23/75.]

WAC 230-02-300 Substantial interest holder defined. Substantial interest holder means a person who has actual or potential influence over the management or operation of any organization, association or other business entity. Evidence of substantial interest includes, but is not limited to, one or more of the following:

(1) Directly or indirectly owning, operating, managing or controlling an entity or any part of an entity; or

(2) Directly or indirectly profiting from or assuming liability for debts of the entity; or

(3) Is an officer or director of the entity; or

(4) Owning ten percent or more of any class of stock in a privately or closely held corporation, or five percent or more of any class of stock in a publicly traded corporation; or

(5) Furnishing ten percent or more of the capital, whether in cash, goods, or services, for the operation of the business during any calendar year; or

(6) Directly or indirectly receiving a salary, commission, royalties or other form of compensation from the gambling activity in which an entity is or seeks to be engaged.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-02-300, filed 11/22/95, effective 1/1/96; Order 23, § 230-02-300, filed 9/23/74; Order 12, § 230-02-300, filed 2/14/74; Order 5, § 230-02-300, filed 12/19/73.]

WAC 230-02-350 Commercial stimulant defined. "Commercial stimulant" means a licensed gambling activity operated by an established food and/or drink business with the purpose of increasing the volume of food and/or drink sales for "on-premises" consumption.

[Statutory Authority: RCW 9.46.070 and 9.46.0217. 95-07-094, § 230-02-350, filed 3/17/95, effective 7/1/95. Statutory Authority: Chapter 9.46 RCW. 87-07-038 (Order 165), § 230-02-350, filed 3/16/87; 86-24-025 (Order 163), § 230-02-350, filed 11/24/86; 86-17-057 (Order 160), § 230-02-350, filed 8/18/86. Statutory Authority: RCW 9.46.020(5). 82-23-050 (Order 125), § 230-02-350, filed 11/15/82. Statutory Authority: RCW 9.46.020(5) and section 1(5), chapter 326, Laws of 1977 ex. sess. and RCW

9.46.070(4). 78-03-061 (Order 81), § 230-02-350, filed 2/22/78; Order 78, § 230-02-350, filed 11/17/77; Order 29, § 230-02-350, filed 1/23/75; Order 23, § 230-02-350, filed 9/23/74.]

WAC 230-02-360 Licensed premises defined. "Licensed premises" means the physical building and property, upon which the licensed gambling activity occurs, as set out on the license application and approved by the commission: *Provided*, That when only a portion of a building is utilized for purposes of operating a food and/or drink business or for conducting gambling or related activities, only that portion set out in the application on file with the commission, shall be considered the licensed premises.

[Statutory Authority: RCW 9.46.070 and 9.46.0217. 95-07-094, § 230-02-360, filed 3/17/95, effective 7/1/95. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-02-360, filed 9/15/86, effective 1/1/87.]

WAC 230-02-370 Food and/or drink business defined. "Food and/or drink business" means any business which is primarily engaged in the sale of food and/or drink items, to persons other than owners, employees, or substantial interest holders, for consumption on the licensed premises.

[Statutory Authority: RCW 9.46.070 and 9.46.0217. 95-07-094, § 230-02-370, filed 3/17/95, effective 7/1/95. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-02-370, filed 9/15/86, effective 1/1/87.]

WAC 230-02-380 Established business defined. "Established business" means any business that has applied for and received all licenses or permits required by any state or local jurisdictions and has been open to the public for a period of not less than ninety days: *Provided*, That the commission may grant "established" status to a business that:

(1) Has completed all construction and is ready to conduct business;

(2) Has obtained all required licenses and permits;

(3) Provides the commission a planned operating schedule which includes estimated gross sales from each separate activity to be conducted on the proposed premises, including but not limited to the following:

(a) Food and/or drinks for on-premises consumption;

(b) Food and/or drinks "to go"; and

(c) All other business activities.

(4) Passes an inspection by the commission.

[Statutory Authority: RCW 9.46.070 and 9.46.0217. 95-07-094, § 230-02-380, filed 3/17/95, effective 7/1/95. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-02-380, filed 9/15/86, effective 1/1/87.]

WAC 230-02-418 Charitable or nonprofit gambling manager defined. A "charitable or nonprofit gambling manager" is any member or employee of a charitable or nonprofit organization who has the ability to, directly or indirectly, exercise a material degree of control over the operation of any gambling activity or the disbursement of funds generated from gambling activities. This definition includes all persons compensated to advise the board and/or officers regarding specific aspects of operating any gambling activity, whether as a consultant or any other short-term contract basis: *Provided*, That charitable or nonprofit

organizations currently licensed to operate gambling activities, or their members or employees, may provide nonspecific advice to any other charitable/nonprofit organization, without being deemed a gambling manager for the receiving organization, if they are not directly or indirectly compensated for such advice. This section is not intended to restrict actions regarding the operation of any gambling activity that are initiated by the board and/or officers, if such actions are implemented through a gambling manager appointed by the board and/or officers.

For purposes of this title, the following individuals shall be deemed to be charitable or nonprofit gambling managers:

(1) Any member or employee who has the primary responsibility to supervise the operation of any gambling activity;

(2) Any employee of the organization who has been assigned the responsibility of supervising another gambling manager by the governing board or officers; or

(3) The employee who the officers or governing board of directors has delegated the highest level of authority over the day-to-day affairs of the organization and who is responsible for disbursement of funds generated from gambling activities and/or safeguarding assets purchased with funds generated from gambling activities.

[Statutory Authority: RCW 9.46.070. 95-09-062 (Order 268), § 230-02-418, filed 4/18/95, effective 5/19/95. Statutory Authority: RCW 9.46.070 (7), (17), (8) and (9). 91-13-070 (Order 223), § 230-02-418, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 9.46.070(17). 81-21-032 (Order 113), § 230-02-418, filed 10/15/81.]

Chapter 230-04 WAC LICENSING

WAC

230-04-075	No license required for certain bingo, raffles, and amusement games.
230-04-080	Certain activities to be operated as a commercial stimulant only—Licensing of food and/or drink businesses.
230-04-110	Licensing of manufacturers.
230-04-115	Licensing of manufacturers—Exception—Special sales permit.
230-04-120	Licensing of distributors.
230-04-145	Licensing of charitable or nonprofit gambling managers—Application procedures.
230-04-147	Notification to the commission upon beginning, terminating, or changing responsibilities of charitable or nonprofit gambling managers.
230-04-203	Fees—Commercial stimulant and other business organizations.
230-04-400	Denial, suspension or revocation of licenses.
230-04-405	Commission will seek reimbursement for costs incurred in pursuing license revocation for failure to pay gambling taxes.

WAC 230-04-075 —No license required for certain bingo, raffles, and amusement games. Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of gambling activities, are hereby authorized to conduct the following gambling activities without obtaining a license to do so from the commission:

(1) Raffles when:

(a) Held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; and

(b) Gross revenues from all such raffles held by the organization during the calendar year do not exceed \$5000; and

(c) Tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: *Provided*, 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; and

(2) Bingo, raffles, and amusement games when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.0205 as now or hereafter amended: *Provided*, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenue to the organization from all the activities together does not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(3) An organization may exceed the separate limits set forth in (1) and (2) above only if it first obtains a license to conduct the appropriate gambling activity from the commission, with the classification and fee to be computed, including but not limited to, all income from the activity or activities already conducted during that calendar year. The duration of the license issued shall be one year from the date of the first gross receipts received for the particular activity during the calendar year.

[Statutory Authority: RCW 9.46.070. 95-12-051, § 230-04-075, filed 6/2/95, effective 7/3/95. Statutory Authority: RCW 9.46.0209. 94-07-084 (Order 250), § 230-04-075, filed 3/16/94, effective 4/16/94. Statutory Authority: RCW 9.46.030 (2), (3) and 9.46.070 (11), (14). 83-19-024

(Order 136), § 230-04-075, filed 9/13/83; Order 23, § 230-04-075, filed 9/23/74.]

WAC 230-04-080 Certain activities to be operated as a commercial stimulant only—Licensing of food and/or drink businesses. The commission may issue a license to operate punchboards and pull tabs or public card rooms as commercial stimulants to any established business primarily engaged in the sale of food and/or drink items for consumption on the licensed premises. Such activities shall not be operated other than as a commercial stimulant. The following requirements apply to applicants for a license to use gambling activities to stimulate food and/or drink sales:

(1) For purposes of chapter 9.46 RCW and these rules, a business shall be presumed to be a "food and/or drink business" as defined by WAC 230-02-370 if:

(a) It is licensed by the liquor control board to sell alcohol beverages at retail to the public for on-premises consumption and:

(i) It is a tavern that holds a valid Class "B" liquor license; or

(ii) It is a restaurant with a cocktail lounge that holds a valid Class "H" liquor license.

(b) It sells food and/or drink items at retail to the public and:

(i) All food is prepared and served for consumption on the licensed premises: *Provided*, That food may be prepared at other locations and served on the premises if the food is:

(A) Prepared by the licensed business; or

(B) Purchased from caterers by the licensed business as a wholesale transaction and resold to customers at retail.

(ii) The total gross sales of food and/or drink, for on-premises consumption, is equal to or greater than all other combined nongambling gross sales, rentals, or other income producing activities which occur on the licensed premises when measured on an annual basis. Applicants seeking qualification for a license under this subsection shall submit data necessary to evaluate compliance with these requirements as a part of their application. For purposes of determining total gross sales of food and drink for on-premises consumption, meals furnished to employees, free of charge, shall be treated as sales only if:

(A) Detailed records are maintained;

(B) The sale is recorded at estimated cost or menu price, but not more than five dollars per meal; and

(C) No more than one meal per employee is recorded during any four-hour work shift.

(2) When an individual, partnership, or corporation operates two or more businesses within the same building or building complex and such businesses meet the requirements of subsection (1)(a) or (b) of this section, one of the businesses may be designated as a "food and/or drink business" if all of the following conditions are met:

(a) The business being stimulated is physically isolated from all other businesses by walls and doors that clearly demonstrate the business is separate from other business being transacted at that location;

(b) All business transactions conducted by the applicant business are separated from the transactions conducted by all other businesses:

(i) Legally in the form of a separate corporation or partnership; or

(ii) By physical separation of all sales and accounting functions, and the methods of separation are approved by the commission;

(c) All gambling activities are located and occur upon the licensed premises, as defined in the license application and approved by the commission; and

(d) All gambling activities occur only when the food and/or drink business is open for customer service.

[Statutory Authority: RCW 9.46.070 and 9.46.0217. 95-07-094, § 230-04-080, filed 3/17/95, effective 7/1/95; Order 23, § 230-04-080, filed 9/23/74.]

WAC 230-04-110 Licensing of manufacturers.

Except as authorized by WAC 230-04-115, a license must be obtained from the commission prior to manufacturing, selling, or supplying gambling equipment to any person(s) within this state, or for use within this state. The following definitions and requirements apply to certification and licensing of manufacturers:

(1) For [the] purposes of this title, "gambling equipment" includes at least the following devices:

(a) Punchboards and pull tabs;

(b) Devices for the dispensing of pull tabs;

(c) Bingo equipment, as defined by WAC 230-02-250; and

(d) Any gambling equipment, patented or otherwise restricted gaming schemes, or paraphernalia for use in connection with licensed fund-raising events, recreational gaming activities, tribal gaming activities or class III tribal activities.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

(a) The full name and address of the applicant;

(b) The full name and address of each location where such devices are manufactured or stored;

(c) The name, home address, and share of ownership of all owners of the manufacturing business if the business is not a corporation. If the business is a corporation, the name, address, and share of ownership of the officers, the directors, and substantial interest holders;

(d) A full description of each separate type of gambling equipment or device that an applicant seeks to manufacture or to market in this state;

(e) The brand name under which each type of gambling device or equipment is sold;

(f) If the applicant is incorporated under laws other than the laws of Washington state, then the full name and business and home address of the resident agent designated by the applicant pursuant to WAC 230-12-300; and

(g) A list of all distributors receiving gambling equipment and all businesses or organizations located within the state of Washington in which the applicant has any financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include all arrangements through which a person directly or indirectly receives any portion of the profits of the licensed manufacturer and indebtedness between the licensee and any other person, other than a regulated financial institution, in excess of five thousand dollars.

(3) An applicant must demonstrate the ability to comply with all manufacturing, quality control, and operational restrictions imposed on authorized gambling equipment, patented or otherwise restricted gaming schemes, or equipment that it seeks to manufacture or market for use within the state of Washington. The licensing process shall include an on-site review of the applicant's manufacturing equipment and process for each separate type of authorized gambling device, equipment, or scheme to ensure capability to comply with all regulatory requirements of this title and state/tribal compacts;

(4) The following information shall be included as an attachment to the application form:

(a) A list of all affiliated businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant, either directly or indirectly, own or control:

- (i) As a sole proprietor; or
- (ii) As a partner; or
- (iii) More than fifty percent of the voting stock of a privately held or closed corporation; or
- (iv) At least five percent of the voting stock of a publicly traded corporation.

(b) A list of all businesses or corporations licensed to conduct gambling activities or to supply gambling-related equipment, supplies, or services in which the applicant, officers, directors, or substantial interest holders of the applicant have any interest;

(c) A list of all jurisdictions in which the applicant or any of the officers, directors, or substantial interest holders of the applicant have been licensed regarding gambling-related activities at any level during the preceding ten years;

(d) A statement regarding whether the applicant or officers, directors, or substantial interest holders have ever had a license for gambling-related activities denied, revoked, or suspended by any jurisdiction for a period longer than thirty days. All details of such must be provided as a part of the application; and

(e) A statement acknowledging that all records related to the ownership or operation of the business shall be made available for review at the time and place requested by commission staff. In addition to other records requested, the following shall be available:

- (i) Personal financial records of all substantial interest holders;
- (ii) All records related to the scope of activity, including sales of product, purchases of raw materials and parts, and any contracts, franchises, patent agreements, etc., related to sales or purchases; and
- (iii) Records related to any financial or management control of or by customers and suppliers.

(5) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form; and

(6) The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

[Statutory Authority: RCW 9.46.070, 95-12-052, § 230-04-110, filed 6/2/95, effective 7/3/95; 94-01-033, § 230-04-110, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 and 9.46.0331, 91-19-093 (Order 227), § 230-04-110, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14), 89-24-002 (Order 201), §

230-04-110, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (4) and (6), 79-07-019 (Order 90), § 230-04-110, filed 6/14/79; Order 12, § 230-04-110, filed 2/14/74; Order 9, § 230-04-110, filed 12/19/73 at 1:26 p.m.; Order 5, § 230-04-110, filed 12/19/73 at 1:25 p.m.]

WAC 230-04-115 Licensing of manufacturers—Exception—Special sales permit. The director may grant a special sales permit authorizing a manufacturer to sell to a distributor or a tribal government, on a limited basis, authorized gambling equipment, patented or otherwise restricted gaming scheme, or paraphernalia. A special sales permit may be issued when demand for a particular type of equipment, scheme, or paraphernalia is anticipated to be below the level of economic feasibility of obtaining a license or the type of product is not one for which licensing under WAC 230-04-110 is necessary to protect the public interest. Application for a special sales permit shall be processed in the following manner:

(1) An application shall be submitted on a form obtained from the commission setting forth the following information:

- (a) Description of product(s), including trade name(s);
- (b) Anticipated scope of sales, in quantity and dollar value;
- (c) The name and address of the distributor(s) that will broker the equipment;
- (d) All information necessary to determine the qualification of the manufacturer;
- (e) A list of all jurisdictions in which the applicant business or any of the officers, directors, or substantial interest holders is currently licensed to conduct business related to gambling; and
- (f) The application shall be accompanied by a nonrefundable processing fee of two hundred dollars. Applicants may be assessed additional fees after an estimate of investigation costs have been established;

(2) Upon receipt of all moneys requested by the commission, a limited investigation shall be initiated, the scope of which shall be established using the following criterion:

- (a) Anticipated demand for such equipment;
- (b) The nature of the equipment, including other sources of such equipment;
- (c) The availability of information from appropriate sources to verify the qualification of such manufacturer;
- (d) Annual sales compared to the anticipated cost of a comprehensive licensing investigation;
- (e) Whether the equipment, after installation, will require an ongoing relationship with the manufacturer;
- (f) Security issues related to the manufacturing, installation, and ongoing service of the equipment; and
- (g) Other factors deemed relevant;

(3) At any time during the investigation process, the director may determine that a license is required under WAC 230-04-110. Upon notification of such, the applicant may withdraw their permit application without prejudice. If the applicant elects to proceed with an application for a manufacturer's license, all fees will be credited toward the appropriate license fee;

(4) A special sales permit shall be valid for a period of one year from the date of issuance: *Provided*, That the director may void a permit upon written notice and require

a license be obtained under WAC 230-04-110 prior to further sales.

[Statutory Authority: RCW 9.46.070. 95-12-052, § 230-04-115, filed 6/2/95, effective 7/3/95.]

