

WAC 222-50-050 Forest fire prevention and suppression. All laws and rules relating to forest fire prevention and suppression apply in addition to these forest practices rules and, in cases of conflict, supersede the forest practices rules contained in chapters 222-24 through 222-38 WAC.

[Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-50-050, filed 5/30/01, effective 7/1/01; Order 263, § 222-50-050, filed 6/16/76.]

WAC 222-50-060 Other regulatory programs administered by the department. The board recommends that, to the extent permitted by law and when necessary the department adopt rules and policies under which approved applications and notifications can serve to eliminate or reduce the need for separate permits and approvals under regulatory programs administered by the department (such as the power driven machinery permits, RCW 76.04.275, dumping mill waste and forest debris permit, RCW 76.04.242, and surface mining permits, chapter 78.44 RCW) as applied to forest practices. The department is directed to notify the public of the existence of such rules and policies.

[Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-50-060, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-50-060, filed 8/3/82, effective 10/1/82; Order 263, § 222-50-060, filed 6/16/76.]

230-02-364

230-02-366

230-02-530

230-02-535

230-02-540

9.46.075. 96-24-008 (Order 303), § 230-02-362, filed 11/21/96, effective 12/22/96.] Repealed by 01-05-020 (Order 397), filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070.

Secondary market area defined. [Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-02-364, filed 11/21/96, effective 12/22/96.] Repealed by 01-05-020 (Order 397), filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070.

Impact market area defined. [Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-02-366, filed 11/21/96, effective 12/22/96.] Repealed by 01-05-020 (Order 397), filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070.

Circumstances outside the control of the licensee—Defined. [Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-02-530, filed 11/21/96, effective 12/22/96.] Repealed by 01-05-020 (Order 397), filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070.

Permanent interruption of customer flow—Defined. [Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-02-535, filed 11/21/96, effective 12/22/96.] Repealed by 01-05-020 (Order 397), filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070.

Temporary interruption of customer flow—Defined. [Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-02-540, filed 11/21/96, effective 12/22/96.] Repealed by 01-05-020 (Order 397), filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070.

WAC 230-02-138 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-02-362 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-02-364 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-02-366 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-02-530 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-02-535 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-02-540 Repealed. See Disposition Table at beginning of this chapter.

Title 230 WAC

GAMBLING COMMISSION

Chapters

230-02	General provisions and definitions.
230-04	Licensing.
230-08	Records and reports.
230-12	Rules of general applicability.
230-20	Bingo, raffles and amusement games.
230-30	Punch boards and pull-tabs.
230-40	Card games.
230-50	Hearings—Practice and procedure.

Chapter 230-02 WAC

GENERAL PROVISIONS AND DEFINITIONS

WAC

230-02-138	Repealed.
230-02-362	Repealed.
230-02-364	Repealed.
230-02-366	Repealed.
230-02-530	Repealed.
230-02-535	Repealed.
230-02-540	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-02-138	Positive cash flow from the bingo operation—Defined. [Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-02-138, filed 11/21/96, effective 12/22/96.] Repealed by 01-09-022 (Order 397-A), filed 4/9/01, effective 5/10/01. Statutory Authority: RCW 9.46.070 and 34.05.354.
230-02-362	Primary market area defined. [Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and

Chapter 230-04 WAC LICENSING

WAC

230-04-140	Licensing of public card room employees—Procedures—Exceptions.
230-04-142	Notification to the commission upon beginning, terminating, or changing employment—Public card room employees.
230-04-190	Issuance of license—Expiration—Restrictions.
230-04-202	Fees—Bona fide charitable/nonprofit organizations.
230-04-203	Fees—Commercial stimulant and other business organizations.
230-04-204	Fees—Individuals.
230-04-207	House-banked card games—Additional requirements.

230-04-260

Effect of exceeding license class income limit—Procedures—Penalties.

WAC 230-04-140 Licensing of public card room employees—Procedures—Exceptions. Except as provided for in this section, no person shall act as a public card room employee in a Class E, F, or house-banked card room unless such person has received a license from the commission. Public card room operators shall not employ any unlicensed person to perform duties for which a license is required and shall take all measures to prevent an unlicensed person from doing so. The following procedures and exceptions apply to card room employee licenses:

Applicants working prior to licensure.

(1) Individuals may perform card room duties prior to receiving a card room employee license if:

(a) They have properly submitted a completed card room employee application to the commission and met all the requirements set forth in this subsection. For purposes of this section, an application shall be deemed complete when all requested data has been entered on the form, all questions are fully and truthfully answered, all attachments are included and the application is accompanied by the required fees. An application shall be deemed received when delivered to the commission's headquarters office during normal business hours or deposited in the U.S. mail properly addressed to the commission;

(b) Commission staff has performed basic criminal background procedures prior to any duties being performed. To assure adequate time for such investigation, applicants shall not be allowed to perform card room duties until at least ten days has elapsed from the date of application or notification by the commission that the card room employee may begin to work: Provided, That commission staff may waive the ten-day waiting period. Such a waiver shall only be granted if:

(i) An employer can demonstrate an urgent and unexpected need for such employee;

(ii) The failure to grant such waiver would result in business closure or weaken the control structure of the activity;

(iii) The circumstances causing the need for a waiver was beyond the control of the licensee;

(iv) Commission staff is able to complete expedited review procedures; and

(v) The fee for such waiver is paid per WAC 230-04-204; and

(c) They are not restricted by subsection (2) of this section.

Applicants not allowed to work prior to licensure.

(2) An individual shall not be allowed to work prior to receiving a card room employee license if:

(a) The commission has previously revoked a license or denied an application by that individual; or

(b) They have been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.075, 9.46.158, and WAC 230-04-400; or

(c) The applicant:

(i) Has administrative or criminal charges pending;

(ii) Is awaiting results of an administrative hearing, criminal trial or appeal;

(iii) Is serving a period of probation or otherwise under court supervision; or

(iv) Is subject to an arrest warrant.

Unqualified card room employees - suspension of duties.

(3) Once the commission notifies a card room operator that an employee is not qualified to work without a license, the operator shall immediately suspend the applicant employee from all card room related duties.

Fees for applicants working prior to licensure.

(4) If an applicant elects to perform the duties of a card room employee prior to receiving a license as authorized under the provisions of this section, the commission shall retain the entire application fee regardless of the disposition of the application.

Owners not required to be licensed as a card room employee.

(5) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation or member of a limited liability company licensed to operate a public card room shall not be required to be additionally licensed as a card room employee to perform duties in connection with the card room.

Employer shall sign application.

(6) The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the application of each such card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

License shall be valid for one year.

(7) A card room employee license shall be valid for a period not to exceed one year from the date a license is issued or the date of the application if the applicant works prior to receiving a license.

Employer shall maintain copies of all licenses.

(8) A licensed operator shall maintain a photocopy of each card room employee's license, or application if a license has not been issued, on the licensed premises at all times. Such photocopy shall be available for inspection by commission staff or other law enforcement personnel upon request.

Working for an additional employer or changing employers - fees.

(9) A card room employee may work for an additional employer or change employers after all requirements of WAC 230-04-142 have been met. The required notification forms, as set forth in WAC 230-04-142, shall be maintained by the employing organization as required by subsection (8) of this section. The fee for changing employers shall be as set forth in WAC 230-04-204.

Class III employees working as a card room employee - fees.

(10) A certified Class III gaming employee may work as a card room employee after all requirements of WAC 230-04-142 have been met. The fee for a conversion shall be as set forth in WAC 230-04-204.

[Statutory Authority: RCW 9.46.070. 01-05-021 (Order 400), § 230-04-140, filed 2/9/01, effective 3/12/01; 00-09-052 (Order 383), § 230-04-140, filed 4/14/00, effective 5/15/00. Statutory Authority: RCW 9.46.070 and 9.46.116. 96-24-007 (Order 304), § 230-04-140, filed 11/21/96, effective 1/1/97. Statutory Authority: Chapter 9.46 RCW. 87-09-043 (Order 167), § 230-04-140, filed 4/14/87. Statutory Authority: RCW 9.46.070 (1), (7), (11), (14), and (17). 83-21-073 (Order 137), § 230-04-140, filed 10/18/83. Statutory Authority: RCW 9.46.070(16). 80-03-059 (Order 98), § 230-04-140, filed 2/25/80; 79-09-029 (Order 91), § 230-04-140, filed 8/14/79; 78-08-055 (Order 86), § 230-04-140, filed 7/20/78, effective 9/1/78; 78-06-066 (Order 85), § 230-04-140, filed 5/25/78, effective 9/1/78.]

WAC 230-04-142 Notification to the commission upon beginning, terminating, or changing employment—Public card room employees. A licensed public card room operator shall notify the commission in writing when a card room employee has begun work in the card room or has terminated employment for any reason.

(1) The notification shall be submitted on a form provided by the commission.

(2) Each notification shall be completed on or before the card room employee's first day of work or when the employer determines the card room employee will no longer be working, as applicable, and shall reach the administrative office of the commission in Lacey, not later than 5 p.m. on the seventh business day following the employee's first day of work or last day of work, as applicable.

(3) The fee for transferring, adding, or converting from Class III shall be set forth in WAC 230-04-204 and will be paid by the card room employee at the time of license renewal.

(4) This rule shall not apply to persons operating a public card room under a Class B or Class D license only.

[Statutory Authority: RCW 9.46.070. 01-05-021 (Order 400), § 230-04-142, filed 2/9/01, effective 3/12/01. Statutory Authority: RCW 9.46.070(7). 79-09-029 (Order 91), § 230-04-142, filed 8/14/79.]

WAC 230-04-190 Issuance of license—Expiration—Restrictions. The commission may only issue a license to qualified applicants. All licenses are issued subject to the following restrictions:

(1) The commission may issue the following licenses:

(a) **Charitable and nonprofit organizations and agricultural fairs.** The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (i) Bingo;
- (ii) Raffles;
- (iii) Amusement games;
- (iv) Punch boards and pull-tabs;
- (v) Social card games; and
- (vi) Fund raising events as defined in RCW 9.46.0233:

Provided, That any agricultural fair authorized under the pro-

visions of chapter 15.76 or 36.37 RCW is prohibited from conducting fund raising events.

(b) **Commercial amusement games.** The commission may issue a separate license to any person to operate amusement games at one or more of the locations listed in WAC 230-04-138.

(c) **Commercial stimulant card games.** The commission may issue a license to any person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(d) **Public card room employee.** The commission may issue a license to any person to perform duties in a public card room.

(e) **Commercial stimulant punch boards and pull-tabs.** The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to operate punch boards and pull-tabs upon specified premises.

(f) **Manufacturers and distributors of gambling equipment and paraphernalia.** The commission may issue a separate or combination license to the following:

(i) Manufacturers of punch boards, pull-tabs, devices for the dispensing of pull-tabs, bingo equipment, and other gambling equipment, supplies, and paraphernalia; and

(ii) Distributors of punch boards, pull-tabs, devices for the dispensing of pull-tabs, bingo equipment, and any gambling equipment, supplies, or paraphernalia for use in connection with authorized activities.

(g) **Representatives of manufacturers or distributors.** The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment and paraphernalia.

(h) **Recreational gaming activity permit.** The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.

License expiration.

(2) Each such license shall be valid for the period of time or the level of gross gambling receipts set forth on the license. In no case shall the time period exceed one year from the date that such license is issued: Provided, That license expiration dates may be adjusted by commission staff to schedule workload. Organizations licensed for more than one activity may have all expiration dates adjusted to end on the same day. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For purposes of computing fees under this section, any part of a month in which the activity is authorized to be operated shall be deemed to be a whole month. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant. Specific expiration dates are as follows:

(a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(b) A license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival;

(c) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days;

(d) A license issued to conduct a fund raising event shall be valid only for the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event: Provided, That a fund raising event license shall allow an organization to have possession of gambling equipment authorized for use at a fund raising event for a period of one year beginning on the day of the event and to rent such for up to four occasions per year to other organizations licensed to operate fund raising events;

(e) A license issued to an individual shall be valid for a period not to exceed one year from the date the individual was assigned duties requiring a license, the date the license was actually issued, or as set forth elsewhere in this title, whichever occurs first: Provided, That a charitable or non-profit gambling manager or distributor representative license shall become void upon a change of employer; and

(f) A bingo license that has been limited under the restrictions of WAC 230-20-062 shall expire when the level of authorized gross gambling receipts is reached. A license that expires under this subsection shall not be granted an increase in license class for the current license period until all requirements of WAC 230-04-260 have been met or the commission grants an increase in license class under procedures set forth in WAC 230-20-062.

Reinstating expired licenses.

(3) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a prelicensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: Provided, That if a properly completed renewal application and fees are received at the commission headquarters office within the fourteen-day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

Two-part payment plan for license fees.

(4) The commission may allow an applicant renewing an annual license or applying for an additional license to pay the license fee in two payments under the following conditions:

(a) The license fee is at least eight hundred dollars;

(b) The applicant pays an administrative processing fee as set forth in WAC 230-04-202 or 230-04-203, plus one-half of the annual license fee at the time of application or renewal;

(c) Licenses issued under the two-payment plan shall be issued with an expiration date as determined by subsection (2) of this section and a second-half payment due date. If the second-half payment is received on or before the due date, the license will remain in effect until the expiration date. If the licensee fails to submit the second-half payment prior to the due date, the license shall expire and all operations of the activity must stop; and

(d) Gross gambling receipts during the first-half payment period must not exceed fifty percent of the authorized class limitation for annual gross gambling receipts. Licensees whose gross gambling receipts exceed fifty percent of the authorized level shall be required to apply for a license at the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus an administrative processing fee, as set forth in WAC 230-04-202 and 230-04-203.

Conditions of license issuance.

(5) All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

[Statutory Authority: RCW 9.46.070. 01-11-063 (Order 401), § 230-04-190, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 9.46.070 (1), (2), 97-14-013, § 230-04-190, filed 6/20/97, effective 7/21/97. Statutory Authority: RCW 9.46.070 and 9.46.116. 96-24-007 (Order 304), § 230-04-190, filed 11/21/96, effective 1/1/97. Statutory Authority: RCW 9.46.070. 94-23-007, § 230-04-190, filed 11/3/94, effective 1/1/95. Statutory Authority: RCW 9.46.0331. 91-22-029 (Order 229), § 230-04-190, filed 10/29/91, effective 11/29/91. Statutory Authority: Chapter 9.46 RCW. 91-15-040 (Order 224), § 230-04-190, filed 7/17/91, effective 8/17/91. Statutory Authority: Chapter 34.05 RCW. 90-03-064 (Order 203), § 230-04-190, filed 1/18/90, effective 2/18/90. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-04-190, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20). 89-09-047 (Order 190), § 230-04-190, filed 4/18/89, effective 7/1/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-04-190, filed 6/14/88. Statutory Authority: RCW 9.46.070 (1), (2), (3), (4) and (14). 87-21-015 (Order 172), § 230-04-190, filed 10/9/87. Statutory Authority: RCW 9.46.020(23). 81-03-045 (Order 105), § 230-04-190, filed 1/16/81. Statutory Authority: RCW 9.46.070(16). 78-06-066 (Order 85), § 230-04-190, filed 5/25/78. Statutory Authority: RCW 9.46.070(10). 78-05-043 (Order 84), § 230-04-190, filed 4/21/78; Order 78, § 230-04-190, filed 11/17/77; Order 51, § 230-04-190, filed 4/30/76; Order 42, § 230-04-190, filed 9/18/75; Order 23, § 230-04-190, filed 9/23/74; Order 5, § 230-04-190, filed 12/19/73.]

WAC 230-04-202 Fees—Bona fide charitable/non-profit organizations. Bona fide charitable and nonprofit organizations 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. AMUSEMENT GAMES		
	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	\$ 53
Class B	Up to \$ 10,000	\$ 53
Class C	Up to \$ 25,000	\$ 285
Class D	Up to \$ 50,000	\$ 457
Class E	Over \$ 50,000	\$ 797

* Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.

2. BINGO GROUP

		(Fee based on annual gross gambling receipts)		VARIANCE *
Class A	Up to	\$ 15,000	\$ 1,000	\$ 53
Class B	Up to	\$ 50,000	\$ 1,000	\$ 166
Class C	Up to	\$ 100,000	\$ 2,000	\$ 339
Class D	Up to	\$ 250,000	\$ 4,000	\$ 915
Class E	Up to	\$ 500,000	\$ 8,000	\$ 1,541
Class F	Up to	\$ 1,000,000	\$ 15,000	\$ 3,095
Class G	Up to	\$ 1,500,000	\$ 23,000	\$ 4,467
Class H	Up to	\$ 2,000,000	\$ 30,000	\$ 5,967
Class I	Up to	\$ 2,500,000	\$ 38,000	\$ 7,455
Class J	Up to	\$ 3,000,000	\$ 45,000	\$ 8,945
Class K	Up to	\$ 3,500,000	\$ 53,000	\$ 10,034
Class L	Up to	\$ 4,000,000	\$ 60,000	\$ 11,470
Class M and above	Over	\$ 4,000,000	Not applicable	12,906

* 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.

3. CARD GAMES

Class A	General (Fee to play charged)	\$ 571
Class B	Limited card games - hearts, rummy, pitch, pinocle, and cribbage (Fee to play charged)	\$ 166
Class C	Tournament only - no more than ten consecutive days per tournament	\$ 53
Class D	General (No fee to play charged)	\$ 53

4. FUND-RAISING EVENT

Class A	One event - not more than 24 consecutive hours	\$ 339
	First time applicant	
	*Previously licensed applicant	\$ 200
Class B	One event - not more than 72 consecutive hours	\$ 571
	First time applicant	
	*Previously licensed applicant	\$ 350
Class C	Additional participant in joint event (not lead organization)	\$ 166
Class D	Limited fund-raising event (one event - not more than six consecutive hours)	
	First time applicant	\$ 150
	**Previously licensed applicant	\$ 100

4. FUND-RAISING EVENT

Class E	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year***	\$ 226
Class F	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$ 571
*	Provides for a reduced fee when charitable and nonprofit organizations apply for an additional Class A or Class B fund-raising event.	
**	Provides for a fee reduction when charitable and nonprofit organizations apply for an additional Class D limited fund-raising event.	
***	Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.	

5. PUNCH BOARDS/PULL-TABS

		(Fee based on annual gross gambling receipts)		VARIANCE*
Class A	Up to	\$ 50,000	\$ 5,000	\$ 544
Class B	Up to	\$ 100,000	\$ 5,000	\$ 971
Class C	Up to	\$ 200,000	\$ 10,000	\$ 1,832
Class D	Up to	\$ 300,000	\$ 10,000	\$ 2,663
Class E	Up to	\$ 400,000	\$ 10,000	\$ 3,440
Class F	Up to	\$ 500,000	\$ 10,000	\$ 4,153
Class G	Up to	\$ 600,000	\$ 10,000	\$ 4,812
Class H	Up to	\$ 700,000	\$ 10,000	\$ 5,416
Class I	Up to	\$ 800,000	\$ 10,000	\$ 5,967
Class J	Up to	\$ 1,000,000	\$ 20,000	\$ 6,765
Class K	Up to	\$ 1,250,000	\$ 25,000	\$ 7,509
Class L	Up to	\$ 1,500,000	\$ 25,000	\$ 8,201
Class M	Up to	\$ 1,750,000	\$ 25,000	\$ 8,771
Class N	Up to	\$ 2,000,000	\$ 25,000	\$ 9,290
Class O	Over	\$ 2,000,000	Non-applicable	\$ 10,208

* 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.

6. RAFFLES

		(Fee based on annual gross gambling receipts)
Class A	Up to \$ 5,000	\$ 53
Class B	Up to \$ 10,000	\$ 166
Class C	Up to \$ 25,000	\$ 339
Class D	Up to \$ 50,000	\$ 571
Class E	Up to \$ 75,000	\$ 915
Class F	Over \$ 75,000	\$ 1,370

7. COMBINATION LICENSE

CLASS A	Allows gross gambling receipts of up to \$ 25,000 from bingo, \$ 7,500 from raffles, and \$ 7,500 from amusement games, not to exceed \$ 30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 103
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7. COMBINATION LICENSE

CLASS B	Allows gross gambling receipts of up to \$ 60,000 from bingo, \$ 15,000 from raffles, and \$ 15,000 from amusement games, not to exceed \$ 75,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 268
CLASS C	Allows gross gambling receipts of up to \$ 125,000 from bingo, \$ 30,000 from raffles, and \$ 30,000 from amusement games, not to exceed \$ 150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 619

8. SEPARATE PREMISES

BINGO	Per occasion (see WAC 230-04-300)	\$ 26
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9. PERMITS

AGRICULTURAL FAIR-BINGO RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-04-191)	\$ 26
	(See WAC 230-25-330 and 230-02-505)	\$ 53

10. CHANGES

NAME	(See WAC 230-04-310)	\$ 26
LOCATION	(See WAC 230-04-320) (Date or time)	\$ 26
FEE	(See WAC 230-04-325)	\$ 26
LICENSE CLASS	(See WAC 230-04-260)	\$ 26
DUPLICATE LICENSE	(See WAC 230-04-290)	\$ 26

11. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required
REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-08-017)	\$ 26
EXCEEDING LICENSE CLASS REVIEW,	(See WAC 230-04-260)	As required
INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-12-315)	As required

12. SIX-MONTH PAYMENT PLAN

PLAN	(See WAC 230-04-190)	\$ 26
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[Statutory Authority: RCW 9.46.070. 01-23-056, § 230-04-202, filed 11/20/01, effective 1/1/02; 01-05-019 (Order 399), § 230-04-202, filed 2/9/01, effective 3/12/01; 99-24-099 (Order 377), § 230-04-202, filed 11/30/99, effective 12/31/99; 98-21-010 (Order 366), § 230-04-202, filed 10/9/98, effective 11/9/98. Statutory Authority: RCW 9.46.070(5). 97-23-053, § 230-04-202, filed 11/17/97, effective 6/30/98. Statutory Authority: RCW 9.46.070 (5), (6), (11), (14). 97-14-012, § 230-04-202, filed 6/20/97, effective 7/21/97. Statutory Authority: RCW 9.46.070 and 9.46.116. 96-24-007 (Order 304), § 230-04-202, filed 11/21/96, effective 1/1/97. Statutory Authority: RCW 9.46.070. 95-02-003 and 94-23-093 (Order 260), § 230-04-202, filed 12/22/94 and 11/17/94, effective 1/22/95 and 1/1/95.]

WAC 230-04-203 Fees—Commercial stimulant and other business organizations. All persons seeking to operate gambling activities 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	Up to five tables of limited card games - hearts, rummy, pitch, pinochle, and/or cribbage (Fee to play charged)	\$ 170
Class C	Tournament only, no more than ten consecutive days per tournament.	
C-5	Up to five tables	\$ 170
C-10	Up to ten tables	\$ 308
C-15	Up to fifteen tables	\$ 513
Class D	General - Up to five tables (No fee to play charged)	\$ 54
Class E	*General (Fee to play charged)	
E-1	One table only	\$ 409
E-2	Up to two tables	\$ 704
E-3	Up to three tables	\$ 1,172
E-4	Up to four tables	\$ 2,350
E-5	Up to five tables	\$ 3,534
Additional tables up to a maximum of fifteen may be authorized for an additional per table fee of \$ 1,027.		
*In addition to the above initial license fee, the commission will assess all applicants/licenses the actual costs that exceed the license fee for conducting the initial investigation and inspection, any follow-up reviews or investigations involved in the approval of activities and schemes.		
Class F	Enhanced cardroom activities endorsement - Includes alternative fee collections (per hand; pot rake) and use of player-supported jackpot schemes.	
	Annual license fee	\$ 1,540
2. CARD GAMES - HOUSE-BANKED		
	All tables within a card room operating any house-banked card game shall be licensed under this license class.	
	*Annual license fee	\$ 6,166
	Per table fee (up to fifteen tables)	\$ 1,540
*The commission will assess all applicants the actual costs for conducting the initial license investigation and premises inspection. Any post licensing follow-up reviews, inspections, internal control evaluations or subsequent phases of operation shall also be charged actual costs. Licensees will be evaluated and charged for these additional authorizations/phases on an individual case by case basis.		
3. COMMERCIAL AMUSEMENT GAMES	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	** \$ 292/\$ 133
Class B	Up to \$ 50,000	\$ 409
Class C	Up to \$ 100,000	\$ 1,052
Class D	Up to \$ 250,000	\$ 2,350
Class E	Up to \$ 500,000	\$ 4,122
Class F	Up to \$ 1,000,000	\$ 7,074
Class G	Over \$ 1,000,000	\$ 8,850
* 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 \$ 159 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.		
4. PUNCH BOARDS/(Fee based on annual gross gambling receipts)		
PULL-TABS		VARIANCE*
Class A	Up to \$ 50,000	\$ 559
Class B	Up to \$ 100,000	\$ 998
Class C	Up to \$ 200,000	\$ 1,882
Class D	Up to \$ 300,000	\$ 2,736
Class E	Up to \$ 400,000	\$ 3,534
Class F	Up to \$ 500,000	\$ 4,268
Class G	Up to \$ 600,000	\$ 4,946
Class H	Up to \$ 700,000	\$ 5,566

LICENSE TYPE	DEFINITION	FEE
Class I	Up to \$ 800,000	\$10,000
Class J	Up to \$ 1,000,000	\$20,000
Class K	Up to \$ 1,250,000	\$25,000
Class L	Up to \$ 1,500,000	\$25,000
Class M	Up to \$ 1,750,000	\$25,000
Class N	Up to \$ 2,000,000	\$25,000
Class O	Over \$ 2,000,000	Nonapplicable

* 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.

5. PUNCH BOARD AND PULL-TAB SERVICE BUSINESS	
(See WAC 230-04-133)	\$ 211
*Initial application fee	
Additional associate	\$ 132
Renewal	\$ 52

*Includes up to two associates.

6. DISTRIBUTOR	(Fee based on annual gross sales of gambling related supplies and equipment)	
(a) Class A	Nonpunch board/pull-tab only	\$ 586
Class B	Up to \$ 250,000	\$ 1,172
Class C	Up to \$ 500,000	\$ 1,762
Class D	Up to \$ 1,000,000	\$ 2,350
Class E	Up to \$ 2,500,000	\$ 3,060
Class F	Over \$ 2,500,000	\$ 3,768

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.	\$ 232
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	\$ 586

7. GAMBLING SERVICE SUPPLIER	
(See WAC 230-04-119)	\$ 610

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.

An annual fee of \$ 129 shall be charged for each new contract initiated by the gambling service supplier.

8. LINKED BINGO PRIZE PROVIDER	
(See WAC 230-04-126)	\$ 3,920

9. MANUFACTURER	(Fee based on annual gross sales of gambling related supplies and equipment)	
Class A	Pull-tab dispensing devices only	\$ 586
Class B	Up to \$ 250,000	\$ 1,172
Class C	Up to \$ 500,000	\$ 1,762
Class D	Up to \$ 1,000,000	\$ 2,350
Class E	Up to \$ 2,500,000	\$ 3,060
Class F	Over \$ 2,500,000	\$ 3,768

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, compliance suitability evaluations, and renewal of licenses when travel cost is incurred to complete the investigation.

10. PERMITS

AGRICULTURAL FAIR/

SPECIAL PROPERTY

BINGO

Class A	One location and event only (See WAC 230-04-191)	\$ 26
Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	\$ 170

LICENSE TYPE	DEFINITION	FEE
RECREATIONAL		
GAMING ACTIVITY	(See WAC 230-02-505 and 230-25-330)	\$ 54
MANUFACTURER'S SPECIAL SALES PERMIT	(See WAC 230-04-115)	*\$ 205

*The two hundred five dollar fee is nonrefundable, whether the sales permit is approved or not. In addition, an applicant may be assessed additional fees incurred to process and determine suitability.