WAC 230-04-120 Licensing of distributors. Prior to selling, renting, or otherwise supplying gambling equipment, supplies, or related paraphernalia, including service of such, to any person within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission. The following definitions and requirements apply to certification and licensing of distributors:

(1) For purposes of this title, a license is required to sell, rent, or otherwise provide to any person the following items:

- (a) Punchboards and pull tabs;
- (b) Devices for the dispensing of pull tabs;
- (c) Bingo equipment, as defined by WAC 230-02-250; and

(d) Any gambling equipment or paraphernalia for use in connection with licensed fund-raising events, recreational gaming activities, or Class III gaming activities.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

- (a) The full name and address of the applicant;
- (b) The business name and address of each location operated by the distributor or where records or inventory will be located;
- (c) The name, home address, and share of ownership of all owners of the business if the business is not a corporation. If the business is a corporation, the name, address, and share of ownership of the officers, the directors, and substantial interest holders;
- (d) A full description of each separate type of gambling equipment or related supplies that the distributor intends to market in this state or for use in this state;
- (e) The brand name under which each type of gambling equipment will be sold;
- (f) If the applicant does not maintain a business office within the state or is incorporated in another state or county, then the full name and business and home address of the resident agent designated by the applicant pursuant to WAC 230-12-300; and

(g) A list of all manufacturers of gambling equipment and all businesses or organizations located in the state of Washington in which the applicant has any financial interest and the details of that financial interest. For the purposes of this subsection, the term financial interest shall include all arrangements through which a person directly or indirectly receives any portion of the profits of the licensed distributor and indebtedness between any other person and the applicant, other than a regulated financial institution, in excess of five thousand dollars.

(3) The following information shall be included as an attachment to the application form:

(a) A list of all affiliated businesses or corporations in which the applicant, officers, directors, or substantial interest

holders of the applicant, either directly or indirectly, own or control:

- (i) As a sole proprietor; or
- (ii) As a partner; or
- (iii) More than fifty percent of the voting stock of a privately held or closed corporation; or
- (iv) At least five percent of the voting stock of a publicly traded corporation.

(b) A list of all businesses or corporations licensed to conduct business related to gambling activities in which the applicant, officers, directors, or substantial interest holders of the applicant have any interest;

(c) A list of all jurisdictions in which the applicant or any of the officers, directors, or substantial interest holders of the applicant have been licensed for gambling-related activities at any level during the preceding ten years;

(d) A statement regarding whether the applicant or officers, directors, or substantial interest holders of the applicant have ever had a license for gambling-related activities denied, revoked, or suspended by any jurisdiction for a period longer than thirty days. All details of such must be provided as a part of the application; and

(e) A statement acknowledging that all records related to the ownership or operation of the business shall be made available for review at the time and place requested by commission staff. In addition to other records requested, the following shall be available:

- (i) Personal financial records of all substantial interest holders;
- (ii) All records related to the scope of activity, including suppliers, customers, and any contracts related to sales or purchases; and
- (iii) Records related to any financial or management control of or by customers and suppliers.

(4) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form; and

(5) The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

[Statutory Authority: RCW 9.46.070(4) and 9.46.215. 95-19-071, § 230-04-120, filed 9/18/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 94-01-033, § 230-04-120, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-04-120, filed 9/18/91, effective 10/19/91. Statutory Authority: Chapter 9.46 RCW. 91-15-040 (Order 224), § 230-04-120, filed 7/17/91, effective 8/17/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-04-120, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (1), (4), (5), (6), (7), (11), (14) and (17) and 9.46.310. 85-01-065 (Order 145), § 230-04-120, filed 12/18/84; Order 80, § 230-04-120, filed 12/28/77; Order 23, § 230-04-120, filed 9/23/74; Order 14, § 230-04-120, filed 3/27/74; Order 5, § 230-04-120, filed 12/19/73.]

WAC 230-04-145 Licensing of charitable or non-profit gambling managers—Application procedures. Each charitable or nonprofit organization licensed to conduct gambling activities shall designate gambling managers who will be responsible to the officers or board of directors for the proper conduct of the activity and safeguarding of all funds generated by such. An individual may be designated as the gambling manager for more than a single activity if so noted on the application for each activity. No person shall

perform the duties of a gambling manager, as set out in WAC 230-12-079, unless they have been approved by the commission. Applicants for a license to perform duties of a gambling manager shall comply with the following procedures:

(1) Gambling managers responsible for the following functions of a charitable or nonprofit organization shall be licensed by the commission:

(a) Primary manager of Class D and above bingo games;

(b) Primary manager of Class C and above punchboards and pull tabs;

(c) Any employee responsible for supervision of gambling managers required to be licensed by (a) or (b) of this subsection; and

(d) The employee assigned the highest level of authority by the officers or governing board of directors to manage the day-to-day affairs of the organization and who is responsible for safeguarding assets purchased with gambling funds or managing the disbursement of gambling funds when:

(i) The organization is licensed to receive more than three hundred thousand dollars in gross gambling receipts; or

(ii) The organization has an established trust and/or endowment fund and gambling receipts in excess of one hundred thousand dollars have been contributed to such funds.

(2) Prior to performing duties as a licensed gambling manager, each applicant shall:

(a) Submit a completed application to the commission on or before the first day the applicant begins working: *Provided*, That an applicant shall not perform any of the duties of a gambling manager prior to issuance of a license by the commission if one or more of the following conditions exist:

(i) The applicant has been previously denied a license or had a license suspended or revoked by the commission;

(ii) The applicant has been served administrative or criminal charges and such charges are pending at the time of the application;

(iii) The applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to any offense set forth in RCW 9.46.158; or

(iv) The applicant has violated, failed, or refused to comply with provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules of the commission.

(b) Complete a training course provided by the commission within thirty days after the first day worked as required by WAC 230-04-020. Individuals that have been performing duties or assigned responsibilities that require a gambling manager license under this section, for at least ninety days prior to the effective date of this section, may be exempted from such training by the director. Types of training required:

(i) Individuals applying for a license under the provisions of subsection (1)(a), (b), or (c) of this section shall attend training for each gambling activity for which they have been assigned primary or secondary oversight responsibility; and

(ii) Individuals applying for a license under the requirements of subsection (1)(d) of this section shall attend

training related to safeguarding assets and proper uses of gambling funds.

(3) Each application shall be submitted as specified in WAC 230-04-020, and signed by both the applicant and the highest ranking executive officer of the organization;

(4) A gambling manager license shall be valid for a period not to exceed one year beginning on the date of issuance or the date the application was submitted if the applicant began working prior to licensure, as authorized by subsection (2)(a) of this section, whichever occurs first: *Provided*, That should a licensed gambling manager's employment with the organization listed on the license application be terminated, for any reason, the license shall become immediately void. This individual must reapply for a license prior to performing gambling manager duties for any other charitable or nonprofit organization. Prior to granting a license to a previously licensed gambling manager, the commission shall conduct an investigation to determine the continued qualification of the individual. Such investigation may include inquiries to the previous employer;

(5) The fee for this license shall be as required by WAC 230-04-204: *Provided*, That if an applicant is changing employment from one licensee to another prior to the expiration date as specified in subsection (4) of this section, the fee shall be as required for license renewal;

(6) An organization may appoint more than one gambling manager who is responsible for supervising bingo games or punchboard and pull tab operations. The manager assigned the highest level of authority for each specific activity shall be designated on the application as the "primary gambling manager" and all others as "assistant gambling managers."

[Statutory Authority: RCW 9.46.070. 95-09-062 (Order 268), § 230-04-145, filed 4/18/95, effective 5/19/95. Statutory Authority: Chapter 9.46 RCW. 94-24-056 (Order 262), § 230-04-145, filed 12/5/94, effective 1/5/95; 87-15-052 (Order 169), § 230-04-145, filed 7/14/87; 87-09-043 (Order 167), § 230-04-145, filed 4/14/87; 87-07-038 (Order 165), § 230-04-145, filed 3/16/87. Statutory Authority: RCW 9.46.070 (1), (7), (11), (14), and (17). 83-21-073 (Order 137), § 230-04-145, filed 10/18/83. Statutory Authority: RCW 9.46.070(17). 81-21-032 (Order 113), § 230-04-145, filed 10/15/81.]

WAC 230-04-147 Notification to the commission upon beginning, terminating, or changing responsibilities of charitable or nonprofit gambling managers. A charitable or nonprofit organization shall notify the commission in writing when a gambling manager has been assigned primary responsibility for the operation of any gambling activity or disbursement of funds, or has terminated employment and/or responsibilities for any reason. Individuals required to be licensed shall immediately submit an application for a license, as required by WAC 230-04-020 and 230-04-145. The following procedures shall be followed for notification of changes in responsibilities of gambling managers that do not require an application:

(1) The notification shall be in writing and include:

(a) The full name and date of birth of the gambling manager;

(b) The date the gambling manager was assigned new responsibilities or the date employment and/or responsibilities terminated; and

(c) A full description of the change in duties and/or responsibilities;

(2) The notification shall be signed by the highest ranking elected officer or the individual assigned the responsibility of supervising the gambling manager;

(3) The notification shall be made immediately and must reach the commission's headquarters office in Lacey not later than 5:00 p.m. on the tenth day following the person's first day of work or last day of work, as applicable. If the tenth day falls on a Saturday, Sunday, or state holiday, it shall be due upon the next following business day.

[Statutory Authority: RCW 9.46.070, 95-09-062 (Order 268), § 230-04-147, filed 4/18/95, effective 5/19/95. Statutory Authority: RCW 9.46.070(14), 81-21-032 (Order 113), § 230-04-147, filed 10/15/81.]

WAC 230-04-203 Fees—Commercial stimulant and other business organizations. All persons seeking to operate gambling activities at business locations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. CARD GAMES		
Class B	Limited card games - hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage (Fee to play charged)	\$ 155
Class C	Tournament only, no more than ten consecutive days per tournament.	\$ 155
Class D	General (No fee to play charged)	\$ 50
Class E	General (Fee to play charged)	
E-1	One table only	\$ 370
E-2	Up to two tables	\$ 635
E-3	Up to three tables	\$1,060
E-4	Up to four tables	\$2,120
E-5	Up to five tables	\$3,190
2. COMMERCIAL AMUSEMENT (Fee based on annual gross gambling receipts)		
* Class A	Premises only	** \$265/\$115
Class B	Up to \$ 50,000	\$ 370
Class C	Up to \$ 100,000	\$ 950
Class D	Up to \$ 250,000	\$2,120
Class E	Up to \$ 500,000	\$3,720
Class F	Up to \$1,000,000	\$6,380
Class G	Over \$1,000,000	\$7,980
* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.		
** Provides for a fee reduction of \$150 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.		
3. PUNCHBOARDS/ PULL TABS (Fee based on annual gross gambling receipts)		
		VARIANCE*
Class A	Up to \$50,000	\$ 5,000 \$ 505
Class B	Up to \$100,000	\$ 5,000 \$ 900
Class C	Up to \$200,000	\$10,000 \$1,700
Class D	Up to \$300,000	\$10,000 \$2,470
Class E	Up to \$400,000	\$10,000 \$3,190
Class F	Up to \$500,000	\$10,000 \$3,850
Class G	Up to \$600,000	\$10,000 \$4,460
Class H	Up to \$700,000	\$10,000 \$5,020

Class I	Up to \$800,000	\$10,000	\$5,530
Class J	Up to \$1,000,000	\$20,000	\$6,270
Class K	Up to \$1,250,000	\$25,000	\$6,960
Class L	Up to \$1,500,000	\$25,000	\$7,600
Class M	Up to \$1,750,000	\$25,000	\$8,130
Class N	Up to \$2,000,000	\$25,000	\$8,610
Class O	Over \$2,000,000	Nonapplicable	\$9,460

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

4. DISTRIBUTOR	(Fee based on annual gross sales of gambling related supplies and equipment)	
(a) Class A	Nonpunchboard/pull tab only	\$ 530
Class B	Up to \$ 250,000	\$1,060
Class C	Up to \$ 500,000	\$1,590
Class D	Up to \$1,000,000	\$2,120
Class E	Up to \$2,500,000	\$2,760
Class F	Over \$2,500,000	\$3,400
In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.		
(b) FUND-RAISING EVENT EQUIPMENT DISTRIBUTOR		
Class A	Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	\$210
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	\$530
5. MANUFACTURER	(Fee based on annual gross sales of gambling related supplies and equipment)	
Class A	Machines only	\$ 530
Class B	Up to \$ 250,000	\$1,060
Class C	Up to \$ 500,000	\$1,590
Class D	Up to \$1,000,000	\$2,120
Class E	Up to \$2,500,000	\$2,760
Class F	Over \$2,500,000	\$3,400

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, and renewal of licenses when travel cost is incurred to complete the investigation.

6. PERMITS		
AGRICULTURAL FAIR/ SPECIAL PROPERTY BINGO		
Class A	One location and event only (See WAC 230-04-191)	\$ 25
Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	\$155
RECREATIONAL GAMING ACTIVITY (RGA)		
	(See WAC 230-02-505 and 230-25-330)	\$ 50
7. CHANGES		
NAME	(See WAC 230-04-310)	\$25
LOCATION	(See WAC 230-04-320)	\$25
BUSINESS	(Same owners)	\$50
CLASSIFICATION	(See WAC 230-04-340)	

LICENSE CLASS	(See WAC 230-04-260)	
	New class fee, less	
	previous fee paid, plus	\$25
DUPLICATE LICENSE	(See WAC 230-04-290)	\$25
OWNERSHIP OF STOCK	(See WAC 230-04-340)	\$50
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340, and 230-04-350)	\$50

8. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION SERVICES STAMPS	(See WAC 230-08-017)	As required
QUALITY CONTROL INSPECTION FEES	(See WAC 230-30-030)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	(See WAC 230-30-016)	\$25
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required
REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-08-017)	As required
SPECIAL SALES PERMITS	(See WAC 230-04-115)	As required

9. SIX-MONTH PAYMENT PLAN (See WAC 230-04-190) \$25

[Statutory Authority: RCW 9.46.070. 95-12-052, § 230-04-203, filed 6/2/95, effective 7/3/95; 95-02-003 and 94-23-007, § 230-04-203, filed 12/22/94 and 11/3/94, effective 1/22/95 and 1/1/95.]

WAC 230-04-400 Denial, suspension or revocation of licenses. The commission may deny a license or permit to any applicant, or may suspend or revoke any and all licenses or permits of any holder, when the applicant or holder, or any other person with any interest in the applicant or holder:

(1) Commits any act that constitutes grounds under RCW 9.46.075 for denying, suspending, or revoking licenses or permits;

(2) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person, whether any of these crimes is a misdemeanor or felony;

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required gambling tax payments to local taxing authorities, as supported by a petition submitted by the local taxing authority;

(4) Is serving a period of probation or community supervision imposed as a sentence for any criminal offense, whether juvenile, misdemeanor, or felony, and whether or not the offense is covered under RCW 9.46.075(4): *Provided*, That each case will be individually analyzed to determine

the extent to which the probationary or supervisory status affects the person's qualifications to hold a license or permit;

(5) Is the subject of an outstanding gross misdemeanor or felony arrest warrant;

(6) Poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities, as demonstrated through the person's prior activities, criminal record, reputation, habits, or associations;

(7) When other than a charitable or nonprofit organization operates punchboards or pull tabs, or operates or allows card games at any time other than as a commercial stimulant;

(8) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefor by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule then within thirty days after receiving a written request therefor from the commission or its staff;

(9) Allows any person to participate in the management or operation of any activity regulated by the commission without prior written approval of the commission or its director when that person:

(a) Has been convicted of, pleaded guilty to, or forfeited bond upon any of the offenses set out in RCW 9.46.075(4);

(b) Has violated any other provisions of chapter 9.46 RCW or Title 230 WAC; or

(c) Would otherwise be subject to denial or revocation under the provisions of this section.

(10) If a supplier, manufacturer, financier, or management company knowingly provides or provided goods or services to an entity that is illegally operating gambling activities or was illegally operating gambling activities at the time such goods or services were provided; and

(11) Commits any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or permits.

[Statutory Authority: RCW 9.46.070. 95-17-065, § 230-04-400, filed 8/15/95, effective 9/15/95. Statutory Authority: RCW 9.46.075. 93-12-082, § 230-04-400, filed 5/28/93, effective 7/1/93; Order 51, § 230-04-400, filed 4/30/76; Order 45, § 230-04-400, filed 12/30/75; Order 42, § 230-04-400, filed 9/18/75; Order 33, § 230-04-400, filed 2/21/75; Order 23, § 230-04-400, filed 9/23/74; Order 14, § 230-04-400, filed 3/27/74; Order 12, § 230-04-400, filed 2/14/74; Order 5, § 230-04-400, filed 12/19/73.]

WAC 230-04-405 Commission will seek reimbursement for costs incurred in pursuing license revocation for failure to pay gambling taxes. Pursuant to WAC 230-04-400(3), upon referral from a local taxing authority, the commission may initiate license revocation actions for failure to pay gambling taxes. The commission will seek reimbursement for costs incurred in pursuing these gambling tax actions from the delinquent licensee.

[Statutory Authority: RCW 9.46.070. 95-13-031, § 230-04-405, filed 6/13/95, effective 7/14/95.]

Chapter 230-08 WAC RECORDS AND REPORTS

WAC

230-08-010	Monthly records.
230-08-070	Raffle records.
230-08-080	Daily records—Bingo.
230-08-095	Minimum standards for monthly and annual accounting records—Charitable or nonprofit organizations.
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230-08-110	Prize inventory control procedures—Records required—Charitable or nonprofit organizations.
230-08-130	Quarterly activity reports by operators of punchboards and pull tabs.
230-08-160	Quarterly activity reports by operators of social and public card rooms.

WAC 230-08-010 Monthly records. Every person or organization licensed to operate any gambling activity shall maintain permanent monthly records of all financial transactions directly or indirectly related to gambling activities. Each record shall include, but not necessarily be limited to, all details of the following:

(1) All financial transactions completed by the licensee and contain enough detail to determine compliance with the requirements of WAC 230-04-024, 230-04-080, and 230-08-122;

(2) Each licensed activity shall be recorded separately and include all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month: *Provided*, That businesses licensed to operate punchboards and pull tabs as commercial stimulants shall complete monthly records no later than fifteen days following the end of each month and such shall be available for audit or inspection the next day;

(3) The gross gambling receipts from the conduct of each of the activities licensed;

(4) Full details on all expenses related to each of the activities licensed;

(5) The total cost of all prizes paid out for each of the activities licensed;

(6) With respect to those organizations licensed as qualified bona fide charitable or nonprofit organizations, except agricultural fairs, records shall clearly show in detail how the proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee. These records shall provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s). These records will include, but not be limited to, canceled checks for the subject disbursements;

(7) With respect to commercial stimulant licensees, records shall include at least the following details:

(a) Gross sales of food and drink for consumption on their licensed premises;

(b) Gross sales of food and drink for consumption off the licensed premises; and

(c) Gross sales from all other business activities occurring on the licensed premises.

(8) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly

record for punchboards and pull tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission: *Provided*, That punchboard and pull tab monthly records may be stored in computer data bases if:

(a) Computer data base records are not the primary storage medium and all original input control documents supporting data maintained in computer data bases are retained by the licensee;

(b) A "hard copy" report organizing the data maintained in the computer data base is generated for each month. This report must be completed and available for review no later than thirty days following the end of the month;

(c) An up-to-date "hard copy" report is provided within three days upon request of commission agents, law enforcement personnel, or local tax authorities;

(d) Reports generated from the computer data base provide all data required by subsection (9) of this section; and

(e) Reports generated from the computer data base organize the required data in an order that approximates the standard format and does not impede audit.

(9) Monthly records for punchboards and pull tabs shall disclose for each punchboard and pull tab series the following information:

(a) The name of the punchboard or pull tab series;

(b) The Washington state identification and inspection services stamp number recorded by attaching a records entry label: *Provided*, That in lieu of the records entry label, licensees may use a facsimile of the bar coded Washington state identification and inspection services stamp number which is generated by a printer interfaced with a computer data base, if the following standards and procedures are followed:

(i) The Washington state identification and inspection services stamp number must be electronically input into the data base by scanning the stamp with a bar code reader;

(ii) Records must be printed on white paper. Facsimiles of the bar coded Washington state identification and inspection stamp numbers must be at least one-quarter inch in height with a "quiet zone" on at least one-quarter inch of each side of the bar code;

(iii) Bar code facsimiles must be code "interleaved two of five" (USS-12/5) with a readability rate of at least 99.0% with a maximum of three passes with commission bar code reading equipment. Each licensee will be responsible for the accuracy of printouts and ensuring that bar codes are electronically readable. It is recommended that specifications of a printer be reviewed for capability to meet minimum standards prior to purchase or lease and that the printer be equipped with a serviceable ribbon.

(c) The date removed from play;

(d) The total number of tabs in each pull tab series or the total number of punches in each punchboard;

(e) The number of pull tabs or punches remaining after removal from play;

(f) The number of pull tabs or punches played from the pull tab series or punchboard;

(g) The cost to the players to purchase one pull tab or one punch;

(h) The gross gambling receipts as defined in WAC 230-02-110;

(i) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;

(j) The net gambling receipts (gross gambling receipts less total prizes paid);

(k) The cash over or short determined by:

(i) Subtracting actual cash from net gambling receipts for punchboards and pull tabs which award cash prizes; and

(ii) Subtracting actual cash from gross gambling receipts for punchboards and pull tabs which award merchandise prizes.

(l) The actual cash received from the operation of each pull tab series or punchboard: *Provided*, That when more than one series of pull tabs is sold from a single dispensing device and the dispensing device is equipped with recording devices or meters which provide an accounting of the number of tabs dispensed from each individual series, the actual cash received may be computed by use of the meter readings. If this method is used to account for actual cash, all series in each dispensing device shall be played out at least once each calendar quarter and the combined cash over or short calculated for all series played from each dispensing device during the period by reconciling the total cash removed from the dispensing device to the total tabs sold from that dispensing device. The combined cash over or short shall be recorded as required by (k) of this subsection;

(m) With written commission approval, licensees operating pull tabs to stimulate food and drink sales may record (k) and (l) of this subsection in total on a daily, weekly, or monthly basis, if their recordkeeping procedures meet commission standards.

(10) Copies of all additional financial data which support tax reports to any and all governmental agencies; and

(11) Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless released by the commission from this requirement as to any particular record or records.

[Statutory Authority: RCW 9.46.070 (8), (9). 95-19-069, § 230-08-010, filed 9/18/95, effective 1/1/96. Statutory Authority: Chapter 9.46 RCW. 94-24-054 (Order 261), § 230-08-010, filed 12/5/94, effective 1/5/95. Statutory Authority: RCW 9.46.070 (7), (8), (9) and (17). 93-13-063 (Order 241), § 230-08-010, filed 6/17/93, effective 7/18/93. Statutory Authority: RCW 9.46.070. 92-19-107 (Order 231), § 230-08-010, filed 9/18/92, effective 10/19/92. Statutory Authority: RCW 9.46.070 (7), (17), (8) and (9). 91-13-070 (Order 223), § 230-08-010, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-010, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-08-010, filed 6/14/88. Statutory Authority: RCW 9.46[.070] (8) and (14). 87-17-052 (Order 171), § 230-08-010, filed 8/18/87. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-08-010, filed 9/15/86, effective 1/1/87. Statutory Authority: RCW 9.46.070 (4), (8), (11) and (14). 86-07-037 (Order 155), § 230-08-010, filed 3/14/86. Statutory Authority: RCW 9.46.070 (8), (11), and (14). 83-13-050 (Order 134), § 230-08-010, filed 6/14/83. Statutory Authority: RCW 9.46.070(8). 82-01-065 and 82-03-033 (Order 115 and 116), § 230-08-010, filed 12/18/81 and 1/18/82; Order 74, § 230-08-010, filed 8/17/77; Order 18, § 230-08-010, filed 5/21/74; Order 9, § 230-08-010, filed 12/19/73, 1:26 p.m.; Order 5, § 230-08-010, filed 12/19/73, 1:25 p.m.]

WAC 230-08-070 Raffle records. A detailed record shall be prepared for each raffle conducted. Unless other-

wise noted in this section, organizations licensed to conduct raffles at Class "D" or below and organizations conducting unlicensed raffles under the authority of RCW 9.46.0315 or 9.46.0321 are authorized to use reduced recordkeeping requirements as set out in WAC 230-08-015. Organizations licensed to conduct raffles at or above Class "E" or conducting raffles under any class of license by utilizing alternative drawing formats, as authorized by WAC 230-20-325, shall comply with the following recordkeeping procedures:

(1) All data required shall be recorded in a standard format prescribed by the commission;

(2) At least the following data shall be recorded:

(a) Beginning and ending ticket numbers;

(b) The total number of unsold tickets with ticket numbers that are below the highest ticket number sold;

(c) Total gross gambling receipts;

(d) A description of each prize including the cost, or if contributed to the organization, the fair market value;

(e) The name, address, and telephone number of each winner of a prize with a cost or fair market value in excess of twenty dollars;

(f) Except as authorized by WAC 230-20-335, details of disbursement to and return of tickets from sellers. Minimum details shall include:

(i) The name of the person receiving the tickets;

(ii) The number of tickets disbursed;

(iii) The number of tickets returned; and

(iv) All funds returned;

(3) In addition to the prescribed format, the following records shall be maintained:

(a) Validated deposit receipts for each deposit of raffle proceeds;

(b) All winning tickets;

(c) All ticket stubs for raffles that participants are not required to be present at the drawing;

(d) All unsold tickets for individual raffles for which gross gambling receipts exceed five thousand dollars;

(e) Invoices and other documentation recording the purchase or receipt of prizes; and

(f) Invoices and other documentation recording the purchase of tickets and other expenses of the raffle;

(4) Except as authorized by WAC 230-20-335, these records shall be maintained for a period of not less than three years from the end of the licensee's fiscal year in which the raffle was completed;

(5) Records for each individual raffle shall be completed and available for review by commission staff and local law enforcement or taxing authorities no later than thirty days following the drawing: *Provided*, That this subsection shall not restrict commission staff or local law enforcement authorities from review of any required records prior to the allowed completion date; and

(6) Records shall be maintained at the main administrative or business office of the organization that is located within Washington state and available for commission review or audit upon request. Organizations that do not have an administrative or business office located within Washington state structured to include more than one chapter or other subdivided unit that conducts raffles under the parent organization's license, shall designate records custodians that reside in Washington state. Such custodians shall be responsible for retaining all original records and making such

available for review or audit at any reasonable location within seven days of a request by commission staff: *Provided*, That the director may authorize an organization to maintain records at alternative locations if the organization has demonstrated the ability and desire to comply with all commission requirements. Records maintained under such an agreement shall be made available for commission review and audit at any designated location within seven days. The director may revoke this authority at any time by providing written notice. A request to maintain records at alternative locations shall include at least the following:

(a) The conditions that preclude or restrict compliance with normal records maintenance requirements of this subsection, including costs;

(b) The address of the location where all records will be maintained;

(c) If such records are retained outside the state of Washington, the name, address, and telephone number of a resident of the state of Washington who is authorized by the organization to accept a request for records;

(d) The name, address, and telephone number of a primary and alternate records custodian; and

(e) A notarized statement by the chief executive officer of the organization acknowledging responsibility for providing records and that failure to comply with a request for records within the allotted time may result in suspension or revocation of all licenses held by the organization.

[Statutory Authority: RCW 9.46.070, 95-07-093, § 230-08-070, filed 3/17/95, effective 7/1/95. Statutory Authority: RCW 9.46.070 (11) and (14), 89-07-045 (Order 188), § 230-08-070, filed 3/14/89. Statutory Authority: RCW 9.46.070 (8) and (11), 83-11-034 (Order 133), § 230-08-070, filed 5/16/83.]

WAC 230-08-080 Daily records—Bingo. In addition to any other requirement set forth in these rules, licensees for the operation of bingo shall be required to prepare a detailed record covering each bingo session as defined in WAC 230-02-104: *Provided*, That operators of bingo games conducted at qualified agricultural fairs and other special locations shall be exempt from this rule, but will be required to keep all operator records by location in order to properly report all information as required by WAC 230-08-250. This detailed daily record shall disclose the following information for each separate session conducted during a bingo session:

(1) The gross gambling receipts collected for each separate type of sale, of any kind, for bingo games including, but not limited to, regular games, early bird games, blackout games, special games, or pick up games. These gross gambling receipts shall be supported by receipting records required by WAC 230-20-101 and inventory control records required by WAC 230-08-105. Licensees using the combination receipting method shall reconcile the extended value of all disposable cards, packets of cards, and electronically generated cards sold to the amount of sales recorded per the cash register;

(2) The amount paid out or accrued for prizes awarded for each bingo game. Each session record shall contain the following minimum information regarding prizes awarded:

(a) The game number;

(b) The dollar amount or the actual cost of each prize;

(c) A complete description of all noncash prizes;

(d) The consecutive number of the prize receipt issued for each prize;

(e) The duplicate copy of the prize receipt issued for all prizes awarded during the session;

(f) The check number of all checks used to pay winners of bingo games: *Provided*, That if the payment must be made by check under the guidelines of WAC 230-20-102 (1)(c), the duplicate copy must be maintained as a part of the session records; and

(g) Full details of prizes accrued.

(3) The net gambling receipts from each bingo session;

(4) The cash on hand at the commencement and the conclusion of each session;

(5) A reconciliation of cash on hand, net gambling receipts, and the bank deposit of net revenue for each session. The bank deposit shall be supported by a validated copy of the bank deposit receipt. Steps taken to reconcile overages and/or shortages that exceed twenty dollars for any session must be documented;

(6) An attendance record indicating the number of people participating and the time the attendance count was made;

(7) All bingo numbers or symbols selected and called during any game that offers a prize exceeding two hundred dollars. The numbers or symbols shall be recorded in the sequence selected. A computer generated "call sheet" may be used in lieu of a manual record if a print-out of results is made;

(8) The winning card or face number(s) for each individual prize awarded that exceeds two hundred dollars: *Provided*, That if the game is played using disposable bingo cards, the winning card or sheet of cards may be retained in lieu of the card numbers;

(9) A copy of the schedule of the games to be played and prizes available for the session: *Provided*, That if the record is annotated with the effective dates of each game schedule, it may be maintained separately and updated only when a change occurs. Any changes to the advertised and printed game and prize schedule, that occur during a session, must be noted in the session records and verified by the signature of the gambling manager assigned primary responsibility for supervising the session and another bingo worker on duty during the session;

(10) The gambling manager assigned primary responsibility for supervising the bingo session(s) must review all session records for accuracy, determine that required information is provided, and confirm the required deposit amount(s). After satisfactory completion of this review, the records must be signed by the gambling manager responsible for supervising the session before the gambling manager leaves the premises on the day(s) the session(s) was conducted; and

(11) All records required by this section shall be:

(a) Recorded in a standard format prescribed by the commission;

(b) Recorded during the course of each session; and

(c) Retained for a period of not less than three years.

[Statutory Authority: RCW 9.46.070(1), (8), (9), (11), (13), (14), (20), 95-23-091, § 230-08-080, filed 11/20/95, effective 1/1/96. Statutory Authority: RCW 9.46.070, 94-01-034, § 230-08-080, filed 12/6/93, effective 1/6/94. Statutory Authority: Chapter 9.46 RCW, 91-21-053 (Order 228), § 230-08-080, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW

9.46.020 (1) and (10) and 9.46.070 (3), (11) and (14). 86-09-036 (Order 157), § 230-08-080, filed 4/11/86. Statutory Authority: RCW 9.46.070 (8), (11), and (14). 83-13-050 (Order 134), § 230-08-080, filed 6/14/83; Order 74, § 230-08-080, filed 8/17/77; Order 43, § 230-08-080, filed 11/28/75; Order 15, § 230-08-080, filed 4/17/74; Order 5, § 230-08-080, filed 12/19/73, 1:25 p.m.]

WAC 230-08-095 Minimum standards for monthly and annual accounting records—Charitable or nonprofit organizations. Each charitable or nonprofit organization licensed to conduct bingo at Class D or above or authorized to receive more than five hundred thousand dollars gross gambling receipts from combined gambling activities during any calendar year shall maintain accounting records necessary to document all receipts and disbursements of the licensee, including but not limited to those related to gambling activities.

(1) This accounting system shall be double entry and conform to generally accepted accounting principles (GAAP), except as modified by other commission rules and instructions for activity reports.

(2) The accrual method of accounting shall be mandatory and all income shall be recorded when earned and all expenses recorded when incurred: *Provided*, That the cash, modified cash, or tax basis accounting methods may be allowed if such method accurately represents the licensee's financial position and results of operations and the licensee does not have substantial liabilities or expenses not requiring a current outlay of cash, such as depreciation or amortization expenses.

(3) Organizations shall adopt a capitalization policy that is based on materiality and expected life of operating assets. Licensees shall use the following guidelines for determining a minimum level for capitalizing assets:

(a) Assets exceeding two thousand dollars and having a useful life that exceeds one year shall be capitalized and depreciated or amortized over the useful life of the asset;

(b) Preoperating start-up costs related to bingo games that exceed six thousand dollars shall be capitalized and amortized over sixty months, beginning with the first month that bingo games are conducted; and

(c) Leasehold improvements related to gambling activities, and activities conducted in conjunction with gambling activities, which exceed six thousand dollars shall be amortized over a period that does not exceed the life of the lease: *Provided*, That the amortization period may be extended to include any lease option periods if the organization's management states a reasonable expectation that the option will be exercised. All unamortized leasehold improvements shall be charged as an expense of the gambling activities in the year that the lease expires.