11. CHANGES

NAME	(See WAC 230-04-310)	\$ 26
LOCATION	(See WAC 230-04-320)	\$ 26
BUSINESS	(Same owners)	\$ 54
CLASSIFICATION	(See WAC 230-04-340)	
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	\$ 26
DUPLICATE LICENSE	(See WAC 230-04-290)	\$ 26
CORPORATE	(See WAC 230-04-360)	\$ 54
STOCK/LIMITED LIABILITY COMPANY		
SHARES/UNITS		
LICENSE TRANSFERS	(See WAC 230-04-125 and 230-04-340)	\$ 54

12. 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 230-30-017)	\$ 26
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required
REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-12-315)	As required
SPECIAL SALES PERMITS	(See WAC 230-04-115)	As required
ELECTRONIC CARD FACSIMILE TABLE IDENTIFICATION STAMP	(See WAC 230-08-017)	*\$ 350
	*Annually, for each separate table	

13. SIX-MONTH

PAYMENT PLAN	(See WAC 230-04-190)	\$ 26
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[Statutory Authority: RCW 9.46.070. 01-23-056, § 230-04-203, filed 11/20/01, effective 1/1/02; 01-05-019 (Order 399), § 230-04-203, filed 2/9/01, effective 3/12/01; 00-15-039 (Order 385), § 230-04-203, filed 7/14/00, effective 1/1/01; 99-24-099 (Order 377), § 230-04-203, filed 11/30/99, effective 12/31/99; 98-21-010 (Order 366), § 230-04-203, filed 10/9/98, effective 11/9/98. Statutory Authority: RCW 9.46.070(5). 97-23-053, § 230-04-203, filed 11/17/97, effective 6/30/98. Statutory Authority: RCW 9.46.070 (5), (6), (11), (14). 97-14-012, § 230-04-203, filed 6/20/97, effective 7/21/97. Statutory Authority: RCW 9.46.070 and 9.46.116. 96-24-007 (Order 304), § 230-04-203, filed 11/21/96, effective 1/1/97. 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 230-04-204 Fees—Individuals. Individuals shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. CHARITABLE OR NON-PROFIT GAMBLING MANAGER	Original Renewal Change of Employer	\$ 166 \$ 80 \$ 80
2. LINKED BINGO PRIZE PROVIDER REPRESENTATIVE	Original Renewal	\$ 232 \$ 142
3. COMMERCIAL GAMBLING MANAGER	Original Renewal Change of Employer	\$ 170 \$ 82 \$ 82
4. DISTRIBUTOR'S OR GAMBLING SERVICES SUPPLIER REPRESENTATIVE	Original Renewal	\$ 232 \$ 142
5. MANUFACTURER'S REPRESENTATIVE	Original Renewal	\$ 232 \$ 142
6. PUBLIC CARD ROOM EMPLOYEE	CLASS A - Performs duties as defined in WAC 230-02-415 in a class E card room. Original Renewal	\$ 170 \$ 82
	CLASS B - Performs duties as defined in WAC 230-02-415 in enhanced and house-banked card rooms. Original, in-state Original, out-of-state Renewal Transfer/Additional Employee/Conversion/ Emergency Waiver Request	\$ 230 \$ 286 \$ 142 \$ 56
7. OTHER FEES		
CHANGE OF NAME	(See WAC 230-04-310)	\$ 26
DUPLICATE LICENSE	(See WAC 230-04-290)	\$ 26
OUT-OF-STATE RECORDS INQUIRY	(See WAC 230-04-240)	As required

[Statutory Authority: RCW 9.46.070. 01-23-056, § 230-04-204, filed 11/20/01, effective 1/1/02; 01-05-019 (Order 399), § 230-04-204, filed 2/9/01, effective 3/12/01; 99-24-099 (Order 377), § 230-04-204, filed 11/30/99, effective 12/31/99; 98-21-010 (Order 366), § 230-04-204, filed 10/9/98, effective 11/9/98. Statutory Authority: RCW 9.46.070(5). 97-23-053, § 230-04-204, filed 11/17/97, effective 6/30/98. Statutory Authority: RCW 9.46.070 and 9.46.116. 96-24-007 (Order 304), § 230-04-204, filed 11/21/96, effective 1/1/97. Statutory Authority: RCW 9.46.070. 96-09-070, § 230-04-204, filed 4/16/96, effective 7/1/96; 94-23-007, § 230-04-204, filed 11/3/94, effective 1/1/95.]

WAC 230-04-207 House-banked card games—Additional requirements. Prior to an application for a house-banked card room license being presented to the commission for approval, the applicant shall demonstrate their ability to comply with commission requirements for such games. In order to demonstrate this capability, an applicant shall provide such information as the commission staff may require and complete a preoperational review and evaluation (PORE) per WAC 230-40-801. At least the following shall be submitted as a part of their application:

Internal accounting and administrative controls.

(1) A detailed description of its planned system of internal accounting and administrative controls in the standard format prescribed by commission staff. Such information shall meet all requirements set forth in WAC 230-40-815 and be presented in both a narrative and diagrammatic form;

Physical layout.

(2) A detailed diagram of the planned physical layout of the card room and all supporting installations. Such diagram shall include at least the following:

- (a) The location of all gaming tables;
 - (b) The location of all surveillance cameras;
 - (c) The count room;
 - (d) The surveillance room; and
 - (e) The cashier's cage;
- (3) A detailed description of:
- (a) Card games to be played, including rules of play; and
 - (b) Type of gaming tables, including table layouts.

[Statutory Authority: RCW 9.46.070. 01-23-055, § 230-04-207, filed 11/20/01, effective 1/1/02; 00-09-052 (Order 383), § 230-04-207, filed 4/14/00, effective 5/15/00.]

WAC 230-04-260 Effect of exceeding license class income limit—Procedures—Penalties. During any annual license period, a licensee shall not exceed the gross gambling receipts limits set forth on the license, except as authorized by this section. The following procedures, limitations, and penalties apply to licensees that exceed limits for any license.

Anticipating gambling receipts limit will be exceeded.

(1) Each licensee shall monitor the level of gross gambling receipts received from each gambling activity. When a projection of year-to-date receipts, as applied to the remaining period of the license, indicates that it is reasonably likely that a license will be exceeded, the licensee shall immediately comply with the following:

(a) Apply for a license that authorizes the anticipated level of gross gambling receipts; and

(b) Submit the basic fee required for the new license, less the amount originally submitted for the previous license, plus a change of classification fee required by WAC 230-04-202 or 230-04-203.

(2) Any license upgrade issued by the commission shall be valid only for the remainder of the original term of the license.

Penalty for failing to apply for license upgrade.

(3) Any licensee that fails to comply with the requirements set forth in subsection (1) of this section and exceeds the license class limit within a present or previous license year, may be assessed an exceeding class fee not to exceed fifty percent of the difference between the fees for the present license class and the new license class or one thousand dollars, whichever is less. Upon written notice by the commission assessing an exceeding class fee, a licensee shall remit the proper fee plus all upgrade fees within twenty days. Failure to remit such fees may result in a summary suspension of all licenses held by the licensee pending a hearing for the suspension or revocation of such licenses.

Partial refund of license fees when gambling receipts limit is not achieved.

(4) A licensee shall be allowed to apply for a partial refund of its license fee when its annual gross gambling receipts are less than the minimum for the class of license

issued. The amount of refund shall be the difference between fees actually paid to operate during the period and those fees that would normally apply to the level of gross gambling receipts actually received during the period. Such request shall be made after the end of any annual license period and prior to the end of the next annual license period.

[Statutory Authority: RCW 9.46.070. 01-05-020 (Order 397), § 230-04-260, filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070 (1), (2). 97-14-013, § 230-04-260, filed 6/20/97, effective 7/21/97. Statutory Authority: Chapter 9.46 RCW. 94-24-056 (Order 262), § 230-04-260, filed 12/5/94, effective 1/5/95. Statutory Authority: RCW 9.46.070(14). 88-15-019 (Order 181), § 230-04-260, filed 7/11/88. Statutory Authority: RCW 9.46.070 (5), (6), (8), (10), and (11). 84-01-026 (Order 139), § 230-04-260, filed 12/12/83. Statutory Authority: RCW 9.46.070 (5) and (9). 80-03-060 (Order 99), § 230-04-260, filed 2/25/80; Order 42, § 230-04-260, filed 9/18/75; Order 5, § 230-04-260, filed 12/19/73.]

Chapter 230-08 WAC RECORDS AND REPORTS

WAC

230-08-017	Control of gambling equipment—Use of identification and inspection services stamps.
230-08-027	Decodified.
230-08-090	Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-08-027	House-banked card games—General accounting records to be maintained. [Statutory Authority: RCW 9.46.070 and 34.05.230. 01-01-016 (Order 396), § 230-08-027, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 9.46.070. 00-09-052 (Order 383), § 230-08-027, filed 4/14/00, effective 5/15/00.] Decodified and amended by 01-13-091 (Order 403), filed 6/19/01, effective 7/20/01. Statutory Authority: RCW 9.46.070. Recodified as WAC 230-40-821.
230-08-090	Daily records—Card games. [Statutory Authority: RCW 9.46.070. 00-09-052 (Order 383), § 230-08-090, filed 4/14/00, effective 5/15/00. Statutory Authority: RCW 9.46.070(8), 9.46.0325 and 9.46.070. 93-10-005 (Order 238), § 230-08-090, filed 4/21/93, effective 7/1/93. Statutory Authority: RCW 9.46.070 (8) and (17). 83-23-055 (Order 138), § 230-08-090, filed 11/15/83. Statutory Authority: RCW 9.46.070(8) and (14). 82-11-028 (Order 120), § 230-08-090, filed 5/11/82; Order 23, § 230-08-090, filed 9/23/74.] Decodified and amended by 01-13-091 (Order 403), filed 6/19/01, effective 7/20/01. Statutory Authority: RCW 9.46.070. Recodified as WAC 230-40-052.

WAC 230-08-017 Control of gambling equipment—Use of identification and inspection services stamps. To ensure gambling equipment is used only as authorized, manufacturers, distributors, linked bingo prize providers, and operators shall maintain close control over all gambling equipment in their possession.

Documenting equipment transfers.

(1) Each licensee that transfers leases or provides gambling equipment shall document the transaction by completing an invoice or other written record setting forth the information required by WAC 230-08-040.

ID stamps to be affixed to equipment.

(2) Identification and inspection services stamps obtained from the commission shall be used to identify gambling equipment and shall be permanently and conspicuously

affixed to all equipment and devices designated by the commission. Once attached, identification and inspection services stamps shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

Equipment/devices requiring ID stamps.

(3) Identification and inspection services stamps shall be attached to the following gambling equipment and devices:

- (a) Punch boards and pull-tab series;
- (b) Pull-tab dispensing devices;
- (c) Disposable bingo cards;
- (d) Coin or token-activated amusement games operated at any Class A amusement game license location;
- (e) Electronic bingo card daubers;
- (f) Electronic card facsimile table; and
- (g) Other gambling equipment or devices, as determined by the director.

Purchasing and affixing ID stamps.

(4) Identification and inspection services stamps shall only be sold to and attached by licensed manufacturers or commission staff: Provided, That a licensed owner of controlled gambling equipment may purchase and attach stamps as outlined in subsections (10) and (11) of this section;

Fees for ID stamps.

(5) The fee charged for identification and inspection services stamps shall be set by the commission at a level sufficient to fund regulation and control of gambling equipment. Fees shall be as set out below:

- (a) **Punch boards and pull-tabs:**
 - (i) Standard - wagers fifty cents and below - twenty-seven cents;
 - (ii) Standard - wagers over fifty cents - one dollar and two cents;
 - (iii) Progressive jackpot pull-tab series - ten dollars and twenty-seven cents per series;
 - (iv) Pull-tab series with carry-over jackpots - one dollar and two cents;
- (b) **Pull-tab dispensing devices:**
 - (i) Mechanical and electro-mechanical - twenty-seven cents;
 - (ii) Electronic - pull-tab dispensing devices that require initial and ongoing evaluation of electronic components or functions, such as reading encoded data on pull-tabs, accounting for income or prizes, and other functions determined by the director - one hundred two dollars and seventy-nine cents annually.

(c) Disposable bingo cards:

- (i) Sets of individual cards or sheets of cards - twenty-seven cents;
- (ii) Collations of cards - one dollar and thirteen cents;
- (iii) Cards used to play for linked bingo prizes - forty-one cents per two hundred fifty cards.

(d) **Coin or token-activated amusement games** operated at any Class A amusement game license location - twenty-five dollars and sixty-nine cents annually;

(e) **Electronic bingo card daubers** - ten dollars and twenty-seven cents annually;

(f) **Electronic card facsimile table** - three hundred fifty dollars annually for each table;

(g) **Other equipment or devices** - the actual cost of inspection or approval, as determined by the director.

ID stamps valid for one year - exception.

(6) Devices that require identification and inspection services stamps to be installed annually shall have such stamps attached prior to placing any device into play and, on or before December 31 of the year preceding operation for each subsequent year.

Affixing stamps - shipping and packaging.

(7) Identification stamps shall only be affixed to gambling equipment or devices in such a manner as to assure reasonable inspection without obstruction. If equipment is enclosed or packaged within protective materials, the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: Provided, That when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and inspection services stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton.

Location of ID stamps on equipment/devices.

(8) Stamps and records entry labels shall be affixed in the following manner:

(a) **Punch boards** - on the reverse side in an area that will not obstruct removal of punches: Provided, That if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punch board in a manner that will not obstruct display of prizes available or other information required by rules of the commission;

(b) **Pull-tabs** - on the face or reverse side of the flare. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission;

(c) **Pull-tab dispensing devices** - on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull-tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded;

(d) **Disposable bingo cards** - on the packing label attached to the outside of the shipping carton. Records entry labels shall be attached to the packing slip: Provided, That when a set or collation of cards is packed in more than one shipping carton, the stamp shall be attached to carton number one and the stamp number imprinted on all remaining shipping cartons; and

(e) **Electronic facsimile card table** - on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the card facsimiles. The records entry labels shall not be affixed to table and may be discarded.

ID stamps shall only be affixed to approved devices.

(9) Identification and inspection services stamps shall not be attached to gambling equipment or devices that do not comply with rules of the commission. If a piece of equipment or a device requires specific commission approval, stamps shall not be affixed prior to such approval.

Licensed owners may purchase ID stamps.

(10) A licensed owner of gambling devices which require annual identifications and inspection services stamps may purchase such from the commission. The licensee shall submit the appropriate fee, along with a form provided by the commission, to obtain the stamps.

Replacing worn ID stamps on pull-tab dispensing devices.

(11) A licensed owner of pull-tab dispensing devices may obtain a commission identification and inspection services stamp to replace an identification stamp affixed to a pull-tab dispensing device that has become unidentifiable due to wear. The fee for replacement of the stamp shall be as required by WAC 230-04-202 and/or 230-04-203. The operator or distributor shall furnish the following information to the commission:

(a) A copy of the invoice from the operator, distributor or manufacturer for the purchase of the dispensing device in question; or

(b) A complete description of the pull-tab dispensing device, serial number, manufacturer, and the commission stamp number previously affixed to the device, if known.

Recordkeeping and replacing damaged stamps.

(12) Manufacturers shall maintain records that will allow accountability for all identification and inspection services stamps issued to them by the commission for at least three years after they are affixed to devices and sold. This accountability shall be by indefinite retention of unused or damaged stamps or by records as set out in WAC 230-08-025: Provided, That damaged stamps may be returned to the commission and will be replaced with serviceable stamps if they are accompanied by a detailed listing of the damaged stamps and a ten cent per stamp service charge.

[Statutory Authority: RCW 9.46.070. 01-23-056, § 230-08-017, filed 11/20/01, effective 1/1/02; 98-24-090 (Order 369), § 230-08-017, filed 12/1/98, effective 1/1/99; 98-15-074 (Order 359), § 230-08-017, filed 7/15/98, effective 1/1/99. Statutory Authority: RCW 9.46.070 (5), (6), (11), (14). 97-14-012, § 230-08-017, filed 6/20/97, effective 7/21/97. Statutory Authority: RCW 9.46.070 and 9.46.116. 96-24-007 (Order 304), § 230-08-017, filed 11/21/96, effective 1/1/97. Statutory Authority: RCW 9.46.070. 94-23-007, § 230-08-017, filed 11/3/94, effective 1/1/95; 94-01-033, § 230-08-017, filed 12/6/93, effective 1/6/94. Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-08-017, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-017, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-08-017, filed 6/14/88.]