(4) The minimum accounting records required shall include:

- (a) A cash disbursements journal and/or check register;
- (b) A cash receipts and/or sales journal;

(c) A listing of all assets for which the organization paid or, if donated, valued at more than two hundred fifty dollars. If donated to the organization, the fair market value at the time of donation will be used as the determining value. Items shall be added to the listing no later than thirty days after receipt and removed only when the organization no longer has legal ownership. Regardless of whether an item

has become obsolete or completely depreciated, it shall be removed only after appropriate management review has been completed and documented. A depreciation schedule shall suffice for this requirement for all capitalized items. Items converted from gambling merchandise prize inventory, required by WAC 230-08-110, to be used by the organization shall be added to this listing when converted. This listing shall include at least the following:

- (i) A description of the item;
- (ii) The date purchased, acquired by donation, or converted from the gambling prize pool;
- (iii) The cost at the time of purchase or, if donated, the fair market value at the time received; and
- (iv) The date and method of disposition of the item;
- (d) A listing of all liabilities;
- (e) A complete general ledger system must be maintained if the licensee has substantial assets and/or liabilities or if licensed to receive more than \$300,000 in gross gambling receipts; and
- (f) Bank statements, related deposit slips, and cancelled checks.

(5) All expenditures by the licensee relating to gambling activities, shall be sufficiently documented. Cancelled checks and bank statements are not sufficient documentation without further support. Additional support for expenditures shall be provided in the following manner:

(a) Invoices or other appropriate supporting documents from commercial vendors or service agencies should contain at least the following details:

- (i) The name of the person or entity selling the goods or providing the service;
- (ii) A complete description of goods or services purchased;
- (iii) The amount of each product sold or service provided;
- (iv) The price of each unit;
- (v) The total dollar amount billed; and
- (vi) The date of the transaction.

(b) Disbursements, in excess of twenty-five dollars, made directly to individuals, who do not furnish normal, business type, invoices or statements, shall be made by check and supported by other written documentation indicating at least the following details:

- (i) The name of the person receiving the payment;
- (ii) The amount;
- (iii) The date; and
- (iv) The purpose.

(6) All expenditures by the licensee relating to nongambling activities shall be sufficiently documented to provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s) and conforms to generally accepted accounting principles.

[Statutory Authority: RCW 9.46.070 (8), (9). 95-19-069, § 230-08-095, filed 9/18/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 93-13-062 (Order 240), § 230-08-095, filed 6/17/93, effective 7/18/93. Statutory Authority: RCW 9.46.070 (7), (17), (8) and (9). 91-13-070 (Order 223), § 230-08-095, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20). 89-09-047 (Order 190), § 230-08-095, filed 4/18/89, effective 7/1/89. Statutory Authority: RCW 9.46.020 (20)(d), 9.46.050(3) and 9.46.070 (1), (2), (5), (8), (9), (11) and (12). 85-03-026 (Order 144), § 230-08-095, filed 1/9/85; Order 45, § 230-08-095, filed 12/30/75.]

WAC 230-08-105 Disposable bingo cards—Inventory control record. All disposable bingo cards purchased or otherwise obtained must be controlled and accounted for by the licensee. This control function shall be accomplished by maintaining an inventory control record prepared in a format prescribed by the commission for Class D and above licensees: *Provided*, That alternative formats that accomplish regulatory requirements may be approved by commission staff.

(1) All purchase invoices, or a photocopy thereof, for disposable bingo cards received must be maintained on the bingo premises;

(2) Manufacturer packing records, required by WAC 230-20-192, shall be maintained as a part of the inventory control record;

(3) The following information must be recorded for disposable bingo cards, sheets of cards, or collations of packets used for games sold as a package:

(a) The identification and inspection services stamp number;

(b) The serial number or, if packets, the serial number of the top page;

(c) The number of cards or card packets in the series;

(d) The type of card or card packet;

(e) The purchase invoice number;

(f) The purchase invoice date; and

(g) Date and session first placed into play;

(4) Licensees using the combination receipting method, per WAC 230-20-101(5), shall record the following for each session the collation of cards is sold:

(a) The session number and date;

(b) The beginning and ending audit control numbers of the top page of the packets;

(c) Adjustments for any missing packets, per the manufacturer's packing record;

(d) The number of packets distributed to sales points and returned as unsold;

(e) Total packets issued;

(f) The value of each packet;

(g) The extended value obtained by multiplying total packets issued times the value of each packet. This total shall be carried forward to the "Daily Bingo Summary" and reconciled to the amount of sales per the cash register record; and

(h) The cumulative number of packets issued from the collation, session-to-date.

[Statutory Authority: RCW 9.46.070. 95-19-070, § 230-08-105, filed 9/18/95, effective 1/1/96; 94-01-034, § 230-08-105, filed 12/6/93, effective 1/6/94.]

WAC 230-08-110 Prize inventory control procedures—Records required—Charitable or nonprofit organizations. Charitable or nonprofit organizations shall safeguard and prevent misuse or misappropriation of all assets, including items purchased or otherwise obtained with an intent for use as prizes in conjunction with gambling activities. An inventory control record shall be maintained for each item purchased or otherwise obtained with an intent to use such as prizes for gambling activities. The inventory control record shall provide at least the following details:

(1) A description and quantity of the items purchased;

(2) The per-unit cost;

(3) The date purchased;

(4) The vendor's name (or reference number) and invoice number;

(5) The date, number of items, and reasons for items being removed from the inventory (issued as prize, returned to the vendor, converted for use by the organization, etc.); and

(6) Cumulative quantity of items remaining in inventory.

[Statutory Authority: RCW 9.46.070 (8), (9). 95-19-069, § 230-08-110, filed 9/18/95, effective 1/1/96.]

WAC 230-08-130 Quarterly activity reports by operators of punchboards and pull tabs. Each licensee for the operation of punchboards and pull tabs shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below:

(1) Reports shall be submitted detailing activities occurring during each of the following periods of the year:

(a) January 1st through March 31st;

(b) April 1st through June 30th;

(c) July 1st through September 30th; and

(d) October 1st through December 31st.

(2) A report shall be submitted for any period of time the activity was operated or a license was valid. If a license is not renewed, a report for the period between the previous report filed and the expiration date shall be submitted;

(3) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(4) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or an employee, the preparer shall print his/her name and phone number on the report;

(5) The report shall be completed in accordance with the related instructions furnished with the report. The report shall include the following:

(a) Gross gambling receipts from punchboards and from pull tabs;

(b) Total amount of cash prizes paid out and the cost to the licensee of all merchandise prizes paid out for punchboards and for pull tabs;

(c) Full details of all expenses related to the purchase and operation of punchboards and pull tabs;

(d) Total net gambling income;

(e) The number of punchboards and the number of pull tab series removed from play during the period; and

(f) The number of punchboards and the number of pull tab series purchased during the period, less all unplayed devices returned for credit during the period.

[Statutory Authority: RCW 9.46.070 and 9.46.0217. 95-07-094, § 230-08-130, filed 3/17/95, effective 7/1/95. Statutory Authority: RCW 9.46.070. 94-11-095 (Order 251), § 230-08-130, filed 5/17/94, effective 7/1/94. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-08-130, filed 6/14/88. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-08-130, filed 9/15/86, effective 1/1/87. Statutory Authority: RCW 9.46.070 (8) and (9). 85-06-002 (Order 147), § 230-08-130, filed 2/22/85. Statutory Authority: RCW 9.46.070(8). 82-04-010 (Order 118), § 230-08-130, filed 1/22/82; Order 80, § 230-08-130, filed 12/28/77; Order 70, § 230-08-130, filed 5/24/77; Order 46, § 230-08-

130, filed 2/13/76; Order 29, § 230-08-130, filed 1/23/75; Order 14, § 230-08-130, filed 3/27/74; Order 5, § 230-08-130, filed 12/19/73, 1:25 p.m.]

WAC 230-08-160 Quarterly activity reports by operators of social and public card rooms. Each licensee for the operation of social or public card rooms shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below: *Provided*, That persons licensed under Class "D" - general, no fee charged, are exempt from all portions of this section:

(1) Reports shall be submitted detailing activities occurring during each of the following periods of the year:

- (a) January 1st through March 31st;
- (b) April 1st through June 30th;
- (c) July 1st through September 30th; and
- (d) October 1st through December 31st.

(2) A report shall be submitted for any period of time the activity was operated or a license was valid. If a license is not renewed, a report for the period between the previous report filed and the expiration date shall be submitted;

(3) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than thirty days following the end of the period for which it is made;

(4) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or an employee, the preparer shall print his/her name and phone number on the report;

(5) The report shall be completed in accordance with the related instructions furnished with the report. The report shall include the following:

(a) Gross gambling receipts from the collection of fees charged for allowing persons to play;

(b) Full details of all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of the card room, including:

(i) A description of the work performed by that person, including identifying each dealer;

(ii) The hourly wage, including benefits;

(iii) The total hours worked during the period; and

(iv) Full details of all other expenses related to the operation of the card room;

(c) Net gambling income or loss from the operation of the card room for the reporting period;

(d) The normal days and times of operation of the card room; and

(e) The total hours the card room was open during the period.

[Statutory Authority: RCW 9.46.070 and 9.46.0217. 95-07-094, § 230-08-160, filed 3/17/95, effective 7/1/95. Statutory Authority: RCW 9.46.070, 94-11-095 (Order 251), § 230-08-160, filed 5/17/94, effective 7/1/94. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-08-160, filed 9/15/86, effective 1/1/87. Statutory Authority: RCW 9.46.070 (8) and (9). 85-06-002 (Order 147), § 230-08-160, filed 2/22/85. Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11). 83-06-077 (Order 127), § 230-08-160, filed 3/2/83; Order 80, § 230-08-160, filed 12/28/77; Order 70, § 230-08-160, filed 5/24/77.]

Chapter 230-12 WAC

RULES OF GENERAL APPLICABILITY

WAC

- 230-12-020 Gambling receipts deposit required by all bona fide charitable and nonprofit organizations—Exemptions.
- 230-12-040 No firearms as prizes—Exemptions.
- 230-12-075 Repealed.
- 230-12-079 Duties and responsibilities of a charitable or nonprofit gambling manager.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 230-12-075 Commercial stimulant compliance. [Statutory Authority: Chapter 9.46 RCW. 86-24-025 (Order 163), § 230-12-075, filed 11/24/86.] Repealed by 95-09-061 (Order 267), filed 4/18/95, effective 5/19/95. Statutory Authority: RCW 9.46.070 and 9.46.0217.

WAC 230-12-020 Gambling receipts deposit required by all bona fide charitable and nonprofit organizations—Exemptions. Licensed bona fide charitable or nonprofit organizations shall protect all funds generated from gambling activities and keep such separate and apart from the licensee's general funds. Funds shall be controlled as follows:

(1) Each licensee shall keep a separate account in a recognized Washington state depository for purposes of depositing gambling receipts. Licensees are not limited to a single gambling receipts account as long as a minimum of one separate account is maintained;

(2) Only receipts from gambling activities shall be deposited into the gambling receipts account: *Provided*, That a licensee may deposit receipts from nongambling activities, operated in conjunction with bingo games, into the gambling receipts account if such receipts are supported by detailed receipting records and all other requirements of this section are followed;

(3) No expenditures, other than for prizes, shall be made from the receipts of any licensed gambling activity until such receipts have first been deposited in the gambling receipts account: *Provided*, That bingo receipts may be withheld from deposits for jar, pig, or other similar special game prizes if:

(i) The total of all such prize funds does not accumulate to exceed two hundred dollars;

(ii) The amount withheld each session is entered in the bingo daily record; and

(iii) A reconciliation of the special game fund is made of the bingo daily record;

(4) All net gambling receipts from the operation of bingo which are being held pending disbursement shall be deposited in the licensee's gambling receipts account not later than the second banking day following receipt thereof;

(5) All net gambling receipts from the operation of card rooms, raffles (Class E and above), and amusement games (Class D and above) shall be deposited in the licensee's gambling receipts account at least once each week;

(6) Funds received from commercial amusement game operators that relate to the operation of amusement games on their premises shall be deposited in the licensee's gambling

receipts account no later than the second banking day following receipt;

(7) Net gambling receipts from the operation of each punchboard and pull tab series, including cost recovery for merchandise prizes awarded, shall be deposited in the licensee's gambling receipts account no later than two banking days after a board or series is removed from play. The Washington state identification number assigned to the punchboard or pull tab series and the amount of net gambling receipts shall be recorded on the deposit slip/receipt each time a deposit is made: *Provided*, That licensees may record the Washington state identification stamp numbers and the net gambling receipts on a separate record if the record is identified with the bank validation number and maintained with the deposit slip/receipt;

(8) All deposits of net gambling receipts from each activity shall be made separately from all other deposits, and the validated deposit receipt shall be kept as a part of the records required by Title 230 WAC. Deposit receipts are a part of the applicable daily or monthly records and shall be available for inspection by commission representatives; and

(9) Bona fide charitable or nonprofit organizations that conduct only one or more of the following activities and do not possess any other licenses issued by the gambling commission are exempt from this rule:

(a) Raffles under the provisions of RCW 9.46.0315;

(b) Bingo, raffles, or amusement games under the provisions of RCW 9.46.0321;

(c) Class A, B, or C bingo game;

(d) Class A, B, C, or D raffle; or

(e) Class A, B or C amusement game.

(10) Bona fide charitable or nonprofit organizations that conduct only fund-raising events or membership raffles and have no other gambling licenses are exempt from having a separate gambling receipts account, but must meet the following conditions of deposit:

(a) No expenditures other than for prizes shall be made until such receipts have first been deposited in the licensee's bank account;

(b) All net gambling receipts shall be deposited within two banking days following receipt thereof; and

(c) The validated deposit receipt shall be kept with the licensee's gambling records.

[Statutory Authority: RCW 9.46.070 (8), (9). 95-19-069, § 230-12-020, filed 9/18/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 93-19-090 (Order 244), § 230-12-020, filed 9/15/93, effective 10/16/93. Statutory Authority: RCW 9.46.070 (7), (17), (8) and (9). 91-13-070 (Order 223), § 230-12-020, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 9.46.070 (11) and (14). 89-17-056 (Order 196), § 230-12-020, filed 8/15/89, effective 9/15/89. Statutory Authority: RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20). 89-09-047 (Order 190), § 230-12-020, filed 4/18/89, effective 7/1/89. Statutory Authority: RCW 9.46.020 (20)(d), 9.46.050(3) and 9.46.070 (1), (2), (5), (8), (9), (11) and (12). 85-03-026 (Order 144), § 230-12-020, filed 1/9/85. Statutory Authority: RCW 9.46.070 (9), (12) and (14). 83-08-051 (Order 130), § 230-12-020, filed 4/1/83. Formerly WAC 230-20-150.]

WAC 230-12-040 No firearms as prizes—

Exceptions. No firearms, air guns, or other mechanical devices which are capable of discharging dangerous projectiles, including but not limited to, BB or CO₂ guns, rifles, shotguns, pistols or revolvers, or crossbows, shall be offered or awarded as a prize for any of the activities authorized by

chapter 9.46 RCW: *Provided*, That bona fide charitable or nonprofit organizations licensed to conduct a raffle, may award any legal firearm or air gun as a prize for such raffles. Any firearm for which the transfer is restricted by state or federal law shall be awarded by providing the winner a certificate for such prize which is redeemable by a licensed firearms dealer.

[Statutory Authority: RCW 9.46.070. 95-07-093, § 230-12-040, filed 3/17/95, effective 7/1/95; 94-13-099 (Order 253), § 230-12-040, filed 6/15/94, effective 7/16/94. Statutory Authority: RCW 9.46.070 (1), (2), (4), (5), (6), (11), (14) and (17). 86-13-055 (Order 158), § 230-12-040, filed 6/13/86; Order 51, § 230-12-040, filed 4/30/76; Order 12, § 230-12-040, filed 2/14/74.]

WAC 230-12-075 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-12-079 Duties and responsibilities of a charitable or nonprofit gambling manager. Charitable or nonprofit gambling managers shall be knowledgeable of all provisions of Title 230 WAC and chapter 9.46 RCW that relate to the operation of gambling activities they manage and restrictions regarding the use of funds generated from gambling activities for which they have been assigned responsibility. Such managers shall be responsible for supervising the operation of the gambling activity, including all ancillary activities conducted in conjunction with gambling activities, and for safeguarding funds or other assets generated from gambling activities which are under their control. This responsibility shall be fulfilled by ensuring that:

(1) The public is protected from fraud;

(2) The licensed premises is maintained in a safe condition and persons participating in the activity are reasonably protected from physical harm;

(3) Activities are conducted in a manner that ensures fair and equal participation by players and all provisions of Title 230 WAC and chapter 9.46 RCW are followed;

(4) The organization is reasonably protected from illegal acts committed by players or workers;

(5) All records are completed and correct;

(6) All moneys derived from the gambling and ancillary activities are safeguarded until transferred to a guardian designated by the board and/or officers or directly deposited in the organization's bank account;

(7) All assets of the organization, for which the gambling manager is responsible, are protected from misuse or theft; and

(8) All funds generated from gambling activities, for which the gambling manager is responsible, are disbursed or invested in accordance with the directions of the officers or governing board of the organization and used solely to further the purposes of the organization.