WAC 230-08-027 Decodified. See Disposition Table at beginning of this chapter.

WAC 230-08-090 Decodified. See Disposition Table at beginning of this chapter.

Chapter 230-12 WAC

RULES OF GENERAL APPLICABILITY

WAC

230-12-072	Decodified.
230-12-073	Decodified.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

230-12-072	Player-supported jackpot funds—Deposit requirements. [Statutory Authority: RCW 9.46.070. 00-09-052 (Order 383), § 230-12-072, filed 4/14/00, effective 5/15/00.] Decodified and amended by 01-13-091 (Order 403), filed 6/19/01, effective 7/20/01. Statutory Authority: RCW 9.46.070. Recodified as WAC 230-40-608.
230-12-073	House-banked card games—Prizes—Deposit requirements. [Statutory Authority: RCW 9.46.070. 00-09-052 (Order 383), § 230-12-073, filed 4/14/00, effective 5/15/00.] Decodified and amended by 01-13-091 (Order 403), filed 6/19/01, effective 7/20/01. Statutory Authority: RCW 9.46.070. Recodified as WAC 230-40-808.

WAC 230-12-072 Decodified. See Disposition Table at beginning of this chapter.

WAC 230-12-073 Decodified. See Disposition Table at beginning of this chapter.

Chapter 230-20 WAC

BINGO, RAFFLES AND AMUSEMENT GAMES

WAC

230-20-058	Repealed.
230-20-059	Minimum cash flow requirements for bingo games—Contributions to stated purpose—Sanctions.
230-20-060	Repealed.
230-20-062	Repealed.
230-20-125	Discounts and promotional gifts—Authorized—Limits.
230-20-325	Manner of conducting a raffle.
230-20-335	Members-only raffles—Procedures—Restrictions.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

230-20-058	Temporary moratorium for complying with net return requirements. [Statutory Authority: RCW 9.46.070. 99-03-103 (Order 370), § 230-20-058, filed 1/20/99, effective 2/20/99.] Repealed by 01-05-020 (Order 397), filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070.
230-20-060	Petitioning the director for a variance from net return requirements. [Statutory Authority: RCW 9.46.070 (1), (2), 97-14-013, § 230-20-060, filed 6/20/97, effective 7/21/97. Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-20-060, filed 11/21/96, effective 12/22/96.] Repealed by 01-05-020 (Order 397), filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070.
230-20-062	Minimum net return from bingo games—Sanctions. [Statutory Authority: RCW 9.46.070 (1), (2), 97-14-013, § 230-20-062, filed 6/20/97, effective 7/21/97. Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-20-062, filed 11/21/96, effective 12/22/96.] Repealed by 01-05-020 (Order 397), filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070.

WAC 230-20-058 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-20-059 Minimum cash flow requirements for bingo games—Contributions to stated purpose—

Sanctions. Bingo shall be conducted only as a social pastime or for fund-raising to support the stated purpose(s) of a charitable or nonprofit organization. Organizations licensed to conduct bingo games shall comply with the following procedures and limitations:

Contributions.

(1) To ensure that organizations licensed to conduct bingo games meet the intent of RCW 9.46.010 and provide funds adequate to promote charitable and nonprofit programs, such organizations shall not allow their bingo operation to award prizes or pay expenses to conduct bingo games that are excessive and all capital expenditures for the bingo operation that exceed six thousand dollars shall be specifically approved by the governing board.

An organization licensed to conduct bingo games shall ensure that the adjusted cash flow from the bingo operation available for its charitable and nonprofit programs is at least the following amount during each calendar quarter:

(a) For gross receipts above \$375,000 up to \$625,000 - 3% of gross receipts over \$375,000;

(b) For gross receipts above \$625,000 up to \$875,000 - \$7,500 plus 4% of gross receipts over \$625,000;

(c) For gross receipts above \$875,000 up to \$1,125,000 - \$17,500 plus 5% of gross receipts over \$875,000; and

(d) For gross receipts above \$1,125,000 - \$30,000 plus 6% of gross receipts over \$1,125,000.

Failure to meet the requirements of this subsection for any single calendar quarter shall not result in sanctions against the licensee.

Definitions.

(2) The following definitions shall apply to this section:

(a) "Gross receipts" shall mean the combined gross gambling receipts from bingo, pull-tab and punch board activities.

(b) "Adjusted cash flow from the bingo operation" shall mean the combined gross income of the bingo operation less all prizes and expenses, whether paid or accrued. For the purposes of computing expenses, depreciation or amortization, shall not be considered an expense of the bingo operation.

(c) "Bingo operation" shall mean bingo games and all associated activities conducted in conjunction with bingo games at the same location including punch boards, pull-tabs, raffles, snack bar, retail sales activities and rental of the bingo premises.

Sanctions for failing to maintain a positive adjusted cash flow.

(3) If a bingo licensee does not maintain a positive adjusted cash flow from the bingo operation during any two consecutive calendar quarters measured independently, it shall be deemed to be operating primarily for gambling purposes. In this event, the director shall summarily suspend the organization's bingo license.

Sanctions for failing to meet adjusted cash flow requirements.

(4)(a) If a bingo licensee fails to meet the adjusted cash flow requirements of subsection (1) of this section when averaged over a period of any two consecutive calendar quarters, the licensee shall:

- (i) Develop a plan to gain compliance;
- (ii) Take immediate steps to reduce expenses and prizes paid and to increase income from all activities conducted in conjunction with the bingo game; and
- (iii) Report the plan and action taken to commission staff no later than sixty days after the end of the period. Such report shall be in writing and signed by the president or chief operating officer.

(b) If a bingo licensee fails to meet the adjusted cash flow requirements of subsection (1) of this section when averaged over a period of any four consecutive calendar quarters, administrative action shall be taken to revoke the organization's bingo license: Provided, That adjusted cash flow requirements shall be adjusted for any variance granted under subsection (5) of this section.

Petitions for variance.

(5) A bingo licensee may petition the commission for a variance in the following circumstances:

(a) A licensee who fails to meet the adjusted cash flow requirements of subsection (1) of this section when averaged over a period of any four consecutive calendar quarters, but is within ten percent of those requirements, may petition the commission for a one-time variance based on their plans to gain compliance over the next four quarters.

(b) A licensee with long-term, legally binding financial obligations for its bingo facility as of the effective date of this rule, may petition the commission for a variance for a period of no more than two years based on their plans to gain compliance within the two years. This variance shall be in the form of a reduction to the dollar amount of adjusted cash flow required by subsection (1) of this section.

[Statutory Authority: RCW 9.46.070. 01-05-020 (Order 397), § 230-20-059, filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-20-059, filed 11/21/96, effective 12/22/96.]

WAC 230-20-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-20-062 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-20-125 Discounts and promotional gifts—Authorized—Limits. To increase profits from bingo games and enhance the entertainment aspect of such, licensees may conduct limited promotional activities. The following restrictions and procedures apply to promotional activities conducted as a part of bingo games:

Discounts and gifts.

(1) Licensees may promote bingo games by providing players discounts or gifts of nominal value on up to eighteen

occasions annually: Provided, That coupons authorized under this subsection may be distributed and/or redeemed during an unlimited number of occasions. All promotions authorized under this section are subject to the following conditions:

Discount coupons.

(a) Licensees may offer players discounts or reductions in the price to play bingo for purposes of evaluating the effectiveness of advertising of bingo games if:

(i) Discounts are only awarded to players that present a coupon that was issued by the licensee for a specific date and session;

(ii) Coupons shall not be available on the licensed premises: Provided, That this section does not prevent the distribution of newspapers in which such coupons are printed on the licensed premises;

(iii) Coupons are printed in newspapers or similar media that are normally sold or delivered to an individual's residence;

(iv) The discount does not exceed fifty percent of the minimum cost to play or five dollars, whichever is less;

(v) Any conditions or restrictions of the discount are disclosed in all advertisements offering the discount; and

(vi) Records required by subsection (2) of this section are maintained.

Gifts.

(b) Licensees may award promotional gifts to players if:

(i) Only merchandise gifts with a cost to the licensee of no more than five dollars per gift are awarded;

(ii) The gifts are treated as prizes; and

(iii) A record is completed for each session setting out the criterion for selecting the recipients, the number of gifts, and total cost of the gifts.

Receipting.

(2) Licensees shall use the combination receipting method set forth in WAC 230-20-108 to record discounts awarded by this section. All discounts shall be recorded on the cash register receipt during the sales transaction;

Records.

(3) Records must be maintained as a part of the daily bingo records that provide full details of each discount or gift awarded. All discounts must be reconciled to sales and cash on the "Bingo daily record-Cash control" record. Such records must include at least the following details:

(a) Time and date of the activity;

(b) Full description of the activity, including any conditions or restrictions;

(c) A copy of all advertisements for such promotions; and

(d) All coupons or "frequent player" cards redeemed which shall include the name, address, and birth date of customers redeeming such.

Birthday gifts.

(4) Licensees may provide special recognition gifts to players during the calendar week of their birthday. These gifts are excluded from the eighteen occasion limitation if the following requirements are met:

- (a) Such gifts shall not exceed a value of five dollars;
- (b) The recipient's name and date of birth are recorded; and
- (c) These gifts are treated as prizes and applicable records are maintained.

Incentives.

(5) Licensees may promote bingo games by offering incentives to players which are based on the customer participating in games for a specific number of sessions, playing during a session when promotional gifts are awarded to players, as authorized by subsection (1)(b) of this section, or for spending a specific dollar amount to play bingo over a period of time if:

(a) These "frequent player" incentives are redeemed only for promotional marketing gifts; or merchandise with a cost of twenty dollars or less;

(b) These incentives are accumulated in the form of "credits" or "points" that equate to a specified number of dollars spent by the player;

(c) The redemption value of points or credits awarded under this section does not exceed:

(i) Two percent of the total dollar amount spent by a player and recorded through the cash register method of recording bingo sales; or

(ii) Five dollars for each occasion that points or credits are awarded as promotional gifts under authority of subsection (1)(b) of this section;

(d) Such credits or points shall have no cash or partial redemption value;

(e) Players shall be informed of any expiration date of points or credits earned;

(f) The licensee shall develop a control system to account for points or credits issued, redeemed, or expired. Credits or points shall be controlled by issuing points at the time of cash register receipting method sale and recorded either with a computer-based tracking system or approved manual system. The following conditions apply to accumulation records:

(i) If cards are used, cards shall meet all of the requirements set forth for tickets used for receipting for bingo income in WAC 230-20-104 and the recording of credits on such cards shall be accomplished by means under control of the licensee, such as stamps, punches, employee initials, etc.; and

(ii) Computer-based records used to record points shall be approved by the commission staff.

[Statutory Authority: RCW 9.46.070. 01-13-089 (Order 402), § 230-20-125, filed 6/19/01, effective 7/20/01; 99-11-078 (Order 371), § 230-20-125, filed 5/18/99, effective 7/1/99; 98-19-131 (Order 364), § 230-20-125, filed 9/23/98, effective 1/1/99. Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-20-125, filed 11/21/96, effective 12/22/96.]

WAC 230-20-325 Manner of conducting a raffle.

Only charitable and nonprofit organizations may conduct a raffle. All raffles, except as authorized in WAC 230-02-335 (members-only raffles), shall be conducted utilizing the following operating procedures:

Price per ticket - maximum \$25.

(1) Each raffle ticket may not be sold for more than twenty-five dollars. Every raffle ticket for a particular raffle must be sold for the same price: Provided, That tickets may be bundled together and sold at a discount, as authorized by subsection (2) of this section.

Discount schemes for tickets.

(2) The director may authorize a raffle licensee to sell tickets at a discount when the following requirements are met:

License required.

(a) The organization must have a current Class E or higher raffle license: Provided, That Class C or Class D raffle licensees may offer discounted tickets if all recordkeeping requirements of WAC 230-08-070 are followed.

Request for approval.

(b) A request for approval of discounted sales must be received at the Lacey headquarters office at least thirty days prior to beginning the first raffle for which such approval is requested. The request for approval shall include, at a minimum, the following information:

- (i) A full description of the discount scheme;
- (ii) The account controls and records that will be used; and
- (iii) A copy of a raffle ticket and the booklet cover to be used in the raffle.

Subsequent discount schemes.

(c) After a licensee has received approval for a discount scheme, the licensee may utilize the identical discount scheme in subsequent raffles, unless approval is rescinded or commission rules change.

Cost of approval.

(d) The licensee shall reimburse the commission for costs incurred to review discount schemes: Provided, That the licensee will not be charged for the first two hours of service (WAC 230-12-315).

Amount of discount.

(e) Only one discount scheme is allowed for each raffle. The amount of the discount must be set prior to selling any raffle tickets and must not be changed during the raffle.

Bundling tickets.

(f) Raffle tickets bundled to be sold at a discount must meet the following requirements:

(i) Discounted tickets must be bundled into booklets that contain the number of tickets set forth in the approved scheme. For example, if single tickets are sold for five dol-

lars each, the discount scheme may allow three tickets to be bundled together and sold for ten dollars;

(ii) Tickets bundled into booklets shall not be removed from the booklet and sold individually; and

(iii) The cover of each ticket booklet shall be imprinted with the following:

(A) A description of the sales scheme;

(B) The number of tickets in the booklet;

(C) The total cost of the booklet; and

(D) A control number that meets the requirements of subsection (3) of this section.

Accounting.

(g) Accounting procedures must be established and provide controls necessary to allow commission staff the ability to audit gross gambling receipts from ticket sales.

Numbering of tickets.

(3) To provide an adequate audit trail, all raffle tickets shall be:

(a) Consecutively numbered; or

(b) Imprinted with letters or symbols which are not repeated within the population of all tickets sold for a particular raffle.

Purchasing tickets.

(4) No person shall be required to purchase more than one raffle ticket.

No free tickets or chances to win.

(5) Free tickets, or an opportunity to participate in a raffle drawing without purchasing a ticket, are not allowed for any reason, including, but not limited to, the following:

(a) Awarded or given away as a prize;

(b) For purchasing a certain number of raffle tickets; or

(c) As a reward for selling raffle tickets.

Ticket stub information.

(6) Raffle tickets sold to the general public or for raffles that do not require the winner to be present at the drawing shall include 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 raffle operator shall include the participant's name, complete address, telephone number, and/or other information necessary to notify the winner.

Ticket stubs to be placed in receptacle for drawing.

(7) Each person that sells a raffle ticket shall give the raffle licensee all ticket stubs or other detachable section of all tickets sold. The licensee shall place each stub or other detachable section of each ticket sold into a receptacle from which the winning tickets will be drawn.

Drawing the winning tickets.

(8) The ticket collection receptacle shall be designed so that each ticket has an equal opportunity to be drawn: Provided, That an alternative drawing format to determine the

winners may be utilized, as authorized by subsection (9) of this section.

Alternative drawing format.

(9) The director may authorize a raffle licensee to determine the winners utilizing an alternative drawing format when the following requirements are met:

License required.

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

Request for approval.

(b) A request for approval for an alternative drawing format must be received at the Lacey headquarters office at least thirty days prior to beginning the first raffle for which such approval is requested. The request shall include, at a minimum, the following information:

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

(ii) The name and telephone number of the raffle manager; and

(iii) The signature of the organization's chief executive officer.

Subsequent alternative drawing formats.

(c) After a licensee has received approval to utilize an alternative drawing format, the licensee may utilize the identical drawing format in subsequent raffles, unless approval is rescinded or commission rules change.

Cost of approval.

(d) The licensee shall reimburse the commission for costs incurred to review alternative drawing formats: Provided, That the licensee will not be charged for the first two hours of service (WAC 230-12-315).

Additional requirements.

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

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

(g) The alternate drawing format must be closely controlled by the licensee.

Selling tickets.

Members only to sell - exception.

(10) Tickets must be sold by members of the organization or volunteers under the supervision of a member under the requirements set forth in WAC 230-20-070(1).

Compensation or incentives for sales.

(11) Members shall not be paid for selling tickets, managing or operating a raffle: Provided, That noncash incentive awards may be provided to members for selling tickets if the following requirements are met:

(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.

Prizes.

(12) Prizes must be owned by the organization conducting the raffle prior to drawing the winning tickets. Raffle prizes must meet the following requirements:

(a) Firearms shall not be awarded as prizes: Provided, That a raffle licensee may award firearms as prizes under the provisions set forth in WAC 230-12-040;

(b) Liquor shall not be awarded as prizes: Provided, That unopened containers of liquor may be awarded as a prize in members-only raffles when the proper permit is obtained from the liquor control board (RCW 9.46.0315 and WAC 230-20-335);

(c) The amount of money spent on prizes must meet the requirements set forth in WAC 230-20-015; and

(d) Prizes shall be controlled as set forth in WAC 230-20-300.

Rules must be provided to participants.

(13) All participants in a raffle must be informed of all rules by which prizes may be won at the time the ticket is purchased. 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 the raffle.

Posting the raffle license.

(14) The raffle license or a copy of the license must be posted in a location readily visible by all raffle participants during the entire time the drawing of winners is being conducted.

Joint raffles.

(15) Raffle licensees may join together to conduct a raffle when the provisions set forth in WAC 230-20-350 are met.

Members-only raffles.

(16) Organizations may conduct members-only raffles under simplified procedures set forth in WAC 230-20-335.

[Statutory Authority: RCW 9.46.070. 01-23-054, § 230-20-325, filed 11/20/01, effective 1/1/02. Statutory Authority: RCW 9.46.070 (3), (8), (11) and (14). 98-08-052, § 230-20-325, filed 3/27/98, effective 7/1/98. Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-20-325, filed 11/21/96, effective 12/22/96. Statutory Authority: RCW 9.46.0277 and 9.46.070. 96-07-077, § 230-20-325, filed 3/19/96, effective 7/1/96. 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 Members-only raffles—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:

Licensed versus unlicensed.

(1) An organization may conduct an unlimited number of unlicensed members-only raffles if the combined gross revenue from the raffles does not exceed five thousand dollars during a calendar year. If the organization plans to exceed the five thousand dollar gross receipts limit, it must obtain a raffle license.

Raffle to begin and end during membership meeting.

(2) 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;

Limit on number of guests.

(3) 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;

Rules of play.

(4) 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;

Tickets.

(5) Chances to enter a raffle may be included as a part of a package that includes dues, entertainment, or other fundraising 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 twenty-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;

Modified pricing schemes for tickets.

(6) The director may authorize an organization to deviate from the "same price" requirements of WAC 230-20-325(1) when the following requirements are met:

License required.

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

Request for approval.

(b) A request for approval of a modified pricing scheme must be received at the Lacey headquarters office at least thirty days prior to beginning the first raffle for which such approval is requested.

Subsequent pricing schemes.

(c) After an organization has received approval for a modified pricing scheme, the organization may utilize the identical approved pricing scheme in subsequent raffles, unless approval is rescinded or commission rules change. The following modified pricing schemes may be approved by the director:

Different prices for tickets - one cent to ten dollars.

(d) Chances to enter a raffle may be sold for different values, ranging from one cent to a maximum of ten dollars, if the following conditions are met:

(i) The scheme for assigning the cost of the ticket must be disclosed to the player before 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;

(ii) 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;

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

(iv) The total gross gambling receipts available from raffles utilizing such schemes are limited to five thousand five dollars for each drawing;

(v) No more than two such drawings are conducted during a meeting of the members.

Discount based on number of tickets purchased.

(e) Chances may be sold for a discounted price that is based on the number of tickets a player purchases if:

(i) Participants are allowed to purchase a single ticket;

(ii) Only one discount scheme is allowed for each raffle. The amount of the discount must be set prior to beginning sales for the raffle;

(iii) The cost of a single ticket, without a discount, does not exceed two dollars;

(iv) The total cost of a discount package does not exceed twenty-five dollars;

(v) The cost of a single ticket shall be imprinted on each ticket (i.e., one dollar a piece or twelve for ten dollars; or two dollars a piece or fifteen for twenty dollars); and

(vi) The licensee shall establish an audit system that includes controls and procedures that will allow commission

agents and taxing authorities the ability to determine gross gambling receipts from the sale of tickets utilizing discounts. Such system shall be submitted to the director or the director's designee as a part of the approval request;

Other pricing schemes.

(f) 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 twenty-five dollars; and

(g) Alternative pricing schemes may be used if specifically authorized by the director. Approval will be issued on an individual basis and will require a detailed written request;

Alternative drawing formats.

(7) The director may authorize an organization to determine the winners utilizing an alternative drawing format when the following requirements are met:

License required.

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

Request for approval.

(b) A request for approval of an alternative drawing format for a members-only raffle must be received at the Lacey headquarters office at least thirty days prior to beginning the first raffle for which such approval is requested. Requests for approval of alternative drawing formats shall be signed by the organization's raffle manager.

Subsequent alternative drawing formats.

(c) After an organization has received approval for an alternative drawing format, the organization may utilize the identical alternative drawing format in subsequent raffles, unless approval is rescinded or commission rules change.

Incentives for selling tickets.

(8) The limitations on noncash incentive awards for an individual raffle, set forth in WAC 230-20-325(11), 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;

Prizes.

(9) Prizes must be owned by the organization conducting the raffle prior to drawing the winning tickets. Raffle prizes must meet the following requirements:

(a) Firearms shall not be awarded as prizes: Provided, That a raffle licensee may award firearms as prizes under the provisions set forth in WAC 230-12-040;

(b) Unopened containers of liquor may be awarded as a prize when the proper permit is obtained from the liquor control board;

(c) Prize limits must meet the requirements set forth in WAC 230-20-015; and

(d) Prizes shall be controlled as set forth in WAC 230-20-300.

Records.

(10) 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. 01-23-054, § 230-20-335, filed 11/20/01, effective 1/1/02. Statutory Authority: RCW 9.46.070 (3), (8), (11) and (14). 98-08-052, § 230-20-335, filed 3/27/98, effective 7/1/98. Statutory Authority: RCW 9.46.0277 and 9.46.070. 96-07-077, § 230-20-335, filed 3/19/96, effective 7/1/96. Statutory Authority: RCW 9.46.070. 95-07-093, § 230-20-335, filed 3/17/95, effective 7/1/95.]

Chapter 230-30 WAC
PUNCH BOARDS AND PULL-TABS

WAC

230-30-033	Event pull-tab series—Definitions—Restrictions.
230-30-034	Seal card pull-tab series—Definitions—Restrictions.
230-30-052	Punch boards and pull-tabs operated by charitable or nonprofit organizations—Net income required.
230-30-106	Punch board and pull-tab flares restrictions—Standards—Substitute flares.

WAC 230-30-033 Event pull-tab series—Definitions—Restrictions. Charitable or nonprofit bingo operators may use event pull-tab series under the following definitions and restrictions.

Definitions.

(1) The following definitions apply to this section:

(a) "Event pull-tab series" means a pull-tab series that includes a predetermined number of pull-tabs which allow a player to advance to an event round;

(b) "Event round" means a secondary element of chance where the prizes are determined based on pull-tabs which match specific winning numbers drawn in a bingo game. The winning numbers must fall within numbers 1 through 75.

Manufacturing restrictions.

(2) The following manufacturing restrictions apply to this section:

(a) An event pull-tab series shall be manufactured meeting all standards of construction included in WAC 230-30-103;

(b) An event pull-tab series may include instant winning prizes in addition to event round prizes;

(c) The flare shall clearly set out the following:

(i) All prizes available, in accordance with WAC 230-30-106;

(ii) The number of chances available to advance to the event round;

(iii) How the event round winner is to be determined; and

(iv) The number of winning pull-tabs at the instant winner level, and the number of winning pull-tabs at the event round level.

Operational restrictions.

(3)(a) The event pull-tab series must be played in a charitable or nonprofit bingo hall and must be played and completed within one bingo session;

(b) Prior to putting an event pull-tab series into play, the operator must fully disclose, in plain view, when the event round (which involves the second element of chance) will take place;

(c) Event pull-tab series must be available for purchase until immediately prior to the event round, unless the game has been completely sold out;

(d) A licensed manager must be present at all times an event pull-tab series is in play, including sales of tickets and selection of winners;

(e) The following are prohibited for use with event pull-tab series:

(i) Substitute flares;

(ii) Bonus pull-tab series; and

(iii) Carry-over jackpots.

[Statutory Authority: RCW 9.46.070. 01-05-018 (Order 398), § 230-30-033, filed 2/9/01, effective 3/12/01.]

WAC 230-30-034 Seal card pull-tab series—Definitions—Restrictions. Operators may use seal card pull-tab series under the following definitions and restrictions:

Definitions.

(1) The following definitions apply to this section:

(a) "Seal card pull-tab series" means a pull-tab series that includes a predetermined number of pull-tabs which allow a player to advance to the seal card round; and

(b) "Seal card round" means a secondary element of chance where the prizes are determined based on the number or symbol concealed by a seal located on the flare and associated with the name of a player that has advanced to the seal card round.

Manufacturing restrictions.

(2) The following manufacturing restrictions apply to this section:

(a) A seal card pull-tab series, including any seals on the flare, shall be manufactured meeting all standards of construction included in WAC 230-30-103;

(b) The flare may include up to two seals. The second seal may be offered as an additional prize, but may not be offered as an alternative to the original seal prize;

(c) The seal card pull-tab series shall include forms to be attached to the pull-tabs that list each seal card round participant with adequate information for contacting winners of the seal card round;

(d) The flare shall clearly set out the following:

(i) All prizes available, in accordance with WAC 230-30-106;

(ii) The number of chances available to advance to the seal card round, and how the seal card round winner is to be determined; and

(iii) The number of winning tabs at the instant winner level, and the number of winning tabs at the seal card round level.

(e) If perforated windows are used for the seal on the flare, the numbers or symbols must be covered by a means which prevents detection of the winning number or symbol prior to opening.

Operating restrictions.

(3) The following operational restrictions apply to this section:

(a) Seal card pull-tabs series must be played in the following manner:

(i) Seal card round prizes shall be awarded for all seal card pull-tab series that are placed out for play. The seal card pull-tab series must be played out before it is pulled from play unless the operator elects to award the seal card round prizes without all tickets being purchased. The operator shall contact the seal card round winner within two business days. The seal card round winner shall be given two weeks after being contacted to redeem their prize. If the seal card round winner does not redeem their prize within two weeks, an alternate winner may be selected. The method of selecting an alternate winner must be established and fully disclosed prior to placing a game out for play; and

(ii) When a player receives a ticket that allows them to enter the seal card round, they must enter their name or allow the operator to enter their name on the flare based on the line indicated by the number or symbol on the pull-tab. The player must then turn in their ticket to the operator. The information to locate the winner shall be recorded at the time their name is entered on the flare. This information shall be maintained with the records of the game and be kept during the maintenance period of the game. All seal card pull-tab series must be maintained on premises and be available for public inspection for a period of two weeks after they are pulled from play. If a seal card round winner is not located within that time frame, the maintenance time shall be extended until a winner is designated for the game.

(b) Substitute flares, bonus pull-tab series and carry-over jackpots are prohibited from use with seal card pull-tab series.

[Statutory Authority: RCW 9.46.070. 01-05-018 (Order 398), § 230-30-034, filed 2/9/01, effective 3/12/01.]

WAC 230-30-052 Punch boards and pull-tabs operated by charitable or nonprofit organizations—Net income required. Charitable or nonprofit organizations operating punch boards and pull-tabs and which do not operate bingo games at any level shall not pay excessive expenses. To ensure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, net income, as a percentage of gross gambling receipts from punch boards and pull-tabs, shall not be less than zero when measured over the annual license period: Provided, That the limits set out in WAC 230-20-059 shall apply to organiza-

tions operating punch boards and pull-tabs in conjunction with a bingo game.

[Statutory Authority: RCW 9.46.070. 01-05-020 (Order 397), § 230-30-052, filed 2/9/01, effective 4/1/01; 98-15-073 (Order 358), § 230-30-052, filed 7/15/98, effective 1/1/99. Statutory Authority: RCW 9.46.070 (1)(16). 90-10-007, § 230-30-052, filed 4/19/90, effective 7/1/90.]

WAC 230-30-106 Punch board and pull-tab flares restrictions—Standards—Substitute flares. The following restrictions, standards, and procedures apply to the use of flares and substitute flares:

Only manufacturers to produce flares - exception.

(1) Except as set forth in subsection (6) of this section, the flare advertising prizes available from the operation of any punch board, or any series of pull-tabs, shall be made by the manufacturer only and shall not be altered by any operator or distributor;

One flare per game.

(2) No person shall place or have out in public view more than one flare advertising the prizes available from the operation of any punch board, or from any series of pull-tabs;

Displaying flares.

(3) Flares shall be placed as follows:

(a) Only upon the upper face, or on the top of any punch board; or

(b) In plain view and in the vicinity of any pull-tab dispensing device or container. 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.

Standards for flares.

(4) Flares shall meet the following standards:

(a) Flares must clearly set out each of the prizes available and the numbers or symbols which win each prize. For progressive jackpot series, the progressive jackpot meter board shall be considered a supplement to the flare. Reference to such shall be made on the flare;

(b) Flares must set out the winning numbers or symbols for prizes of over twenty dollars in cash, or merchandise worth more than twenty dollars 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 fifty percent of that actual cost;

(c) The cost to the player for each punch or pull-tab shall be clearly posted on the flare;

(d) The manufacturer shall clearly set out on the flare the series number assigned to that punch board or pull-tab series by the manufacturer. For pull-tab series, this number shall be clearly displayed on the face of the flare. This series number shall not be altered by the distributor or operator;

(e) The flare shall contain the Washington state identification and inspection services stamp number assigned to the board or series, as required by WAC 230-08-017;

(f) For pull-tab series, the total number of pull-tabs originally in the series shall be clearly disclosed on the face of the flare. Effective July 1, 1997, the following flares shall prominently display the ticket count in one-half inch size lettering on the flare;

- (i) Any newly designed flare;
- (ii) Any previously designed flare for pull-tab series with a ticket count over six thousand, which has not yet been packaged;
- (g) Flares must contain the manufacturer of the board or series. A stamp, seal, or label which identifies the manufacturer may be substituted if the commission has been informed of such prior to its use.