[Statutory Authority: RCW 9.46.070. 95-09-062 (Order 268), § 230-12-079, filed 4/18/95, effective 5/19/95.]

Chapter 230-20 WAC

BINGO, RAFFLES AND AMUSEMENT GAMES

WAC

230-20-070	Regulation of managers, operators, and other employees—Charitable or nonprofit organizations.
230-20-090	Limits on compensation paid to members or employees.
230-20-130	Operation of bingo upon retail business—Conditions.
230-20-170	Bingo operation time and use of premises limitations.
230-20-190	Bingo card prices.
230-20-220	Operators shall not play.
230-20-240	Bingo equipment to be used.
230-20-300	Control of raffle prizes.
230-20-325	Manner of conducting a raffle.
230-20-335	Raffles conducted among members of an organization—Procedures—Restrictions.
230-20-620	Amusement games—Objects to be thrown to be uniform—Similar games not to use different objects unless designated.
230-20-630	Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or scrip—Prizes not to differ from those posted.

WAC 230-20-070 Regulation of managers, operators, and other employees—Charitable or nonprofit organizations. Charitable or nonprofit organizations shall closely supervise all persons involved in the conduct of all gambling activities operated to ensure all rules of the commission are followed. The following restrictions apply to managers, operators, and other employees:

(1) Amusement games and raffles. No person other than a bona fide member of a qualified charitable or nonprofit organization shall take any part in the management or operation of, including the furnishing of equipment for amusement games, or work as an employee upon, amusement games or raffles conducted by that organization under a license from the commission: *Provided*, That, employees of the organization on a regular or part-time basis, employed primarily for purposes other than the conduct of such activities, shall be considered members of the organization for the purposes of conducting amusement games or raffles licensed by the commission.

(2) Bingo.

(a) No person other than a bona fide member or an employee of a charitable or nonprofit organization shall take any part in the management or operation of bingo games conducted under a license issued by the commission, and no licensee shall allow any person not one of its members or employees to do so. No person other than a bona fide member of a charitable or nonprofit organization operating without a license under RCW 9.46.0321 shall take any part in the management or operation of bingo conducted by that organization and no such organization shall allow any person not one of its members to do so.

(b) No person who takes any part in the management or operation of a bingo game conducted by one licensee shall take any part in the management or operation of any bingo game conducted by any other organization, or any other branch of the same organization except under the following conditions:

(i) A person participating in the conduct of bingo games by one Class A, B, or C licensee may also participate in the conduct of bingo games by other Class A, B, or C licensees on a voluntary basis only when such person receives no

remuneration for services to other licensees and when the requirements of (c) of this subsection are satisfied; or

(ii) A person participating in the operation of bingo games conducted by one licensee under any class of license may also participate in the operation of bingo games conducted by other licensees under any class of bingo license, but only when that person has no managerial or supervisory responsibilities in connection with the operation of bingo activities by any licensee and when the requirements of (c) of this subsection are satisfied. An assistant gambling manager, as defined by WAC 230-04-145(6), shall not be deemed a person having managerial or supervisory responsibilities for the purpose of this section and may participate as an hourly employee in the bingo operations of other bingo licensees.

(c) Any licensee that desires to have any person, who participates in any manner in the conduct of bingo games for another licensee, participate in the conduct of its bingo games shall notify the commission, local police officials, and any other licensees for which the person works, in writing, of the following:

(i) The name and address of that person;

(ii) The name and address of any licensees for which that person is working; and

(iii) The capacity in which that person is working for each licensee prior to the time that person participates in the conduct of the licensee's bingo games.

(d) No licensee shall allow any person to take any part in the management, supervision or operation of a bingo game except in conformance with this rule.

(3) Certain premises excepted. The limitations set forth above in (1) and (2) shall not apply to qualified agricultural fairs conducting amusement games or bingo.

[Statutory Authority: RCW 9.46.070. 95-09-062 (Order 268), § 230-20-070, filed 4/18/95, effective 5/19/95. Statutory Authority: RCW 9.46.070, 9.46.0205, 9.46.0277, 9.46.0315, 9.46.0321 and 9.46.0331. 93-17-098 (Order 243), § 230-20-070, filed 8/17/93, effective 1/1/94. Statutory Authority: RCW 9.46.070 (8) and (17). 83-23-055 (Order 138), § 230-20-070, filed 11/15/83. Statutory Authority: RCW 9.46.070(10). 80-03-060 (Order 99), § 230-20-070, filed 2/25/80; Order 68, § 230-20-070, filed 4/25/77; Order 65, § 230-20-070, filed 1/7/77; Order 53, § 230-20-070, filed 5/25/76; Order 29, § 230-20-070, filed 1/23/75; Order 14, § 230-20-070, filed 3/27/74; Order 5, § 230-20-070, filed 12/19/73, 1:25 p.m.]

WAC 230-20-090 Limits on compensation paid to members or employees. Compensation paid to persons employed to manage, operate or otherwise work at licensed bingo games shall not be in excess of that which is reasonable under the local prevailing wage scale.

Compensation paid to any person, including but not limited to, members and regular employees, shall not be in excess of that which is reasonably based upon the local prevailing wage scale, or local salary scale for a similar position.

Provided, That this rule shall not be construed to allow the payment of any wages in unlicensed bingo games conducted pursuant to chapter 9.46 RCW.

[Statutory Authority: RCW 9.46.070. 95-12-051, § 230-20-090, filed 6/2/95, effective 7/3/95; Order 53, § 230-20-090, filed 5/25/76; Order 5, § 230-20-090, filed 12/19/73, 1:25 p.m.]

WAC 230-20-130 Operation of bingo upon retail business—Conditions. (1) Bingo games shall not be

operated upon a premises part of a retail sales or service business catering to the public except:

(a) When the room or other portion of the premises in which the bingo games are being conducted is separate and apart from the portion being used for the retail sales or service business. The area of the premises being used for bingo shall be separated from the area of the premises being used for the retail business, at minimum, by a transparent or solid barrier not less than seven feet high with no more than two openings between the two areas. Each such opening shall be no more than six feet in width; or

(b) When the business is closed to the public at all times during which the bingo games are conducted on the premises; or

(c) When the bingo games are being conducted upon the premises of a bona fide charitable or bona fide nonprofit organization which is not also being used for a profit seeking business.

(2) In all cases the bingo operator must have, and exercise, complete control over that portion of the premises being used for bingo, at all times said games are being played: *Provided, however,* That at all times when the sale, service or consumption of intoxicating liquor is permitted in said portion of the premises, the responsibility for compliance with liquor laws and regulations shall also be that of the liquor licensee or permittee.

(3) The operator of a retail sales or service business shall limit his operation of pull tabs to that portion of the premises actually being used for such retail business and open to the public. He shall not operate pull tabs in the area of the premises being used by a bona fide charitable or bona fide nonprofit organization to conduct bingo. The retail operator shall not be deemed to have operated pull tabs in the bingo area solely because the pull tab players may take them into that area, if the tabs are selected and purchased by the players, and prizes determined and paid, in the area used for the retail business.

(4) The owner, manager or any employee of the retail sales or service establishment may not be an officer of the bingo operation or participate in the operation of the bingo games on that premises.

[Statutory Authority: RCW 9.46.070. 95-09-064 (Order 269), § 230-20-130, filed 4/18/95, effective 5/19/95. Statutory Authority: RCW 9.46.070 (1) and (10). 80-06-038 (Order 102), § 230-20-130, filed 5/12/80; Order 68, § 230-20-130, filed 4/25/77; Order 53, § 230-20-130, filed 5/25/76; Order 27, § 230-20-130, filed 11/15/74.]

WAC 230-20-170 Bingo operation time and use of premises limitations. Bona fide charitable or nonprofit organizations, except when operating at an authorized agricultural fair or under RCW 9.46.0321, shall abide by the following restrictions when operating bingo games:

(1) Use of premises limitations: Charitable or nonprofit organizations shall not:

(a) Conduct or allow its premises to be used for conducting bingo on more than three occasions per week; or

(b) Conduct bingo in any location used by any other organization to conduct bingo which results in bingo games being conducted on more than three occasions per week at the same location.

(2) Time limitations:

(a) A bingo occasion may include as many bingo sessions a licensee desires, but shall not last more than eighteen consecutive hours.

(b) A bingo occasion shall not begin or end between the hours of 2:00 a.m. and 6:00 a.m.: *Provided,* That the director may allow an occasion to end up to 4:00 a.m. as long as the following conditions remain in effect:

(i) Local law enforcement agency with jurisdiction concurs; and

(ii) If applicable, other state agencies involved in regulating the charitable or nonprofit organization's activities, including, but not limited to, the liquor control board, do not object.

[Statutory Authority: RCW 9.46.070(1), (8), (9), (11), (13), (14), (20). 95-23-091, § 230-20-170, filed 11/20/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 95-12-051, § 230-20-170, filed 6/2/95, effective 7/3/95. Statutory Authority: RCW 9.46.070 (1), (7), (11), (14) and (17). 83-21-073 (Order 137), § 230-20-170, filed 10/18/83. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 83-13-050 (Order 134), § 230-20-170, filed 6/14/83; Order 53, § 230-20-170, filed 5/25/76; Order 15, § 230-20-170, filed 4/17/74; Order 5, § 230-20-170, filed 12/19/73, 1:25 p.m.]

WAC 230-20-190 Bingo card prices. No person shall be allowed to play in a bingo game for free nor without first paying the licensee's normal and usual charge therefor, except that this provision shall not apply to bingo games conducted under the authority of a Class A or B license issued by the commission or games conducted without a license under chapter 9.46 RCW.

[Statutory Authority: RCW 9.46.070. 95-12-051, § 230-20-190, filed 6/2/95, effective 7/3/95; Order 53, § 230-20-190, filed 5/25/76; Order 12, § 230-20-190, filed 2/14/74; Order 5, § 230-20-190, filed 12/19/73, 1:25 p.m.]

WAC 230-20-220 Operators shall not play. No operator shall allow a person who receives any compensation, directly or indirectly, for the operation of, any bingo game conducted by the operator to play in a bingo game conducted by that operator.

No operator shall allow any person who, without payment, assists in the operation of any bingo game conducted by that operator to play in any bingo game conducted by that operator on the same bingo occasion. However, the second paragraph of this rule shall not apply to Class A, B, and C bingo licensees, or to games operating under the authority of chapter 9.46 RCW.

[Statutory Authority: RCW 9.46.070. 95-12-051, § 230-20-220, filed 6/2/95, effective 7/3/95; 94-07-084 (Order 250), § 230-20-220, filed 3/16/94, effective 4/16/94. Statutory Authority: RCW 9.46.070 (11) and (14). 82-01-065 and 82-03-033 (Order 115 and 116), § 230-20-220, filed 12/18/81 and 1/18/82; Order 65, § 230-20-220, filed 1/7/77; Order 53, § 230-20-220, filed 5/25/76; Order 5, § 230-20-220, filed 12/19/73, 1:25 p.m.]

WAC 230-20-240 Bingo equipment to be used. The conduct of bingo must include the following required items:

(1) A mechanical device that uses air flow for mixing and randomly withdrawing balls to determine the letters and numbers or symbols to be called must be utilized by all Class D and above operators. This device shall be constructed in the following manner:

(a) It will allow participants full view of the mixing action of the balls; and

(b) The operation cannot be interrupted to change the random placement of the balls at the exit receptacle of the device, except when the device is shut off as allowed by WAC 230-20-246.

(2) A set of seventy-five balls bearing the numbers one through seventy-five and the letters B, I, N, G, or O. The entire set of balls shall be available for inspection by the players before a bingo session begins to determine that all are present and in operating condition. Each numbered ball shall be the same weight as each of the other balls and free from any defects;

(3) Flashboards shall be utilized to display numbers called at all Class D and above bingo games. They must be visible to all players and clearly indicate all numbers that have been called: *Provided*, That malfunctions occurring during a bingo occasion need not be repaired during that occasion, but must be repaired before use on any other occasion;

(4) Bingo cards must be preprinted, manufactured cards that meet the following standards:

(a) Have twenty-five spaces, one of which may be a free space, arranged in five even columns headed with the letters B, I, N, G, and O, and except for the free space, imprinted with numbers and symbols: *Provided*, That bingo cards used for conducting player selection games are exempt from the requirements of this subsection if the requirements of WAC 230-20-241 are followed:

(b) Be manufactured by a licensed manufacturer: *Provided*, That electronically generated bingo cards authorized by WAC 230-20-101(3) may be produced by the operator using a printer interfaced with an electronic data base system: *Provided further*, That cards used in player selection games may be manufactured by unlicensed manufacturers if:

(i) The primary activity of such manufacturer is producing nongambling products;

(ii) Cards must meet the requirements of WAC 230-20-192 and 230-20-241. The licensee that initially purchases such cards from the unlicensed manufacturer shall assume responsibility for compliance with all commission requirements;

(iii) In addition to the requirements set out in WAC 230-08-024 and 230-08-040, the invoice transferring these cards must include the beginning card number. If an operator purchases such cards directly from an unlicensed manufacturer, the operator shall assume responsibility for compliance with this requirement.

(c) All disposable bingo cards must meet the requirements of WAC 230-20-192; and

(d) Electronically generated cards and supporting equipment must meet the requirements of WAC 230-20-101(3).

(5) All Class G and above bingo licensees shall conduct bingo games using disposable bingo cards or electronically generated cards. All income must be receipted for by using the audit system required by WAC 230-20-192 in conjunction with appropriate receipting system required by WAC 230-20-101 (3), (4), or (5);

(6) Duplicate cards, as defined in WAC 230-20-192, are prohibited in the operation of bingo games conducted by Class D or above licensees. Operators are advised that conducting games using cards manufactured by different

manufacturers may result in duplicate cards being placed in play and that the majority of cards in the "1 to 9000 series" are duplicate, regardless of the manufacturer. Duplicate card violations that result from use of cards from different manufacturers shall be the responsibility of the operator: *Provided*, That this section shall not apply to braille cards, authorized by WAC 230-20-246(4), if the operator takes steps to prevent duplicate cards and informs players regarding limitations to prizes when winners have duplicate cards because braille cards are being played;

(7) If duplicate cards are inadvertently sold at bingo games conducted by Class D or above licensees, the following procedures and restrictions apply:

(a) If all winners with duplicate cards are paid the entire prize amount that would be due if there were no duplicate cards, the licensee shall not be deemed to be in violation of this section;

(b) The amount of the prize for games with winners having duplicate cards shall be computed and paid using the following guidelines:

(i) Games that provide a bonus for a single winner - If all winners have duplicate cards then all winners shall be paid the bonus;

(ii) Games that result in multiple winners, some of which are players with duplicate cards - The split of the prize pool will be computed by counting all duplicate card winners as one. After the prize pool split is computed using this method, all winners will be paid according to the computed prize split;

(iii) If the prize pool contains noncash or merchandise prizes, the amount added to the prize pool for computing the split shall be the licensee's cost or retail value, whichever is posted in the game schedule: *Provided*, That manufacturers shall not be responsible for increases to the prize pool required by this subsection; and

(iv) If the prize is greater than one thousand dollars, the operator shall not be required to increase the total prize pool by more than fifty percent or five thousand dollars, whichever is less: *Provided*, That this limitation shall only be authorized once within a twelve-month period. If this limitation has been used within the last twelve months, the full prize amount shall be paid to all holders of duplicate cards.

(c) Increases to prize pools as a result of duplicate card errors, for which the manufacturer is responsible, may be deducted from prize payouts for computing compliance with WAC 230-20-064;

(d) Details of circumstances that resulted in duplicate cards being sold shall be documented and maintained as a part of the daily bingo record for the session;

(e) The commission shall be notified within forty-eight hours after discovery of a duplicate card error if:

(i) Caused by manufacturer printing, packaging, or collation errors; or

(ii) Any player winning with a duplicate card was not paid the entire prize amount.

(f) Licensees shall pursue reimbursement of all prizes paid due to errors from the manufacturer responsible for such errors.

[Statutory Authority: RCW 9A.46.070, 95-19-070, § 230-20-240, filed 9/18/95, effective 1/1/96; 94-01-033, § 230-20-240, filed 12/6/93, effective 1/6/94; 90-24-005 (Order 218), § 230-20-240, filed 11/26/90, effective

12/27/90. Statutory Authority: RCW 9.46.070 (11) and (14). 88-17-050 (Order 182), § 230-20-240, filed 8/16/88. Statutory Authority: RCW 9.46.020 (1) and (10) and 9.46.070 (3), (11) and (14). 86-09-036 (Order 157), § 230-20-240, filed 4/11/86. Statutory Authority: RCW 9.46.070 (5), (6), (8), (10) and (11). 84-01-026 (Order 139), § 230-20-240, filed 12/12/83. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 83-13-050 (Order 134), § 230-20-240, filed 6/14/83.]