Bonus pull-tab flares.

(5) Additional standards for bonus pull-tab flares:

- (a) The manufacturer shall develop and use at least twenty-five different versions of flares (face sheets) for each form number of a bonus series. Flares which contain prizes that are determined after the player receives the corresponding winning chance shall be constructed so that it is impossible to determine the prizes prior to removing the prize covering, in any manner or by any device. Face sheets shall be utilized in such a manner so as to ensure random distribution during the manufacturing and packing process;
- (b) The middle or advance level shall be labeled with the term "ADVANCE SECTION" with a minimum one-quarter inch size lettering;
- (c) The top tier level shall be labeled with the term "BONUS SECTION" with a minimum one-quarter inch size lettering;
- (d) The number of winners which could be awarded in the top tier level shall be clearly noted on the flare with a minimum three-eighths inch size lettering. In addition, the number of winners and the number of advances in each advance level shall be clearly displayed;
- (e) All prizes for each advance and bonus level shall be clearly displayed so that only the winners within the possible combinations are shown. Where applicable, the word "OR" shall be used to illustrate the possible combinations in which the bonus prizes can be won. Duplicate references to prizes shall not be shown on the flare.

Substitute flares.

- (6) A substitute flare may be utilized on punch boards or pull-tabs, unless otherwise restricted by commission rules, provided all the requirements of this subsection are met:
 - (a) Distributors may apply manufacturer-produced substitute flares to punch boards and pull-tab series;
 - (b) Licensed operators or distributors may make and use substitute flares on punch boards and pull-tab series which offer merchandise or combination merchandise-cash prizes.
 - (c) The responsibility for ensuring the substitute flare meets the requirements set forth in this section shall rest with the manufacturer, distributor, or operator who changes the original flare and attaches the substitute flare.
 - (d) All substitute flares must comply with the requirements of subsections (4) and (5) of this section;
 - (e) All substitute flares shall have the Washington state identification and inspection services stamp number and

series number assigned to the punch board or pull-tab series permanently recorded in ink on the face of the substitute flare;

(f) The original manufacturer's flare shall be permanently defaced so it is unusable and the substitute flare shall be attached to the original manufacturer's flare so that the original Washington state identification and inspection services stamp and series number can be accessed for inspection;

(g) For flares converted from cash prizes to combination merchandise-cash prizes, at least fifty percent of the total value of prizes offered shall be merchandise; and

(h) Substitute flares which offer merchandise, or combination merchandise-cash, must utilize numbers, not symbols, to denote winners. The winning numbers on the substitute flare shall be selected from the winning numbers on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer. Prizes must be assigned to the winning numbers consecutively, starting with the highest value prize being assigned the lowest available winning number.

Happy hour pull-tab games.

(7) In addition to prizes established by manufacturers, pull-tab licensees may increase prizes or add additional prizes to punch boards or pull-tab series under the following conditions:

- (a) Such prizes shall be cash or merchandise;
- (b) The manufacturer's flare shall not be changed;
- (c) Full details of the prizes, including requirements to qualify, shall be disclosed to players by means of an additional sign or notice that is permanently attached to the manufacturer's flare;
- (d) The increase or additional prizes must be added to every prize that is within a tier or section of the flare;
- (e) Documentation regarding all additional prizes shall be stapled or otherwise permanently attached to the winning punch or pull-tab for which such a prize is awarded. Minimum documentation shall include a description of the prize awarded and the name of the winner; and
- (f) Bona fide charitable or nonprofit organizations shall limit games authorized in subsection (7) of this section to only one game in play at any point in time.

[Statutory Authority: RCW 9.46.070. 01-13-089 (Order 402), § 230-30-106, filed 6/19/01, effective 7/20/01; 98-15-074 (Order 359), § 230-30-106, filed 7/15/98, effective 1/1/99. Statutory Authority: RCW 9.46.070 (5), (6), (11), (14). 97-14-012, § 230-30-106, filed 6/20/97, effective 7/21/97. 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

230-40-010	Social card games—Rules of play—Types of card games authorized.
230-40-050	Fees for nonhouse-banked card games—Assessment and collection—Maximum fees.
230-40-052	Daily records—Card games.
230-40-055	Card tournaments for fee and prizes—Reporting requirements.
230-40-070	Licensee to furnish all cards, chips and other services.
230-40-120	Limits on wagers in card games.
230-40-500	Unlicensed charitable and nonprofit card games—Authority—House rules to be developed and posted.
230-40-505	Rules of play for social card games—Display—Availability for review.
230-40-608	Deposit requirements—Player-supported jackpot funds.
230-40-610	Player-supported jackpots—Restrictions—Manner of conducting—Approval.
230-40-625	Closed circuit television system requirements and procedures—Class F card rooms.
230-40-630	Count procedures—Class F card rooms.
230-40-801	Interruption of card games—Preoperational review and evaluation required—Procedures—House-banking.
230-40-803	Phase II wager limits—Restrictions—Procedures.
230-40-805	Progressive jackpot prizes—Procedures—Restrictions—House-banking.
230-40-808	Deposit requirements for prizes—House-banking.
230-40-815	Administrative and accounting control structure—Organization—House-banking.
230-40-820	Repealed.
230-40-821	General accounting records—House-banking.
230-40-825	Closed circuit television system—House-banking.
230-40-830	Cashier's cage—Requirements—House-banking.
230-40-833	Cashier's bank and minimum bankroll—House-banking.
230-40-840	Drop boxes—House-banking—Drop box collection method.
230-40-865	Distributing chips and coins to tables—Requests and fills—House-banking.
230-40-870	Removing chips and coins from tables—Requests and credits—House-banking.
230-40-875	Closing gaming tables—House-banking.
230-40-885	Count procedures—House-banking.
230-40-895	Key control—House-banking.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-40-820	House-banked card games—Internal control system evaluation—Required procedures. [Statutory Authority: RCW 9.46.070. 00-09-052 (Order 383), § 230-40-820, filed 4/14/00, effective 5/15/00.] Repealed by 01-13-091 (Order 403), filed 6/19/01, effective 7/20/01. Statutory Authority: RCW 9.46.070.
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WAC 230-40-010 Social card games—Rules of play—Types of card games authorized. Social card games shall be played using rules and procedures as set forth in this section. Only card games that have been specifically authorized are allowed to be played in public or social card rooms.

Rules of play for all card games.

(1) Social card games shall be played in the following manner:

(a) The game must be played with one or more standard decks of playing cards or with approved electronic card facsimiles which meet the requirements of WAC 230-40-070 (1)(c): Provided, That cards may be removed to comply with rules of a specific game, such as pinochle;

(b) Players shall compete against all other players on an equal basis for nonhouse-banked games or against the licensee for house-banked games;

(c) Each player shall receive their own hand of cards and be responsible for decisions regarding such hand, such as whether to fold, discard, draw additional cards, or raise the wager;

(d) Players shall not place wagers on any other player's or the house's hand and no side bets between players are allowed: Provided, That the following shall not be in violation of this section:

(i) An insurance bet placed in the game of blackjack;

(ii) A tip wager made on behalf of a dealer; or

(iii) "Envy" provisions which allow a player to receive a prize if another player wins a jackpot or odds wager;

(e) A player's win or loss shall be determined during the course of play of a single card game; and

(f) No more than two separate games shall be played with a single hand of cards. For purposes of this section, bonus features and progressive jackpots are considered a game: Provided, That bonus features that allow a player to receive an additional prize if another player achieves a specific hand, such as "envy" or "share the wealth" features, shall not be considered a separate game if the player does not have to place a separate wager to participate.

Nonhouse-banked card games authorized.

(2) Nonhouse-banked card games shall only be played in the manner set forth in *The New Complete Hoyle, Revised*, *Hoyle's Modern Encyclopedia of Card Games*, or a similar authoritative book on card games approved by the director: Provided, That each licensee may make immaterial modifications to each authorized game set out in Hoyle. The following nonhouse-banked card games are authorized:

(a) Poker;

(b) Hearts;

(c) Pinochle;

(d) Cribbage;

(e) Rummy;

(f) Panguingue (Pan);

(g) Pitch;

(h) Bid Whist;

(i) Washington blackjack, if the business was licensed and operating the game on April 1, 2000, and under the restrictions set forth in WAC 230-40-125;

(j) Other games or modifications to approved games may be approved by the director, or the director's designee, on a case-by-case basis. Requests for approval of a game must be submitted in writing, and include the rules of play and all wagering schemes.

House-banked card games authorized.

(3) House-banked card games shall be approved by the director, or the director's designee, on a case-by-case basis. Request for approval of a house-banked card game must be submitted in writing, including the rules of play and all wagering schemes. A list of all approved games, modifications to games, and rules of play shall be available at all commission offices. The director may approve games in which the determination of whether a player wins or loses depends upon one or more of the following:

(a) The player's hand is a specific:

(i) Pattern or ranking of cards (pair, straight, flush, royal flush, etc.);

(ii) Combination of cards (two queens of hearts, ace and jack of spades, three sevens, etc.); or

(iii) Value of the cards (seventeen, twenty-one, etc.); and/or

(b) The player has a higher ranking or value hand than the house/dealer/banker.

Removing an approved game from play.

(4) Once a game is approved for play, the director shall not remove it from the authorized list of games without providing licensees written notice. Licensees shall be afforded an opportunity to object to the director's decision. If an objection is filed, an administrative law judge shall review the director's decision utilizing the brief adjudicative procedures set forth in WAC 230-50-010.

Procedures for when a proposed game is denied.

(5) The licensee shall be notified in writing when the director denies a request for a new game or modification of a game. The notification shall include reasons for the denial and provide the petitioner all information necessary for a formal petition to the commission for rule making, amendments, or repeal, as set forth in WAC 230-50-800.

[Statutory Authority: RCW 9.46.070. 01-15-054 (Order 405), § 230-40-010, filed 7/13/01, effective 1/1/02; 00-09-052 (Order 383), § 230-40-010, filed 4/14/00, effective 5/15/00; 99-13-103 (Order 373), § 230-40-010, filed 6/15/99, effective 8/1/99. Statutory Authority: RCW 9.46.0281, 9.46.070 (1), (2), (14) and (20). 96-11-073, § 230-40-010, filed 5/13/96, effective 7/1/96. Statutory Authority: RCW 9.46.070. 94-13-098 (Order 252), § 230-40-010, filed 6/15/94, effective 7/16/94. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-40-010, filed 2/14/90, effective 3/17/90. Statutory Authority: RCW 9.46.070. 88-19-038 (Order 183), § 230-40-010, filed 9/13/88. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-40-010, filed 9/15/86. Statutory Authority: RCW 9.46.070(11). 82-23-050 (Order 125), § 230-40-010, filed 11/15/82. Statutory Authority: RCW 9.46.070(10) (see RCW 9.46.020(20)). 80-09-067 (Order 103), § 230-40-010, filed 7/17/80; Order 78, § 230-40-010, filed 11/17/77; Order 67, § 230-40-010, filed 3/11/77; Order 40, § 230-40-010, filed 6/26/75; Order 23, § 230-40-010, filed 9/23/74.]

WAC 230-40-050 Fees for nonhouse-banked card games—Assessment and collection—Maximum fees. No person shall be charged a fee, directly or indirectly, to play in a nonhouse-banked card game in excess of those fees set forth in this section. Each type of fee shall be maintained and recorded separately from all other fees and be available for audit by commission staff, local law enforcement, and taxing authorities.

Assessing fees.

(1) The following are authorized methods of assessing fees for playing social card games. Only one method of assessing fees may be used at a table at any given time:

(a) **Fees based on a period of time** - A specific fee of not more than ten dollars per hour, per player, may be charged to play social card games: Provided, That a licensee may collect the hourly fee in thirty-minute increments;

(b) **Fees for each hand played** - A specific fee of not more than one dollar per hand, per player, may be charged to play social card games;

(c) **Fees based on the amounts wagered during a hand (rake)** - A portion of the total amount wagered by a player, not to exceed five dollars per hand or ten percent of total wagers for a hand, whichever is less, may be collected for playing social card games; or

(d) **Fees to enter tournaments** shall be as set forth in WAC 230-40-055.

Collecting fees.

(2) Fees shall be collected by a licensed card room employee in the following manner:

(a) **Period of time.** Fees assessed on a period of time shall be collected directly from each player by the dealer or floor supervisor responsible for that particular section of the card room. The "direct collection," "chip rack," or "drop box" methods set forth in this section may be used for collection of fees assessed on a period of time;

(b) **Per-hand fee.** Fees assessed on a per-hand basis shall be placed in a designated area of the table by the player and collected by the dealer before the first round of cards has been dealt. After collection, the dealer shall deposit all chips or coins in the chip rack or drop box, as applicable;

(c) **Rake.** Fees assessed on the amounts wagered during a game shall be collected by the dealer during play of the hand and placed in a designated area of the table. Once the maximum fee for a hand is accumulated, the dealer shall spread the chips or coins to allow players and the surveillance system the ability to verify the amount collected. After verification, chips shall be deposited in the dealer's chip rack or drop box, as applicable;

(d) **Tournaments.** All fees to enter tournaments shall be collected in advance of the start of play in accordance with WAC 230-40-055; or

(e) **Alternative collection of fees.** Licensees may apply to the director for approval of alternate fee collection methods. If approved, the method of collection shall be set forth in the letter granting approval.

Methods of collection.

(3) All fees collected from players shall be maintained and recorded as set forth in WAC 230-40-052. All collections shall be kept separate from all other chips and cash in the card room until recorded in the daily card room records and deposited in the cashier's cage. All chips and cash in the cashier's cage shall be kept separate from all other chips and cash located on the licensed premises at all times card games are conducted. The following methods may be used for control of fees collected for card games:

(a) **Direct collection method** - This collection method may only be used when assessing fees based on a period of time. Fees are collected directly from each player by a licensed card room employee responsible for that particular section of the card room and deposited in the card room cage serving the area of the card room from which collections are made. Collections shall be made at least once per hour, at

times designated by the licensee. All fees shall be recorded immediately upon collection, per WAC 230-40-052.