WAC 230-20-300 Control of raffle prizes. Any person or organization conducting raffles shall ensure that all prizes offered are available at the time and place of the drawing. Prizes shall be controlled as follows:

(1) Merchandise prizes shall be owned by the licensee and paid for in full, without lien or interest of others, prior to the drawing at which the winners of such prizes are to be determined: *Provided*, That when the winner has an option to receive a cash prize in lieu of such merchandise, a licensee may enter into a contract to immediately purchase a merchandise prize after the winner makes their option;

(2) All cash prizes shall be available at the time of the drawing in the form of United States currency or an equivalent amount of negotiable instruments; and

(3) At the time and date of any raffle drawing, the licensee shall have on deposit an unencumbered amount of money that is equal to or greater than all cash prizes currently being offered or, if the winner has an option, the total cost to purchase merchandise prizes. Such funds shall be on deposit in the gambling receipts account if required by WAC 230-12-020 or otherwise in a recognized Washington state depository authorized to receive funds. The balance of funds available from this account shall not be reduced below the required amount prior to awarding the prize.

[Statutory Authority: RCW 9.46.070. 95-07-093, § 230-20-300, filed 3/17/95, effective 7/1/95; Order 5, § 230-20-300, filed 12/19/73, 1:25 p.m.]

WAC 230-20-325 Manner of conducting a raffle. All raffles shall be conducted by selling individual chances for not more than five dollars and awarding prizes by selecting winners by a random drawing from among all chances sold. The following operating procedures apply:

(1) All raffle chances shall be consecutively numbered tickets or other objects imprinted with letters or symbols that are not repeated within the population of all chances sold for a specific raffle;

(2) Raffle chances sold to the general public or for raffles that do not require the winner to be present at the drawing shall consist of a ticket that includes a stub or other detachable section bearing a duplicate number, letter, or symbol corresponding to the number, letter, or symbol on the ticket or object representing the player's chance. The portion retained by the seller shall include the participant's name, complete address, telephone number, and/or other information necessary to notify the winner;

(3) All participants in a raffle must be informed of all rules by which such prizes may be won at the time of sale of a chance. This information shall be provided by either imprinting such on the participant's portion of the ticket or otherwise providing such to each participant in writing. The following information shall be provided to each participant:

- (a) The cost of each chance;
- (b) All prizes available, whether cash or merchandise;
- (c) Date and time of drawing;

(d) Location of drawing;

(e) Whether an entrant is required to be present at a raffle drawing in order to be eligible to win a prize; and
(f) Name of organization conducting raffle.

(4) No person shall be required to pay, directly or indirectly, more than five dollars in order to enter any raffle;

(5) Each raffle ticket must be sold for the same price as every other raffle ticket being used for that particular raffle;

(6) No free tickets, or any opportunity to participate in the drawing of any raffle, shall be awarded or given to a person as a prize or reward for selling raffle tickets or for purchasing a certain number of raffle tickets: *Provided*, That noncash incentive awards may be provided to members selling tickets if:

(a) Individual awards do not exceed a fair market value of ten dollars;

(b) The awards are based on the number of chances sold; and

(c) The fair market value of the total amount awarded for an individual raffle does not exceed two percent of the gross gambling receipts of the raffle.

(7) No person shall be required to obtain more than one chance to enter a raffle;

(8) Each ticket seller shall return to the licensee the stubs or other detachable section of all tickets sold. The licensee shall then place each stub or other detachable section of each ticket sold into a receptacle out of which the winning tickets are to be drawn;

(9) The ticket collection receptacle shall be designed so that each ticket placed therein has an equal opportunity with every other ticket to be the one withdrawn: *Provided*, That an alternative drawing format to determine the winner may be utilized if such format is approved by the director and the following requirements are complied with:

(a) The organization must have a current raffle license;

(b) The alternate format must meet the definition of a drawing as defined by WAC 230-02-500;

(c) The random selection process used in the alternative format shall be fully disclosed to each player prior to selling a ticket;

(d) Any alternate format utilized to determine the winners must be closely controlled by the licensee; and

(e) Each separate alternative format scheme shall be approved by the director in writing prior to a ticket being sold to participate in a raffle using such a scheme to determine winners. The request to utilize an alternative drawing format shall contain, at a minimum, the following information:

(i) The time, date and location of the drawing;

(ii) The type of random selection process to be used and complete details of its operation;

(iii) The name and telephone number of the raffles manager; and

(iv) The signature of the organization's chief executive officer;

(10) The raffle license issued by the commission or a photostatic copy of the license shall be conspicuously posted and displayed at the location at all times during the occasion when a drawing is being conducted.

[Statutory Authority: RCW 9.46.070. 95-07-093, § 230-20-325, filed 3/17/95, effective 7/1/95. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-20-

325, filed 2/14/90, effective 3/17/90. Statutory Authority: RCW 9.46.070 (11), (14) and 9.46.0218 [9.46.0281]. 89-05-024 (Order 186), § 230-20-325, filed 2/13/89. Statutory Authority: RCW 9.46.070. 88-19-038 (Order 183), § 230-20-325, filed 9/13/88. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-07-059 (Order 175), § 230-20-325, filed 3/15/88. Statutory Authority: RCW 9.46.070 (1), (2), (4), (5), (6), (9), (11), (14) and (17) and 9.46.020 (19) and (23). 85-17-015 (Order 153), § 230-20-325, filed 8/12/85. Statutory Authority: RCW 9.46.070 (3), (8) and (11). 85-09-040 (Order 149), § 230-20-325, filed 4/15/85. Statutory Authority: RCW 9.46.070 (8) and (11). 83-11-034 (Order 133), § 230-20-325, filed 5/16/83.]

WAC 230-20-335 Raffles conducted among members of an organization—Procedures—Restrictions. Organizations may conduct members-only raffles utilizing simplified procedures. For purposes of this section, "members-only raffle" means a raffle conducted by selling chances only to members of the organization and a limited number of guests, and determining the winners from among those members and guests that have purchased chances. The following procedures and restrictions supplement or modify WAC 230-08-070 and 230-20-325 and apply only to members-only raffles:

(1) In order to conduct raffles utilizing these simplified procedures, all phases of the raffle must be completed during a meeting of the members, and the meeting must be completed on the same day and at the same location without interruption;

(2) If guests are allowed to participate, the total number of guests, as a percentage of the total attendance of the meeting, shall not exceed twenty-five percent. Records shall be maintained that will allow commission staff to determine compliance with this requirement;

(3) All disclosures required to be imprinted on a raffle ticket or chance may be provided to participants by posting a sign at each ticket sales point;

(4) Chances to enter a raffle may be included as a part of a package that includes dues, entertainment, or other fund-raising activities if the value of each component of the package is disclosed to the purchaser and the value of each individual raffle chance does not exceed five dollars: *Provided*, That initial applications for membership and any fees paid for such shall not include chances to enter raffles or to participate in any gambling activities;

(5) The director may authorize an organization to deviate from the "same price" requirements of WAC 230-20-325(5). Chances to enter a raffle may be sold for different values, ranging from one cent to a maximum of five dollars, if the following conditions are met:

(a) The scheme for assigning the cost of the ticket must be disclosed to the player prior to selling them a chance to participate. This disclosure shall include the total number of tickets in the population and the number of tickets at each price level;

(b) Participants must be allowed to randomly select their ticket from the population of remaining tickets. Participants pay the amount imprinted upon the ticket they select;

(c) The scheme provides an adequate audit trail that will allow commission staff and taxing authorities to determine gross gambling receipts;

(d) The total gross gambling receipts available from raffles utilizing such schemes are limited to one thousand three hundred dollars each drawing;

(e) No more than two such drawings are conducted during a meeting of the members; and

(f) Approval must be obtained in writing from the director. Such approval shall be valid until revoked by commission staff;

(6) The following sales schemes may be used for members-only raffles:

(a) Multiple tickets to enter one or more drawings may be sold as a package as long as the total price of the package does not exceed five dollars; and

(b) Alternative sales methods may be used if specifically authorized by the commission. This authority will be issued on an individual basis and will require a detailed written request;

(7) Alternative drawing formats approved for members-only raffles shall be valid until revoked by the commission staff, if all the information required by this subsection is reported to the commission at least ten days prior to any drawing using such schemes. Notification for members-only raffles may be signed by the designated raffle manager;

(8) The limitations on noncash incentive awards for an individual raffle, set forth in WAC 230-20-325 (6)(a) and (c), are modified to allow awards that do not exceed five percent of the combined gross gambling receipts for all raffles conducted during a membership meeting if a record of the name, address, and telephone number is maintained for all persons receiving awards valued in excess of fifty dollars;

(9) Raffle records, as required by WAC 230-08-070, are modified as follows:

(a) The threshold value for maintaining a record of the name, address, and telephone number of each winner of a prize is increased to include only prizes valued in excess of fifty dollars;

(b) Ticket disbursement records are not required; and

(c) Minimum record retention period is reduced to a period that is not less than one year following the date of each individual raffle drawing.

[Statutory Authority: RCW 9.46.070. 95-07-093, § 230-20-335, filed 3/17/95, effective 7/1/95.]

WAC 230-20-620 Amusement games—Objects to be thrown to be uniform—Similar games not to use different objects unless designated. No person licensed to conduct amusement games shall conduct any such game within the state of Washington wherein the winning of a prize depends upon the player's ability to throw or project an object unless all such objects available to any player in said game are uniform in size and weight. No licensee shall conduct more than one game of a similar type on the same premises utilizing similar objects of a different size or weight, unless the difference in such objects is readily apparent or designated by, for example, use of a color scheme.

[Statutory Authority: RCW 9.46.070. 95-09-064 (Order 269), § 230-20-620, filed 4/18/95, effective 5/19/95; Order 55, § 230-20-620, filed 6/25/76.]

WAC 230-20-630 Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or scrip—Prizes not to differ from those posted. (1) No person shall conduct any amusement game

at any location within the state of Washington unless there is posted in a conspicuous place, readily visible to persons playing the game, a sign(s) made of permanent material, such as wood, poster board, metal or plastic with lettering at least one and one-half inches in height that contains the following information:

- (a) Fees charged for playing;
- (b) The rules by which the game is to be played;
- (c) Prizes to be won;
- (d) Any variation in the size or weight of objects utilized in the game which is not readily visible to the player;

(e) The name of the operator and an assigned concession number; and

(f) The group number of the game being conducted.

(2) Licensed amusement game operators shall assign each concession a number and a list of all concessions and their assigned numbers shall be kept available in the concession office.

(3) No amusement games shall be conducted wherein the price charged for playing said game is paid other than in cash, or in an amount other than that posted upon the premises of said game. The term "cash" as used herein shall include checks. In addition, the operator may accept as consideration, tokens, scrip or tickets, but only under the following conditions:

(a) The value of each token, ticket or item of script, as measured by the equivalent amount of cash which a player would have to present in lieu of said token, ticket or scrip, must be indicated on the face thereof;

(b) Said tokens, tickets or scrip are not redeemable for cash;

(c) Said tickets or scrip shall bear the name of the operator or sponsor.

(4) No amusement games shall be conducted within the state of Washington wherein the prize to be given to a prospective winner is other than that posted upon the premises of said game: *Provided, however,* That after an individual player has won two or more prizes, an operator may offer said player the opportunity to exchange said prizes for one or more other prizes, but only if the prize to be received by the player in exchange was on display during the play of the game. Any prize system which requires forfeiture of previously won prize(s) in exchange for another play is prohibited. Operators of amusement games may utilize a scheme for distribution of prizes wherein the winners of individual prizes receive tickets, which are subsequently redeemable in combination with other tickets won for a merchandise prize.

[Statutory Authority: RCW 9.46.070. 95-12-051, § 230-20-630, filed 6/2/95, effective 7/3/95; 94-01-036, § 230-20-630, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-20-630, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-20-630, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-07-059 (Order 175), § 230-20-630, filed 3/15/88; Order 55, § 230-20-630, filed 6/25/76.]

Chapter 230-25 WAC FUND-RAISING EVENTS

WAC

- 230-25-055 Use of chips, scrip or similar items at fund-raising event.
- 230-25-070 Fund-raising events—Central accounting system required.
- 230-25-330 Recreational gaming activity—Rules for play.

WAC 230-25-055 Use of chips, scrip or similar items at fund-raising event. All chips, scrip or similar items, used as a substitute for money at a fund-raising event shall be issued only during and at the fund-raising event itself.

No such chips, scrip or similar items shall be redeemed by any licensee after the event is concluded.

[Statutory Authority: RCW 9.46.070. 95-12-051, § 230-25-055, filed 6/2/95, effective 7/3/95; Order 80, § 230-25-055, filed 12/28/77.]

WAC 230-25-070 Fund-raising events—Central accounting system required. Each licensee for the operation of fund-raising events shall establish and maintain a central accounting system in a form prescribed by the commission for all activities conducted at the fund-raising event. Licensees shall obtain accounting forms from the commission, or use machine copies of such forms.

Such system shall contain, but not be limited to, the following items:

(1) There shall be adequate personnel and physical areas to provide for the following minimum separation of duties:

(a) A banker, cashier, or count room to handle the original bankroll, provide coin or chips to the games, redeem chips and cash checks for the players;

(b) A runner to transport money, chips and lock boxes between stations of the event;

(c) Pit bosses, each of whom shall supervise the operation of not more than six gambling stations and who shall supervise the transfer of lock boxes and chips/change trays to the count room;

(d) An area for the counting of money which is segregated from the area in which gambling is conducted. All money received in connection with the fund-raising event shall be brought to this area for counting. Once any such money has been brought to this area, three persons shall be assigned to the count area with a minimum of two in the counting area at all times.

(2) The beginning bankroll shall be verified by at least two persons who shall sign such verification.

(3) There shall be documentation containing verifying signatures for the transfer of money between any two stations of the event.

(a) All count/fill slips shall be used sequentially. VOIDED count/fill slips will be signed by two persons and retained with accounting records.

(b) ALL UNUSED count/fill slips shall be retained along with all other count/fill slips as part of that fund-raising event's accounting records.

(4) All games shall be numbered and provided with lock boxes and money paddles. The money paddle shall remain in the lock box slot whenever it is not in use. The money

slot of the lock box shall not exceed three and one-half inches in length and one-half inch in width.

(5) The keys to all lock boxes are to be kept in the count room at all times and the lock boxes are to be opened only in the count room by the count room personnel.

(6) All games are to be played using coin or chips and all currency tendered by the players shall be exchanged for coin or chips and immediately placed in the lock box by the dealer.

(7) All money and chips shall be transferred to the count room at the end of the day or event for final tabulation, reconciliation, and verification.

(8) The final tabulation and reconciliation shall be verified by at least three count room personnel who shall sign such verification.

(9) Access to the count room and the bankers and cashier's areas shall be restricted to the persons assigned to those functions and to the runner(s) who transport money or chips to or from those stations.

(10) Records shall provide sufficient detail to determine the net receipts of each activity conducted.

(11) The records shall contain a reconciliation of the ending cash on hand to net receipts.

(12) The ending cash on hand shall be deposited intact within two banking days of the conclusion of the event, and a validated deposit slip shall be included as part of the event records. There shall be no expenditure of any kind made from the ending cash prior to deposit. However, this subsection shall not prohibit a licensee from exchanging its ending currency and coin for a check of equal value to reduce the risk and exposure of carrying or storing large amounts of money.

This section shall not apply to those licensees whose receipts from the fund-raising event are limited to an admission charge or charge for a ticket, or tickets, to a drawing and who

(a) Conduct all activities with scrip, play money, or similar items which are redeemable only for merchandise prizes; and

(b) Who award only merchandise prizes that have been purchased by or donated to the licensee.

These licensees need only comply with WAC 230-08-010 and record their net receipts in sufficient detail to verify these amounts.

[Statutory Authority: RCW 9.46.070. 95-12-051, § 230-25-070, filed 6/2/95, effective 7/3/95. Statutory Authority: RCW 9.46.020(23) and 9.46.070(14). 81-19-072 (Order 111), § 230-25-070, filed 9/15/81. Statutory Authority: RCW 9.46.070(7), (8) and (10). 78-11-049 (Order 87), § 230-25-070, filed 10/20/78; Order 78, § 230-25-070, filed 11/17/77.]

WAC 230-25-330 Recreational gaming activity—Rules for play. An organization or association issued a permit shall conduct a recreational gaming activity in accordance with the following rules:

(1) Any gambling device utilized for such activity must be rented or obtained from a licensed distributor of fund-raising event equipment or a licensee authorized to conduct fund-raising events (not applicable to homemade, nonprofessional devices);

(2) Gambling of any type shall be prohibited on the premises where recreational gaming activity takes place;

(3) Scrip or chips having no value shall be utilized for each activity;

(4) There shall be no fee charged for the opportunity to participate or enter the premises, Provided: An organization may charge a fee for an accompanying dinner, meal, or entertainment associated with the activity, as long as such a fee is only related to those additional activities and the costs incurred in renting the devices utilized in the activity;

(5) An organization may utilize a scheme whereby participants can redeem their scrip or chips for prizes; Provided: All prizes must be donated to or provided by the sponsoring organization;

(6) The activity shall be limited to eight hours. The director may for good cause shown, grant additional time;

(7) The sponsoring organization must notify local law enforcement officials at least ten days prior to the commencement of the activity, and specify the date, time and location of the activity.

[Statutory Authority: RCW 9.46.070. 95-12-051, § 230-25-330, filed 6/2/95, effective 7/3/95. Statutory Authority: Chapter 9.46 RCW. 91-15-040 (Order 224), § 230-25-330, filed 7/17/91, effective 8/17/91.]

Chapter 230-30 WAC PUNCHBOARDS AND PULL TABS

WAC

230-30-050	Punchboard and pull tab operation.
230-30-065	Punchboard/pull tab price per play to be posted.
230-30-070	Control of prizes.
230-30-080	Pull tab dispensing limitations.
230-30-097	Standards—Approved pull tab dispensing devices.
230-30-106	Standards for flares made by manufacturers, distributors or operators.

WAC 230-30-050 Punchboard and pull tab operation.

(1) No person under the age of eighteen years and no person visibly intoxicated or visibly under the influence of any narcotic, shall be allowed to play or sell any punchboard or pull tab device. It shall be the responsibility of the licensee and the responsibility of the person physically operating the punchboard or pull tab device to determine that no unauthorized person is allowed to play or sell.

(2) No operator shall permit the display or operation of any punchboard or pull tab which may have in any manner been marked, defaced, tampered with or otherwise placed in a condition, or operated in a manner, which may deceive the public or which affects the chances of winning or losing upon the taking of any chance thereon.

(3) All pull tabs must be sold from a commission approved dispensing device or a clear container. If pull tabs are sold out of a clear container, the complete series must be placed in a container and mixed prior to being offered for sale. Failure to mix may result in a minimum five day suspension of license for each series not mixed. Licensees may bundle pull tabs into stacks of up to twenty dollars, provided the bundles are thoroughly mixed prior to sale to the public.

(4) All records, reports and receipts relating to a punchboard or pull tab series in play must be retained on the licensed premises so long as the series or punchboard is in play and be made available on demand to law enforcement officers and representatives of the commission.

(5) When operators purchase merchandise to be used as prizes on punchboards or pull tab series from other than a licensed distributor, the following information must be on the invoice provided by the seller:

- (a) The date of purchase;
- (b) The company's name and adequate business address;
- (c) A full description of each item purchased;
- (d) The quantity of items purchased;
- (e) The cost per individual items purchased; and
- (f) The sales invoice or receipt must be maintained by the operator for at least three years.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-30-050, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 94-11-095 (Order 251), § 230-30-050, filed 5/17/94, effective 7/1/94. Statutory Authority: RCW 9.46.070 and chapter 34.05 RCW. 90-21-053, § 230-30-050, filed 10/15/90, effective 11/15/90. Statutory Authority: RCW 9.46.070 (4), (8), (11) and (14). 86-07-037 (Order 155), § 230-30-050, filed 3/14/86. Statutory Authority: RCW 9.46.020 (1) and (23) and 9.46.070(1). 85-11-023 (Order 150), § 230-30-050, filed 5/13/85. Statutory Authority: RCW 9.46.070(8). 81-21-033 (Order 114), § 230-30-050, filed 10/15/81; Order 5, § 230-30-050, filed 12/19/73.]

WAC 230-30-065 Punchboard/pull tab price per play to be posted. (1) No punchboard or pull tab series shall be placed out for public play unless the cost to the player for each punch or pull tab is clearly posted on the flare.

(2) Once placed out for public play, a punchboard or pull tab series flare may not be modified or otherwise changed, except for the deletion of prizes as required by WAC 230-30-070.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-30-065, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070(11). 82-13-054 (Order 121), § 230-30-065, filed 6/14/82.]

WAC 230-30-070 Control of prizes. All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise.

(1) Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2) Display of prizes:

(a) Merchandise prizes shall be displayed as follows:

(i) In the immediate vicinity of the punchboard or pull tab series and in plain view;

(ii) If size or space constraints do not allow the prize to be displayed as provided in (a)(i) of this subsection, the merchandise prize may be displayed elsewhere on the premises provided that a specific reference to that actual prize is noted on the flare; or

(iii) If the merchandise prize cannot be displayed on the premises, an accurate description and/or photograph of the prize must be displayed in plain view on or immediately adjacent to the flare.

(b) Cash prizes shall be clearly represented on the prize flare;

(c) Combination cash and merchandise prizes must meet the requirements of both subsections (a) and (b) of this subsection;

(d) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises;

(e) Upon determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from the flare and present the prize to the winner upon demand;

(f) Upon determination of a winner of any cash prize of twenty dollars or more, or of any merchandise prize with a retail value of twenty dollars or more, the licensee shall permanently and conspicuously delete all references to that prize from any flare, punchboard, or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. Operators may correct an inadvertently deleted prize by noting on the flare that such prize is still available. Such reference shall be permanently and conspicuously deleted when the prize is actually awarded. Failure to permanently and conspicuously delete a prize from the flare may result in the director initiating actions to revoke a license for violation of RCW 9.46.190 (defrauding a participant). The prize shall be paid or delivered to the winner only after all reference to such prize has been deleted from the flare;

(g) Effective January 1, 1996, through December 31, 1996, all punchboard and pull tab licensees must display a commission supplied sign notifying players of the change in flare prize deletion from five dollars to twenty dollars. This notice must be displayed in plain view in the area where punchboards and pull tabs are played.

(3) Payment of prizes. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

(4) Cash in lieu of merchandise prizes. No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) Record of winners. When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in the following manner:

(a) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(b) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab; and

(c) If the pull tab or punch is constructed or printed in such a manner as to preclude recording the information required in (a) and (b) of this subsection in a legible manner, the licensee may record the required information on a sheet of paper not less than three inches by five inches and staple the winning tab or punch thereto.

(6) Defacing winning punches or tabs. The licensee shall, within twenty-four hours after a winning pull tab or punch of twenty dollars or more has been presented for payment, mark or perforate the winning symbols in such a manner that the pull tab or punch cannot be presented again for payment.

(7) Value of merchandise prizes. For purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(8) Spindle, banded, or "jar" type pull tabs played in a manner which awards merchandise prizes only. Pull tab series which award only merchandise prizes valued at no more than twenty dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall moneys collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109 and 95-24-048, § 230-30-070, filed 11/22/95 and 11/30/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 94-23-094, § 230-30-070, filed 11/17/94, effective 1/1/95. Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-30-070, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW 9.46.070. 90-24-005 (Order 218), § 230-30-070, filed 11/26/90, effective 12/27/90. Statutory Authority: RCW 9.46.070 (11) and (14). 90-11-058, § 230-30-070, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-30-070, filed 2/14/90, effective 3/17/90. Statutory Authority: RCW 9.46.070 (11) and (14). 89-17-056 (Order 196), § 230-30-070, filed 8/15/89, effective 9/15/89. Statutory Authority: RCW 9.46[.070] (8), (14), 87-17-052 (Order 171), § 230-30-070, filed 8/18/87. Statutory Authority: Chapter 9.46 RCW. 87-03-023 (Order 164), § 230-30-070, filed 1/13/87. Statutory Authority: RCW [9.46.]070 (1), (2) and (11) and [9.46.]110. 85-21-046 (Order 154), § 230-30-070, filed 10/14/85. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 85-03-024 (Order 142), § 230-30-070, filed 1/9/85. Statutory Authority: RCW 9.46.070 (8) and (11). 82-01-065 and 82-03-033 (Order 115 and 116), § 230-30-070, filed 12/18/81 and 1/18/82; 81-21-033 (Order 114), § 230-30-070, filed 10/15/81. Statutory Authority: RCW 9.46.070(10). 79-09-029 (Order 91), § 230-30-070, filed 8/14/79; Order 43, § 230-30-070, filed 11/28/75; Order 29, § 230-30-070, filed 1/23/75; Order 27, § 230-30-070, filed 11/15/74; Order 23, § 230-30-070, filed 9/23/74; Order 14, § 230-30-070, filed 3/27/74; Order 12, § 230-30-070, filed 2/14/74; Order 5, § 230-30-070, filed 12/19/73.]

WAC 230-30-080 Pull tab dispensing limitations.

(1) No pull tabs shall be placed out for public play unless the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare advertising the prizes available from that series of pull tabs. The total number of pull tabs originally in the series will be placed upon the flare by the manufacturer prior to the series being sold to a distributor or operator.

(2) No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture.

(3)(a) No pull tab series, or any portion thereof, shall be placed in, or if a spindle upon, any pull tab dispensing device or container until any other series of pull tabs previously in, or upon, the device or container has been played out or permanently removed from public play.

(b) Provided, that in the use of a multiple series dispensing device, each series shall be played independently and in accordance with the provisions in (a) above.

(4) No pull tab once placed out for public play shall be removed from the dispensing device or container until the series is permanently removed from public play, except only:

(a) Those pull tabs actually played by consumers;

(b) Those pull tabs removed by commission representatives, or other law enforcement agency inspecting the device; or

(c) Those tabs temporarily removed during necessary repair or maintenance of the device.

(5) Once a pull tab has been removed from public play it shall not again be put out for public play, except tabs removed under subsection (4)(b) and (c) of this section.

(6) No person shall put out any pull tab series for public play unless the series of pull tabs is wholly contained within, or if a spindle upon, the device or container used for dispensing that series.

(7) No person shall sell or transfer to another person in this state, or for use within this state, or put out for public play, any pull tab series which contains more than 10,000 individual pull tabs.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-30-080, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 93-12-082, § 230-30-080, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 9.46.070(11). 91-10-004 (Order 222), § 230-30-080, filed 4/18/91, effective 5/19/91. Statutory Authority: Chapter 9.46 RCW. 91-05-047 (Order 220), § 230-30-080, filed 2/14/91, effective 3/17/91. Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14). 83-19-024 (Order 136), § 230-30-080, filed 9/13/83. Statutory Authority: RCW 9.46.070(14). 81-19-073 (Order 112), § 230-30-080, filed 9/15/81. Statutory Authority: RCW 9.46.070(10). 79-07-019 (Order 90), § 230-30-080, filed 6/14/79; Order 55, § 230-30-080, filed 6/25/76; Order 43, § 230-30-080, filed 11/28/75; Order 15, § 230-30-080, filed 4/17/74; Order 9, § 230-30-080, filed 12/19/73, 1:26 p.m.; Order 5, § 230-30-080, filed 12/19/73, 1:25 p.m.]

WAC 230-30-097 Standards—Approved pull tab dispensing devices. Operators may utilize approved pull tab dispensing devices provided that each device meets the following standards:

(1) Devices must be manufactured by a commission licensed manufacturer.

(2) Devices shall conspicuously display a stamp, seal, or label identifying its manufacturer and the city and state of its manufacture.

(3) Devices shall have the manufacturer's serial number for that device stamped or embossed into its case.

(4) Devices shall meet the following standards:

(a) Be constructed so that consumers can clearly see each pull tab within the device, except that area at the bottom of the device, not to exceed one inch in height, covered for security or mechanical reasons, and have permanent lines or markings which divide the pull tabs remaining in the device into divisions of approximately

twenty-five tabs so that the consumer can determine how many tabs remain within the device; or

(b) Have a resettable counter visible to the customer indicating the number of pull tabs left in the device.

(5) Devices utilizing bill acceptors or similar devices that do not return change shall clearly disclose that fact to the consumer.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-30-097, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 93-12-082, § 230-30-097, filed 5/28/93, effective 7/1/93.]

WAC 230-30-106 Standards for flares made by manufacturers, distributors or operators. (1) Except as set forth in subsection (2) of this section, the flare advertising prizes available from the operation of any punchboard, or any series of pull tabs shall be made by the manufacturer only. Except as set forth below, flares shall not be altered by any operator or distributor, and shall:

(a) Be placed as follows:

(i) Only upon the upper face, or on the top, of any such punchboard; or

(ii) In plain view and in the vicinity of any pull tab dispensing device or container, provided if the flare is not attached to the dispensing device or container, a numerical or alphabetical reference shall be included directly on the flare and dispensing device or container clearly indicating which flare corresponds to which series; and

(b) Clearly set out each of the prizes available and the number or symbol which wins prizes; and

(c) Set out the winning numbers or symbols for prizes of twenty dollars or more in cash, or merchandise worth twenty dollars or more at retail, in such a manner that each may be easily and clearly deleted or marked off as each prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid by the licensed operator plus 50 percent of that actual cost.

(2) Substitute flares

(a) Distributors may make and apply substitute flares to punchboards and pull tab series provided that the conditions set forth in (c) of this subsection are satisfied;

(b) Licensed operators may make and use substitute flares on punchboards and pull tab series which offer merchandise or combination merchandise-cash prizes provided that the conditions set forth in (c) of this subsection are satisfied;

(c) Use of substitute flares:

(i) The substitute flare must comply with the requirements of subsection (1)(a), (b) and (c) of this section;

(ii) Substitute flares must meet the requirements of WAC 230-30-015;

(iii) The winning numbers or symbols on the substitute flare are selected from the winning numbers or symbols on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer. Provided flares and games which offer merchandise, or combination merchandise/cash prizes, in excess of \$100.00 actual costs, must utilize numbers, not symbols to denote winners. Prizes must be assigned to the winning numbers

consecutively starting with the highest value prize being assigned the lowest available winning number; and

(iv) The substitute flare is stapled to the manufacturer's flare and the manufacturer's flare is defaced so that it is unusable, but the identification and inspection services stamp is readable and visible.

(3) Spindle-type pull tab series when played in the manner set out in WAC 230-30-070(9) are exempt from this section.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-30-106, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070(8), 9.46.0325 and 9.46.070. 93-10-005 (Order 238), § 230-30-106, filed 4/21/93, effective 7/1/93. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 89-11-048 (Order 192), § 230-30-106, filed 5/16/89. Statutory Authority: RCW 9.46.070 (11) and (14). 87-24-016 (Order 173), § 230-30-106, filed 11/23/87. Statutory Authority: RCW 9.46.070(10). 79-09-029 (Order 91), § 230-30-106, filed 8/14/79; Order 43, § 230-30-106, filed 11/28/75.]

Chapter 230-40 WAC CARD GAMES

WAC

230-40-050	Fees for card playing.
230-40-125	Washington blackjack—Rules of play—Wagering limits.
230-40-200	Participants to compete on equal terms—Deal to rotate among players.
230-40-225	House dealer allowed in certain games.
230-40-310	Repealed.
230-40-400	Hours limited for card games.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-40-310	No free or discount food, beverage or merchandise to be offered at public card room. [Statutory Authority: RCW 9.46.070 (1), (2), (4), (5), (6), (11), (14) and (17). 86-13-055 (Order 158), § 230-40-310, filed 6/13/86; Order 45, § 230-40-310, filed 12/30/75.] Repealed by 95-23-109, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4).
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WAC 230-40-050 Fees for card playing. No fee shall be charged a person, directly or indirectly, to play in a card game in excess of those fees set forth below:

(1) For all card games, except as provided in subsections (2) and (7) of this section, the fee shall not exceed \$3.00 per half hour, or portion thereof, per player. The following procedures apply to collection of such fees:

(a) Fees shall be collected in advance by the licensee in cash, or in wagering chips, directly from the player.

(b) No player shall be required to pay for or purchase any other goods or services as a condition of playing cards beyond the \$3.00 per half hour per player, except under subsections (3) and (7) of this section.

(c) The fee schedule applicable to the type of games and number of tables in the card room shall be conspicuously posted on the premises where it can be clearly seen by the players in the card games.

(2) A person requesting a new deck of cards beyond those regularly furnished by the operator, as required by WAC 230-40-070(2), may be charged a fee not to exceed the actual cost to the licensee of the deck. Further, Class D

licensees may charge a fee not to exceed actual cost to the licensee per deck for each deck of playing cards furnished to a table as required by these rules, or as requested by any player at the table. The fee shall be collected in cash directly from the players, or the player requesting the deck, at the time the deck is introduced into the game.

(3) This rule shall not prevent a bona fide nonprofit or charitable organization which has been established and operated for purposes other than card playing from charging its usual membership fee to belong to the organization.

(4) The licensee shall collect the same fee from all players at a table except licensed card room employees or the licensed owner. If the licensee elects to allow free play, then all players at a table must be allowed to play for free.

(5) The amount collected shall be recorded by the licensee each half hour on forms supplied by the commission.

(6) All records required by this rule shall be maintained for a period of three years from the end of the licensee's fiscal year for which the record is kept.