(b) **Chip rack method** - This method is allowed for licensees that are licensed with three or fewer tables. It requires a licensed center dealer, a game lay-out with a designated area for player fees, and a chip rack separated into sections for each type of fee collected. Fees are temporarily stored in the chip rack and controlled by a licensed dealer until collected by the floor supervisor. All chips collected as fees shall be removed from the dealer's chip rack at least every four hours by the licensed card room employee responsible for that particular section of the card room. The removal process shall include the counting of chips and coins in the presence of players and immediately recording the totals on the record prescribed by the commission. The dealer and the supervisor making the removal shall each initial the prescribed record verifying its accuracy.

(c) **Drop box method** - Fees are temporarily stored in a numbered, locked drop box. The drop box method requires a center dealer, a table with a designated area for each type of player fee and/or fees removed from the pot, and a separate drop box for each type of fee. Drop box movement, storage, and counting shall be conducted as prescribed in WAC 230-40-840. The drop box shall be located in a position that is isolated from the pot area and in plain view of all players and the surveillance system.

No extra fees to play cards - exceptions.

(4) No player shall be required to pay for or purchase any other goods or services as a condition of playing cards: Provided, That:

(a) A bona fide nonprofit or charitable organization may charge its usual membership fee to belong to the organization; and

(b) Licensees may collect an admission fee when providing entertainment, as long as the fee is charged to all patrons;

Fee schedule.

(5) A schedule setting forth all fees to participate in card games shall be posted in plain view where it can be seen by the players in the card games;

New decks of cards - fees.

(6) A person requesting a new deck of cards beyond those regularly furnished by the licensee may be charged a fee not to exceed the actual cost to the licensee for the deck. 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;

Same fee for all players - exception.

(7) The licensee shall collect the same fee from all players at a table. If the licensee elects to allow free play, then all players at a table must be allowed to play for free: Provided, That a licensee may allow licensed card room employees and

owners to play without a fee if fees are based on time, as authorized by subsection (1)(a) of this section.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-050, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-050, filed 4/14/00, effective 5/15/00. Statutory Authority: RCW 9.46.0281, 9.46.070 (1), (2), (4)-(8), (11), (12), (14) and (20). 96-19-082 (Order 300) § 230-40-050, filed 9/18/96, effective 10/19/96. 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 230-40-052 Daily records—Card games. In addition to any other requirements set forth in these rules, persons licensed to operate card rooms at which a fee is charged to play or which operates a player-supported jackpot (PSJ) or house-banked card games shall be required to prepare a detailed record covering each day of operation. Each separate record shall be maintained continuously during hours of operation and entries made as required by this section.

Format.

(1) The format for such records shall be as prescribed by the commission. The records shall include information to be placed in a form, record, document, or in stored data which shall be annotated in ink or other permanent form. Data maintained in computer data bases must be printed on a periodic basis. Daily card room records shall be maintained as follows:

Minimum daily records.

(2) Separate records shall be prepared for each day social card games are played and fees collected or house-banked card games are operated. Such records shall be completed for each table and each PSJ for which fees are collected from players. The minimum daily records shall include the following information:

(a) The date and time period during which fees were collected or house-banked card games were operated.

(b) The assessment method and the fee charged per assessment method for each table.

(c) The names and time of play for each nonpaying house player (which may only include licensed card room employees and the licensed card room operator);

(d) The amount of fees collected at each table at each collection interval;

(e) The gross amount received from fees collected on each operating day by table and by assessment method.

(f) The number of players at the time of fee collection when fees are assessed based on a period of time;

(g) A record of card room employees and hours worked; and

(h) The total drop which includes all cash placed in drop boxes and the net win or loss by the table and game type from house-banked card games.

Tournament fees.

(3) Fees for tournaments shall be recorded as set forth in WAC 230-40-055.

Player-supported jackpots.

(4) PSJ records shall include the following information in addition to the information required by subsection (1) of this section:

(a) A separate entry for each type of PSJ for which fees were collected to include:

- (i) Table number;
 - (ii) Prize fund number; and
 - (iii) Assessment rate.
- (b) PSJ fund accrual record.

Daily summary.

(5) A daily summary record that includes a reconciliation of all fees collected during an operating day shall be prepared for each day card games are operated and fees collected. This record shall include at least the following:

- (a) The name of the licensed card room;
- (b) The date of the activity. If the activity spans two days, the day that the activity begins shall be recorded;
- (c) Card room hours of operation;
- (d) The beginning and ending balances of all chips and cash in the cage;
- (e) The printed name and signature of person(s) preparing the record; and
- (f) Such other daily records as required for specific card room activities.

Availability and length of storage.

(6) All detailed records prepared shall be maintained for a period of not less than three years. At least the past six months of records must be available for inspection on premises. All other records shall be available within forty-eight hours upon request by commission staff, local law enforcement or taxing authorities.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), amended and recodified as § 230-40-052, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-08-090, filed 4/14/00, effective 5/15/00. Statutory Authority: RCW 9.46.070(8), 9.46.0325 and 9.46.070. 93-10-005 (Order 238), § 230-08-090, filed 4/21/93, effective 7/1/93. Statutory Authority: RCW 9.46.070 (8) and (17). 83-23-055 (Order 138), § 230-08-090, filed 11/15/83. Statutory Authority: RCW 9.46.070(8) and (14). 82-11-028 (Order 120), § 230-08-090, filed 5/11/82; Order 23, § 230-08-090, filed 9/23/74.]

WAC 230-40-055 Card tournaments for fee and prizes—Reporting requirements. A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the commission.

License not required.

(1) Card room licensees with a Class A, B, E, F or house-banked license may conduct a card tournament for a fee without obtaining a card tournament license: Provided, That licensees are limited to only those card games authorized under their license class.

Class D licensees.

(2) Card room licensees with a Class D license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter.

Notification.

(3) The licensee shall notify the commission ten days in advance of any card tournament where the single or multiple buy-in exceeds fifty dollars.

Length of tournament.

(4) A card tournament shall not exceed ten consecutive calendar days.

Entry fees.

(5) The fee for a player to enter a card tournament for prizes shall not exceed fifty dollars. The fifty-dollar fee shall include all separate fees which might be paid by a player for various phases, events of the tournament, food and drink offerings, and promotional material.

Posting entry fee requirements.

(6) The fee to enter a tournament and a description of all goods and services to be provided as a part of the tournament must be fully disclosed to each entrant prior to their paying such fee. Such disclosure must be posted conspicuously on the premises at the time payment is received and remain posted until the tournament is complete.

Customer appreciation.

(7) Operators may offer customer appreciation tournaments: Provided, That the pretournament play requirements do not exceed the fifty-dollar entry fee limitation: Provided, That licensees collecting fees using the rake method (WAC 230-40-050) cannot require pretournament play to exceed ten hours. Entrants in such tournaments must initially be provided with the same number of chips or points and the same opportunity for re-buys. All prizes awarded for customer appreciation tournaments may be deducted as prizes for determining adjusted net gambling receipts.

Fees are gross gambling receipts - exception for food and gifts.

(8) All fees paid to enter a tournament shall be reported as gross gambling receipts: Provided, That if an operator prepares and provides food and drink items to all tournament entrants on the licensed premises as a part of their entry fee, the fair market value of the food and drink provided, not to exceed twenty-five dollars or fifty percent of the entry fee, which ever is greater, shall be treated as sales of food and

drink for on premises consumption and not included as gross gambling receipts. Such sales, must be properly supported by records: Provided further, That if an operator provides items promoting the tournament or licensed business, such as hats, t-shirts, etc., to all participants as a part of their entry fee, the actual cost of such items, supported by invoices and other such records, shall be deducted as prizes in determining adjusted net gambling receipts.

Buy-in.

(9) In addition to the entry fee, a minimum buy-in of chips may be required. The total buy-in per player shall not exceed two hundred dollars per tournament and may be either a single or multiple buy-in during the course of the tournament. A record of the buy-ins for each participant will be maintained by the licensee in a format provided by the commission. All buy-ins of chips are not gross gambling receipts and shall be returned to the participants in the form of prizes. Prizes from buy-ins are not deductible for commercial stimulant purposes.

Prizes.

(10) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in subsection (5) of this section. The licensee's actual cost, including any cash, for prizes awarded to the players may be deducted as prizes for determining adjusted net gambling receipts generated by the entry fees.

Posting and approval of rules.

(11) The licensee shall adopt tournament rules to facilitate the operation of card tournaments: Provided, That all tournament rules for tournaments where the single or multiple buy-in exceeds fifty dollars must be submitted to commission staff for approval: Provided, That once a tournament format is approved, notification will be sufficient for all subsequent tournaments identical in format and play. All tournament rules must be conspicuously posted where all tournament participants can see and read the rules.

Recording fees and players.

(12) The licensee shall maintain a record of all such fees collected and the number of participant for each tournament conducted. This information shall be entered in a format approved by the commission. The total gross gambling receipts for the tournament shall be entered on the card room daily control sheet for the time and date the tournament begins and the record of participants shall be attached and maintained with that daily control sheet.

Prize records.

(13) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant: Provided, That the name and address of each participant receiving promotional items as set forth in subsection (8) of this section shall not be required on

the prize record. The record shall be attached to the daily control sheet used on the date the majority of the prizes are awarded.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-055, filed 6/19/01, effective 7/20/01; 00-11-054 (Order 384), § 230-40-055, filed 5/12/00, effective 6/12/00; 94-07-084 (Order 250), § 230-40-055, filed 3/16/94, effective 4/16/94. Statutory Authority: RCW 9.46.070 and 9.46.0325. 93-12-082, § 230-40-055, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 9.46.0281 and 9.46.070 (11), (12) and (14). 88-22-019 (Order 184), § 230-40-055, filed 10/24/88. Statutory Authority: Chapter 9.46 RCW. 86-17-057 (Order 160), § 230-40-055, filed 8/18/86. 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), § 230-40-055, 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), § 230-40-055, filed 1/9/85.]

WAC 230-40-070 Licensee to furnish all cards, chips and other services. Each public card room and Class A social card room licensee shall furnish all chips and cards in connection with all card games conducted on its premises at no additional charge to the players, except as provided in WAC 230-40-050(6).

Standards for chips and cards.

All chips and cards shall be of generally conventional size and design, and include safeguards that maximize the integrity of the card games. The following standards and procedures apply to this section:

(1) The licensee shall furnish chips and cards that meet the following requirements:

(a) **Chips.** Chips must include the house name or logo, clearly denote the chip value, be produced by a licensed manufacturer, and purchased from a licensed manufacturer or distributor: Provided, That the director may exempt Class A, B, C, and E licensees with five tables or less from this provision if chips are readily identifiable as having been furnished by that particular licensee and values of chips are clearly posted in the card room: Provided further, That Class D licensees are exempt from the provisions set forth in this subsection; and

(b) **Cards.** The deck or decks of cards must include the house name or logo, be produced by a licensed manufacturer, and be purchased from a licensed manufacturer or distributor: Provided, That Class A, B, C, D, and E licensees with five tables or less are exempt from this provision. These licensees shall comply with all other requirements related to the type of games being played.

(c) **Electronic facsimiles of cards.** Electronic card facsimiles may be approved by the director for use in house-banked card games subject to the following conditions:

(i) The system shall:

(A) Produce accurate facsimiles of one or more standard decks of playing cards;

(B) Randomly shuffle the cards prior to each round of play or shoe loading;

(C) Contain a backup system for recording and display of at least five previous rounds of play;

(D) Contain security protocols which prevent unauthorized access;

(E) Provide a means of testing of computer software;

(F) Meet any additional technical standards required by the commission;

(G) Be operated only under card room internal controls specific to each system; and

(H) Be tested by a licensed game testing laboratory for compliance with these requirements.

(ii) The system shall be operated by card room personnel and shall not be designed to allow the player to play against the device.

(iii) The costs of initial laboratory testing and any additional testing required by the commission shall be paid for by the manufacturer.

Bank services.

(2) The licensee shall sell its chips to all players desiring to buy them and redeem all chips at the value for which they were sold. The licensee shall collect the money taken in on chips sold and fees collected and shall keep these funds separate and apart from all other money received by the licensee.

Selling chips for cash or check.

(3) Chips shall be sold for cash only and a licensee shall not extend credit of any nature to a person purchasing chips: Provided, That a licensee may accept a check in accordance with WAC 230-12-053 and 230-40-845. Each receipt by a person of a quantity of chips from the licensee shall be a separate transaction for the purpose of this rule. Checks received for chips retained by the licensee after close of business shall be deposited by the licensee not later than the second day following receipt upon which the licensee's bank is open for business.

Protecting the integrity of cards and chips.

(4) The licensee shall safeguard all chips and cards to assure integrity of games and banking services. Licensees shall not allow:

(a) Playing cards that have been shaved, sanded, cut, carved, or otherwise marked in any manner which may make certain cards identifiable to players other than as allowed by the rules of the particular game.

(b) Any cards or chips which are not furnished by the licensee to be used in any card game conducted upon its premises; or

(c) Any other person to buy or sell chips for use in card games upon its premises.

[Statutory Authority: RCW 9.46.070. 01-15-054 (Order 405), § 230-40-070, filed 7/13/01, effective 1/1/02; 00-09-052 (Order 383), § 230-40-070, filed 4/14/00, effective 5/15/00. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 89-11-048 (Order 192), § 230-40-070, filed 5/16/89. Statutory Authority: RCW 9.46.070 (11), (14) and 9.46.0218 [9.46.0281]. 89-05-024 (Order 186), § 230-40-070, filed 2/13/89. Statutory Authority: RCW 9.46.070 (1), (2), (4), (5), (6), (11), (14) and (17). 86-13-055 (Order 158), § 230-40-070, filed 6/13/86; Order 74, § 230-40-070, filed 8/17/77; Order 40, § 230-40-070, filed 6/26/75; Order 29, § 230-40-070, filed 1/23/75; Order 23, § 230-40-070, filed 9/23/74.]

WAC 230-40-120 Limits on wagers in card games.

Social and public card room licensees shall not allow wagering limits set by the commission to be exceeded in any card game. The number and value of wagers in card games are limited as follows:

Nonhouse-banked card games.

(1) Poker:

(a) There shall be no more than five betting rounds in any one game;

(b) The maximum number of wagers in any betting round shall be four, comprised of an initial wager plus three raises; and

(c) The maximum amount of a single wager shall not exceed twenty-five dollars.

(2) Games based on achieving a specific number of points - each point shall not exceed five cents in value.

(3) An ante, except for panguingue (pan), shall not be more than the maximum wager allowed for the first betting round for any game. The ante may, by house rule, be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round. An ante, by house rule, may be used as part of a player's wager.

(4) Panguingue (pan) - the maximum value of a chip for a payoff shall not exceed ten dollars. An ante will not exceed one chip. Doubling of conditions is prohibited. Players going out may collect not more than two chips from each participating player.

House-banked card games.