(7) This rule shall not prevent a licensee from collecting an admission fee for entry into that portion of the licensed premises conducting entertainment, provided that the same fee is charged to all patrons.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-40-050, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 94-17-091 (Order 256), § 230-40-050, filed 8/16/94, effective 9/16/94. Statutory Authority: RCW 9.46.070 (1), (2), (4), (5), (6), (9), (11), (14) and (17) and 9.46.020 (19) and (23). 85-17-015 (Order 153), § 230-40-050, filed 8/12/85. Statutory Authority: RCW 9.46.020 (20)(d), 9.46.050(3) and 9.46.070 (1), (2), (5), (8), (9), (11) and (12). 85-03-026 (Order 144), § 230-40-050, filed 1/9/85. Statutory Authority: RCW 9.46.070 (8) and (17). 83-23-055 (Order 138), § 230-40-050, filed 11/15/83. Statutory Authority: RCW 9.46.070(11). 82-11-028 (Order 120), § 230-40-050, filed 5/11/82; 80-09-067 (Order 103), § 230-40-050, filed 7/17/80; Order 72, § 230-40-050, filed 7/26/77; Order 42, § 230-40-050, filed 9/18/75; Order 38, § 230-40-050, filed 5/9/75; Emergency Order 37, § 230-40-050, filed 5/9/75; Order 35, § 230-40-050, filed 3/14/75; Order 29, § 230-40-050, filed 1/23/75; Order 23, § 230-40-050, filed 9/23/74.]

WAC 230-40-125 Washington blackjack—Rules of play—Wagering limits. Washington blackjack is a nonhouse banking card game permitted in Class A and E card rooms. Washington blackjack shall be played in the following manner:

(1) Up to six standard fifty-two-card decks shall be used with suits disregarded and each card valued numerically only as follows: Ace equal 1 or 11; face cards (King, Queen, Jack) equal 10 each; others according to their spots, 10 to 2. The number of decks used shall be established by house rule. The cards shall be dealt from a shoe at all times. The game is played with either a house dealer and a player/banker or a player who is a dealer/banker.

(2) When starting a new table the cards are cut to determine who the first banker will be. The banker shall announce the amount of money that he or she will put into the bank. A minimum bank may be established as per individual house rule. If a house dealer is used, the banker delivers the bank to the dealer and the dealer shall place a marker reading "banker" on the bet line in front of the banker.

(3) Once the bank has been established, the player to the immediate left of the banker places his/her wager on the bet

line and the dealer covers that wager by matching it with a like amount of chips. Each player makes their wager in turn and each wager is immediately matched by the dealer. The maximum and minimum wager may be set by house rule but in no event shall the maximum wager exceed twenty-five dollars. If the bank runs out of money (tapped out) prior to the commencement of the deal, then only those players with a wager covered will be dealt a hand.

(4) The play begins with the dealer dealing one card face up to each covered player including himself/herself, one more card face up to each covered player, and then one down card to himself/herself. A player may be dealt more than one hand by house rule. When a house dealer is used, no cards are dealt to the banker. If a player holds an ace and a face card or a ten, it is a "natural" 21 and the player collects 1.5 times the amount of their bet from the dealer, unless the dealer also has a natural which results in a tie (push). All ties result in the players and the dealer recovering their wagers.

(5) If the dealer has a "natural," he/she collects the wagers from players who do not have a "natural." If the dealer does not have a "natural," he/she pays off any player with a "natural" starting with the first one to the left of the banker. Should the dealer not have enough money in the bank to make up the 1.5 for one payoff due on a "natural," then those hands and wagers will be frozen in place until the additional wagers are made up or the hand is over. If after the hand is over, a dealer cannot cover the 1.5 for one, the player shall get the amount of wager that was covered by the dealer.

(6) If the dealer does not have a "natural," play continues with the player on the banker's immediate left. The dealer deals cards face up, one by one, as that player calls for them. The player's aim is to total 21 or as close to 21 without going over. When a player is satisfied with their total, they shall declare "stand." If the player wants more cards, the player declares "hit." If a player goes over a 21 point count, the hand is a "bust" and they must turn the hand down, while the dealer collects the bet. The dealer does the same with each remaining player. Any player who stands must wait while the dealer draws his or her cards. If the dealer goes bust, each standing player is paid the amount of their wager. If the dealer "stands," the down card is turned up and players whose totals are higher than the dealer's are paid. The dealer collects from any player whose total is less. Action is always to the left of the banker. Any frozen wagers needing to be "made up" will be done in order, to the left of the banker from losing wagers the dealer collects.

(7) Should the dealer not be able to cover all frozen wagers then those frozen wagers are released to the winning players and the deal passes immediately to the left at which time the new banker shall announce the amount of the bank and shuffle the cards. The same shall apply if the banker has no money in the bank. The banker may, if allowed by house rule, add to their bank in between hands.

(8) Upon completion of the shuffle, the player to the right of the banker shall cut the cards. After the cards have been placed into the shoe the dealer shall insert a blank card approximately three quarters of the way through the deck(s). A dealer may deal from the shoe until he/she reaches the blank card. After the blank card appears, the dealer may continue dealing that hand, but will not start a new hand. If

a house dealer is used, he/she returns the remaining chips in the bank to the banker. The player on the banker's immediate left shall be offered the opportunity to be the next dealer/banker or banker. The discards may only be reshuffled to complete the last hand.

(9) Once wagers are placed and covered on the bet line, no player, including the banker, may touch those wagers until the winner has been determined. Any player touching the wagers may be ruled to have fouled and their wager forfeited.

(10) Any player who lifts their cards up from the table or slides their cards out of their own playing area shall be ruled to have fouled and their wager may be forfeited.

(11) No player may "buy" the bank. The bank must pass around the table to the left and no player can authorize anyone other than a house dealer to deal for him or her. No player may be the banker for more than one consecutive shoe before passing the bank: *Provided*, That when there are less than five players at a table a player may deal more than one consecutive shoe only when the remaining players have passed the deal.

(12) The dealer must stand on seventeen or above and must take hits on sixteen or below. If a dealer has an ace, it shall be counted as eleven if it brings his or her total to seventeen or more (but not over twenty-one). *Provided*, the house may elect to play a "soft seventeen," which occurs when the dealer's first two cards are an ace valued at eleven and a six. If the house elects to play a soft seventeen, house rules must specify that the dealer must hit a soft seventeen, and must stand on a hard seventeen and any eighteen or above. House blackjack rules must be posted in plain view to the players and the house must ensure they are consistently followed.

(13) The conditions for doubling down shall be set by house rule, provided that the wager may be doubled and the player received only one more card. The player must then stand on those three cards. If the dealer's bank is insufficient to cover a double down wager, the player may wager an amount equal to the dealer's remaining bank. The dealer must then cover that wager. If the dealer has no bank then a player may not double down.

(14) If the dealer's face-up card is a ten, face card or ace, he/she may look at their face-down card to see if they have a natural; if his/her face-up card is anything else, they may not look at their face-down card until their turn comes to draw.

(15) If a player's first two cards are a pair, then that player may split the pair into two separate hands. The amount of the player's original bet then goes on one of the cards, and they must place an equal amount as a bet on the other card. If the dealer does not have enough in their bank to cover the doubled bet, the dealer must cover an amount equal to the value of their remaining bank. The player then has the option to divide the wagers in any manner between the two hands, not to exceed the allowable limit per hand. If the dealer has no bank then the player may divide their wager in any manner between the two hands, unless the player's original bet was a minimum allowed in that game then they may not split their pair. Additional splits shall be determined by house rule.

(16) The dealer will pay only on the value of the cards held by the player and shall not pay on the number of cards received or the card sequence.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-40-125, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 93-13-062 (Order 240), § 230-40-125, filed 6/17/93, effective 7/18/93. Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-40-125, filed 10/15/91, effective 11/15/91; 91-05-047 (Order 220), § 230-40-125, filed 2/14/91, effective 3/17/91. Statutory Authority: RCW 9.46.070 (11) and (14). 90-11-058, § 230-40-125, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-40-125, filed 2/14/90, effective 3/17/90.]

WAC 230-40-200 Participants to compete on equal terms—Deal to rotate among players. Participants in card games shall compete on equal terms with all other participants in the game, and solely as a participant therein.

The deal in any series of card games shall be passed from player to player, unless the table incorporates a house dealer as per house rule. No player who deals a game shall deal another game until each other player at the table has dealt a game in his turn: *Provided*, That any player may voluntarily waive his right to deal any particular game.

Licensees shall take all necessary measures to insure that card games played upon their premises are played in this manner.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-40-200, filed 11/22/95, effective 1/1/96. Order 40, § 230-40-200, filed 6/26/75; Order 23, § 230-40-200, filed 9/23/74.]

WAC 230-40-225 House dealer allowed in certain games. Notwithstanding the provisions of WAC 230-40-200, any licensee may furnish a dealer or "mucker" in any Washington blackjack, pan or poker game played on the licensed premises. Dealers shall have no financial interest, directly or indirectly, in the outcome of such game and shall not otherwise participate or play in the game.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-40-225, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 94-13-098 (Order 252), § 230-40-225, filed 6/15/94, effective 7/16/94; Order 29, § 230-40-225, filed 1/23/75.]

WAC 230-40-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-40-400 Hours limited for card games. The hours during which card games may be played in licensed public card rooms shall be limited as follows:

(1) Licensees shall not allow the use of their premises for card playing between the hours of 2:00 a.m. and 6:00 a.m.: *Provided*, That the director may allow closing hours to be adjusted beyond 2:00 a.m. as long as the following conditions remain in effect:

(a) The local law enforcement agency with jurisdiction concurs;

(b) Other state agencies involved in regulation of the business do not object; and

(c) A licensee must observe a four-hour period of closure at the end of each business day before beginning the next period of operation.

(2) The food and/or drink business being stimulated shall be open to the public for business any time card games are conducted: *Provided*, That entry to the business by new customers may be limited if access to the premises is open to the commission, law enforcement, or other state or local regulatory agencies, and service of food and nonalcoholic beverages is available for customers remaining on the premises after 2:00 a.m.

(3) At all times during the hours of operation of a Class E card room, the operator or a licensed card room employee must be on duty and in the licensed card room area.

[Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-40-400, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 95-13-024, § 230-40-400, filed 6/13/95, effective 7/14/95. Statutory Authority: RCW 9.46.070(11). 82-04-010 (Order 118), § 230-40-400, filed 1/22/82; Order 58, § 230-40-400, filed 8/17/76; Order 40, § 230-40-400, filed 6/26/75; Order 23, § 230-40-400, filed 9/23/74.]

Chapter 230-46 WAC UNLICENSED ACTIVITIES

WAC

230-46-010 Purpose.

WAC 230-46-010 Purpose. The Washington state gambling commission deems it to be in the public interest to interpret RCW 9.46.0355 so as to insure uniformity and fairness to all sponsors of said promotional contests of chance. It is further the purpose of these regulations to notify all sponsors and their affiliates as to what types of promotional contests of chance are legal and not legal in the state of Washington.

[Statutory Authority: RCW 9.46.070. 95-12-051, § 230-46-010, filed 6/2/95, effective 7/3/95. Statutory Authority: RCW 9.46.030(10) and 9.46.070 (14) and (20). 86-08-007 (Order 156), § 230-46-010, filed 3/20/86. Statutory Authority: RCW 9.46.070 (3), (8) and (11). 85-09-040 (Order 149), § 230-46-010, filed 4/15/85.]

Chapter 230-48 WAC TRIBAL CASINOS

WAC

230-48-010 Tribal-state compacts—Phase II commission review.

WAC 230-48-010 Tribal-state compacts—Phase II commission review. (1) Pursuant to each tribal/state compact and upon successful completion of a Phase II investigative review, the director shall forward a summary of the material aspects of the investigative review with a recommendation for approval to Phase II status to the commissioners at least seven days prior to a meeting of the commission.

(2) At least ten days prior to the same meeting, the director's recommendation along with a notice of formal review shall be forwarded to the tribal government and local law enforcement agencies surrounding the Class III gaming operation. The notice shall set forth the proposed action and instructions for submission of written comments to the formal review process.

(3) During the meeting of the commission for which notice of formal review was given, the commission shall conduct a review of the Class III gaming operation. The review shall address the following criteria:

(a) Whether there have been any violations of the provisions of the compact which have resulted in sanctions imposed by the Federal District Court;

(b) Whether there have been any violations of the compact which are substantial or, due to repetition, would be deemed material;

(c) Whether there have been any material adverse impacts on the public safety or welfare of the surrounding communities in the nature of criminal activities directly related to the operation of the Class III operation;

(d) Whether there have been any unresolved and material violations of Appendix A of the compact; and

(e) Whether the tribal gaming agency has developed an adequate program of regulation and control and demonstrated an adequate level of proficiency, which includes the hiring of trained tribal gaming agents, an independent regulatory and reporting structure that is separate from that of the gaming operation or tribal bodies, a thorough and developed system for the reporting of compact violations, and a strong and consistent presence within the Class III facility.

(4) Upon completion of the review, the commission shall either approve, deny, or grant a conditional Phase II approval.

(5) If Phase II is denied or conditionally approved, the commission shall within ten working days issue a written order to the tribe setting forth the basis for the decision.

[Statutory Authority: RCW 9.46.360. 95-13-032, § 230-48-010, filed 6/13/95, effective 7/14/95.]

Chapter 230-50 WAC HEARINGS—PRACTICE AND PROCEDURE

WAC

230-50-010 Adjudicated proceedings—Hearings.

WAC 230-50-010 Adjudicated proceedings—Hearings. (1) Adjudicated proceedings shall be commenced for any and all matters wherein the commission is causing administrative charges to be brought against any applicant, licensee or permittee within the limitations to chapter 34.05 RCW as applicable.

(2) The commission shall afford an applicant for a license an opportunity for an adjudicated proceeding prior to denying such application, and shall afford a licensee the opportunity for an adjudicated proceeding prior to suspending or revoking a license.

(3) The commission will afford a person applying to the commission for approval of a pull tab dispensing device under WAC 230-30-095 an opportunity for an adjudicated proceeding prior to denying approval of such device.

(4) No hearing will be conducted with respect to any adjudicated proceeding unless an application for an adjudicated proceeding and request for hearing is timely filed by the applicant or licensee with the commission in compliance with WAC 230-50-210. The application must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received within 20 days following

service upon the party affected by the commission or the director of a notice of administrative charges and opportunity for an adjudicated proceeding. Said document shall contain the maximum penalty that may be assessed should an application not be filed by the party affected. An application for an adjudicated proceeding and request for hearing shall accompany all notices of administrative charges.

(5) If an application for an adjudicated proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The party shall be deemed to be in default pursuant to RCW 34.05.440 and the commission and director may take action against the party not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an adjudicated proceeding, which action shall be final.

(6) The procedures of RCW 34.05.485, brief adjudicative proceedings, shall be used for the following purposes:

(a) All hearings in which the penalty sought by the commission is for a suspension of seven days or less;

(b) Hearings held pursuant to WAC 230-50-015 (stay of summary suspension);

(c) Hearings held pursuant to WAC 230-04-400(3) (failure to pay required gambling taxes);

(d) Hearings held pursuant to WAC 230-04-190 (10)(c) (two part payment plan: Failure to make second payment);

(e) Hearings in which the parties have stipulated to facts or the parties have stipulated to charges, and the hearing is limited to a determination of whether facts constitute violations as charged and/or determination of appropriate penalty to be imposed; or

(f) Where the parties have stipulated to the use of brief adjudicative proceedings.

[Statutory Authority: RCW 9.46.070. 95-13-030, § 230-50-010, filed 6/13/95, effective 7/14/95; 92-19-107 (Order 231), § 230-50-010, filed 9/18/92, effective 10/19/92. Statutory Authority: Chapter 34.05 RCW. 89-24-003 (Order 200), § 230-50-010, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070(13). 80-03-059 (Order 98), § 230-50-010, filed 2/25/80; Order 45, § 230-50-010, filed 12/30/75; Order 9, § 230-50-010, filed 12/19/73.]

Title 232 WAC FISH AND WILDLIFE, DEPARTMENT OF (WILDLIFE)

Chapters

232-12 Permanent regulations.

232-16 Game reserves.

232-28 Seasons and limits.

Chapter 232-12 WAC PERMANENT REGULATIONS

WAC

232-12-001	Definition of terms.
232-12-018	Definitions—Landlocked chinook and coho.
232-12-019	Classification of game fish.
232-12-068	Nontoxic shot requirement for waterfowl, coot, and snipe hunting.
232-12-131	Permits for special hunting and trapping seasons.
232-12-151	Fly fishing rules.
232-12-227	Hunter education training program requirements.
232-12-287	Possession of dead wildlife.
232-12-619	Permanent Washington state-wide game fish regulations.

WAC 232-12-001 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless otherwise provided:

(1) "Snagging" means an effort to take fish with a hook and line in a manner such that the fish does not take the hook voluntarily in its mouth.

(2) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(3) "Spearing" and "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(4) A "valid" license, permit, tag, stamp or catch record card means a license, permit, tag, stamp, or catch record card that was issued to the bearer for the current season and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(5) "Hook" means one single, double, or treble hook. A "single hook" means a hook having a single point; a "double hook" means a hook having two points on a common shank; and a "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured, filed off, or pinched down.

(6) "Falconry" means possession, control, or use of a raptor for the purpose of hunting and free flight training.

(7) "Anadromous game fish" means:

(a) Steelhead trout, *Oncorhynchus mykiss*, defined as any searun rainbow trout over twenty inches in length

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

(8) "Handgun" means any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(9) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. "Nonbuoyant lure" means a lure, complete with hooks, swivels or other attachments, that does not float in freshwater.

(10) "Bait" means any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

(11) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.