(5) Licensees authorized to conduct house-banked card games shall not allow a single wager to exceed twenty-five dollars;

(6) Licensees authorized to conduct Phase II house-banked card games shall not allow a single wager to exceed one hundred dollars;

(7) A single wager may be made on each separate element of chance. In addition, for blackjack, an additional wager may be placed for doubling down or splitting pairs; and

(8) Bonus wagers for house-banked progressive jackpots shall not exceed one dollar. Bonus wagers with a predetermined prize amount based upon a separate element of chance within the same game shall not exceed the authorized maximum table limits as described in subsections (5) and (6) of this section.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-120, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-120, filed 4/14/00, effective 5/15/00; 94-13-098 (Order 252), § 230-40-120, filed 6/15/94, effective 7/16/94. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-40-120, filed 2/14/90, effective 3/17/90. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 89-15-039 (Order 194), § 230-40-120, filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 9.46.050(3) and 9.46.070 (1), (2) and (11). 86-15-025 (Order 159), § 230-40-120, filed 7/14/86. Statutory Authority: RCW 9.46.070 (1), (2) and (11) and 9.46.110. 85-21-046 (Order 154), § 230-40-120, filed 10/14/85. Statutory Authority: RCW 9.46.020 (20)(d) and 9.46.070(11). 82-23-050 (Order 125) and 83-01-045 (Order 125A), § 230-40-120, filed 11/15/82 and 12/13/82. Statutory Authority: RCW 9.46.070(11). 82-04-010 (Order 118), § 230-40-120, filed 1/22/82; 81-19-073 (Order 112), § 230-40-120, filed 9/15/81. Statutory Authority: RCW 9.46.070(10). 80-03-059 (Order 98), § 230-40-120, filed 2/25/80; Order 80, § 230-40-120, filed 12/28/77; Order 51, § 230-40-120, filed 4/30/76; Order 48, § 230-40-120, filed 3/23/76; Order 23, § 230-40-120, filed 9/23/74.]

WAC 230-40-500 Unlicensed charitable and non-profit card games—Authority—House rules to be developed and posted. Bona fide charitable or nonprofit organiza-

tions licensed to provide liquor to their members under RCW 66.24.400 shall allow only members to use its premises, furnishings and other facilities to participate in unlicensed social card games and social dice games, as authorized by RCW 9.46.0351. Such organizations shall develop, adopt and post rules of conduct for members participating in the activities. At a minimum, these house rules shall include:

- (1) General rules of play;
- (2) Which portions of premises will be used for card games;
- (3) Hours of play allowed; and
- (4) The organization's restriction that only members are authorized to participate in card games.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-500, filed 6/19/01, effective 7/20/01; Order 78, § 230-40-500, filed 11/17/77.]

WAC 230-40-505 Rules of play for social card games—Display—Availability for review. Social card games shall be conducted in accordance with predetermined rules of play. Such rules shall be maintained on the licensed premises and immediately available, upon request, for review by commission staff, local law enforcement, or a player. The following requirements apply to rules of play:

Precedence of rules.

(1) The applicability of rules of play shall be as determined by the following precedence, in order of importance:

- (a) **First priority:** Codified rules set forth in Title 230 WAC;
- (b) **Second priority:** Specific rules set forth by a licensed manufacturer of a patented game and approved under WAC 230-40-010;
- (c) **Third priority:** Rules set forth in *The New Complete Hoyle, Revised, Hoyle's Modern Encyclopedia of Card Games*, or a similar authoritative book on card games approved by the director: Provided, That licensees may make immaterial modifications to game rules set forth in Hoyle; and
- (d) **Fourth priority:** House rules developed by the licensee and approved by commission staff.

Posted rules.

- (2) Any rules related to the following shall be conspicuously posted in a location readily visible by all players.
 - (a) Wagering limits for each type of game, including the ante as specified in WAC 230-40-120(3);
 - (b) Prize pay-outs and any restrictions related to prizes;
 - (c) Whether employees are allowed to play;
 - (d) Procedures for resolving player disputes; and
 - (e) For player-supported jackpots (PSJ):
 - (i) How a PSJ will be distributed in the event it is discontinued or the business closes;
 - (ii) Conditions under which prizes may be won;
 - (iii) Prize amount;
 - (iv) Cost to participate;
 - (v) Administrative fees; and
 - (vi) Any other conditions which may affect the outcome of the game.

Rules available for review.

(3) Any rules related to the following shall be conspicuously posted in a location readily visible by all players: Provided, That if a licensee chooses not to post these rules, the licensee shall conspicuously post a sign in a location readily visible by all players stating that the rules are immediately available upon request for review by commission staff, local law enforcement, or a player:

- (a) Methods of making wagers;
- (b) Procedures for misdeals;
- (c) Procedures for betting irregularities;
- (d) Procedures for splitting pots; and
- (e) Any other rules that may restrict a player's right to win a hand, pot, or jackpot prize.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-505, filed 6/19/01, effective 7/20/01.]

WAC 230-40-608 Deposit requirements—Player-supported jackpot funds. Each licensee authorized to conduct player-supported jackpots (PSJs) shall protect and ensure proper accountability of all funds collected from players. Funds shall be controlled as follows:

- (1) Each licensee shall maintain a bank account for holding PSJ funds. The account shall be kept separate from all other accounts of the entity and be maintained in a recognized Washington state depository for purposes of depositing PSJ funds.
- (2) Only receipts from PSJs shall be deposited into the account.
- (3) No expenditures shall be made from the receipts of any PSJ until such receipts have first been deposited in the PSJ: Provided, That licensees may pay out prizes won during the operating day and deduct administrative expenses prior to deposit.
- (4) Receipts from the operation of PSJs, which are being held pending disbursement, shall be deposited in the licensee's PSJ account within two banking days of the date of collection: Provided, That funds deposited within two days to an armored car service shall meet this requirement.
- (5) All deposits of PSJ funds shall be specifically identified by type of fund and dates of collection. The validated deposit receipt shall be kept as a part of the records required by WAC 230-40-052.
- (6) At the end of each month, the account balance per the bank statement shall be reconciled to the PSJ fund balances. The reconciliation shall be kept as a part of the records required by WAC 230-40-052.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), amended and recodified as § 230-40-608, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-12-072, filed 4/14/00, effective 5/15/00.]

WAC 230-40-610 Player-supported jackpots—Restrictions—Manner of conducting—Approval. A player-supported jackpot (PSJ) is a separate contest of chance directly related to the play and/or outcome of authorized non-house-banked card games but which is not the card game itself. Card rooms with a Class F or house-banked license may establish a prize fund for the purpose of operating a PSJ for nonhouse-banked card games. Any PSJ must be approved

in writing by the director or the director's designee prior to play. A PSJ must meet the following requirements:

Funding a PSJ.

(1) A licensee may provide house funds to establish a PSJ. The licensee shall issue a check from the general business account into the PSJ account to start the prize fund. Recouping of start-up funds shall be done by issuing a check from the PSJ account to the business general account. Electronic bank transfers shall satisfy this requirement. Start-up funds shall not exceed five thousand dollars per PSJ.

Using a rake to fund a PSJ.

(2) A licensee may assess a portion of players' wagers for a jackpot prize. Such amount shall not exceed one dollar per hand or game for each PSJ. This assessment shall be separately collected using the rake method.

PSJ funds are player funds - exception from administrative fee.

(3) The licensee acts only as the custodian of the PSJ funds, including any interest earned on this money, and maintains no legal right to the funds. All PSJ funds shall be awarded as prizes, based upon a format approved by commission staff. An administrative fee not to exceed ten percent of the amount collected for a PSJ may be imposed by the licensee. This administrative fee includes all expenses incurred by the licensee, including banking fees. No other expenses beyond the ten percent administrative fee shall be deducted from the PSJ account.

Prize fund custodian.

(4) Each licensee shall designate at least one "prize fund custodian" who shall be responsible for safeguarding and disbursing funds to winners. A prize fund custodian may be an owner, partner, officer, or licensed individual designated by a card room owner, partner, or officer. The custodian shall have signature authority for prize fund bank accounts and ensure accountability of all funds collected for use in a PSJ. The licensee shall meet the deposit requirements of WAC 230-40-608.

Payout of prizes.

(5) Prize amounts paid in cash shall not exceed five hundred dollars. Prize amounts not awarded in cash shall be paid within twenty-four hours, by check, the type which provides a duplicate copy, which shall not be cashed on the licensee's premises. A record of all prizes paid shall be maintained in the format prescribed by commission staff and shall include:

(a) For prizes less than one hundred dollars, a system of accounting denoting each individual prize may be utilized.

(b) For prizes one hundred dollars and above, the following information shall be recorded on a prize record:

- (i) Full printed name;
- (ii) Date of birth;
- (iii) Street address;
- (iv) Type of identification reviewed;
- (v) Amount of the prize awarded;
- (vi) Description of the winning hand;

(vii) Time and date awarded; and

(viii) The supervisor's and dealer's initials.

(c) Upon awarding a prize of five hundred dollars or more, the dealer shall fan the winning hand in view of the surveillance camera. The hand shall be collected and sealed with the prize record. The winning hand and remaining deck shall be maintained on the premises as part of daily card room records for a period of seven days, unless released by a commission agent.

Owners and employees competing for a PSJ.

(6) Owners, custodians and on-duty card room employees may participate in card games that offer a PSJ, but may not share in the winnings of any prize awarded. If playing in a game with a PSJ in which the prize is not based upon a predetermined hand, owners and card room employees must turn their cards face up at the end of each game so that the cards may be observed by other players at the table and surveillance. Any prize winnings an owner or on-duty employee may be entitled to under game rules, must be divided equally among the other players at the table: Provided, That off-duty employees may participate in card games that offer a PSJ and share in the prize winnings.

House dealer required.

(7) All card games offering a PSJ must utilize a house dealer.

Security requirements.

(8) Each gaming table offering a PSJ shall be required to install a closed circuit television system as outlined in WAC 230-40-625: Provided, That licensees operating any house-banked card games shall follow the security requirements set forth in WAC 230-40-825 for all tables in the card room, including those offering a PSJ.

Removing a PSJ from play.

(9) The following procedures shall be followed for all discontinued player-supported jackpots:

Discontinued.

(a) In the event a licensee elects to discontinue a PSJ, the balance, less any nonrecouped seed money, shall be distributed to players within sixty days of discontinuance by offering an approved promotion or card tournament of the same game under which the PSJ was originally accrued.

Closure of business.

(b) In the event a licensee ceases to operate a card room, or fails to maintain a valid card room license, all funds associated with the PSJ shall be distributed to the Washington state council on problem gambling.

Posting rules.

(c) The licensee shall conspicuously post a sign stating how PSJ money will be distributed in the event the PSJ is discontinued or the business closes. The sign must be posted at the inception of the PSJ.

House rules.

(10) House rules, to include administrative fees shall be posted in a location readily visible by all players and disclose the conditions under which prizes may be won, the prize amount, cost to participate, and any other conditions which may affect the outcome of the game.

Dispute resolution.

(11) If a dispute arises involving the outcome of a PSJ, the licensee shall preserve the video recording, the winning hand and remaining deck, and all records for the game where the dispute occurred and shall notify commission staff within twenty-four hours. The licensee shall document all information pertaining to the dispute including:

- (a) The names, addresses, and phone numbers of all players, card room staff, and any witnesses involved;
- (b) Amount of the advertised PSJ; and
- (c) A full description of the circumstances surrounding the dispute.

(12) All disputes involving a PSJ will be investigated by commission staff, with a report submitted to the director. A written decision will be issued by the director, or the director's designee, and such decision shall be final.

(13) During the course of dispute resolution, the commission may become the temporary custodian of any and all prize funds. The PSJ will be suspended until the dispute is resolved.

[Statutory Authority: RCW 9.46.070, 01-13-091 (Order 403), § 230-40-610, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-610, filed 4/14/00, effective 5/15/00.]

WAC 230-40-625 Closed circuit television system requirements and procedures—Class F card rooms. Critical activities related to the operation of a player-supported jackpot (PSJ) and assessment of fees based on amounts wagered (rake method) shall be closely monitored by the use of a closed circuit television (CCTV) system, including video recording. If a licensee is conducting both Class F and house-banked activities, the licensee shall be required to meet the surveillance requirements set forth in WAC 230-40-825. Each Class F card room licensee shall install and maintain a CCTV system that meets the following requirements:

Camera coverage.

(1) The following areas are required to be covered by the CCTV system:

(a) All gaming at each table including, but not limited to, the:

- (i) Cards;
- (ii) Wagers;
- (iii) Chip tray;
- (iv) Drop box openings; and
- (v) Players and dealers.

(b) All activity in the count room or count area including, but not limited to, the:

- (i) Count table;
- (ii) Floor;
- (iii) Drop boxes; and
- (iv) Drop box storage shelves/cabinets.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras that have the ability to determine card and chip values at each gaming table. Each video camera shall be capable of having its picture displayed on a video monitor. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. Installed cameras shall cover the areas required by this rule and shall include, at a minimum, the following:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) At least one fixed camera focused over the dealer area covering the chip rack, all drop box openings, and the community card area;

(c) At least one fixed or pan, tilt, and zoom (PTZ) camera permanently programmed for the purposes of monitoring players at each gaming table. This camera must be capable of viewing each patron at each gaming position at least once every five minutes;

(d) A sufficient number of fixed and/or PTZ cameras in the cage only if the count process is conducted there;

(e) A sufficient number of fixed and/or PTZ cameras in the count area; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment.

(3) Video recording equipment shall meet the following requirements:

(a) Record at a rate of not less than twenty pictures per second;

(b) Insert the time and date on the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; and

(c) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Activities to be videotaped.

(4) Video signals from all cameras shall be recorded when:

- (a) Gaming tables are in operation;
- (b) Drop boxes or chip trays are stored on the gaming tables;
- (c) Drop boxes are being transported; or
- (d) Drop box contents are being counted.

Surveillance activity log.

(5) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

- (a) Date and time of surveillance;
- (b) Person initiating surveillance;
- (c) Time of termination of surveillance;
- (d) Summary of the results of the surveillance; and

- (e) A record of any equipment or camera malfunctions.

Sign-in log.

(6) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Tape labeling and retention.

(7) Video and audio tapes shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to tapes:

- (a) All tapes shall be retained for a minimum of seven complete gaming days.
- (b) Tapes of evidentiary value shall be maintained as requested by commission staff;
- (c) Tapes documenting jackpot payouts of five hundred dollars or more shall be retained for at least seven days; and
- (d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

(8) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes will be resolved in favor of the player: Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-625, filed 6/19/01, effective 7/20/01.]

WAC 230-40-630 Count procedures—Class F card rooms. Class F card rooms must follow certain procedures when conducting a count of fees. The following requirements shall be met:

- (1) The count shall occur at a specific time that has been reported to commission staff;
- (2) All fees shall be counted at least once each operating day;
- (3) The count shall be made by a least two licensed employees of the card room who shall record the amount on the count slip for each drop box;
- (4) The surveillance requirements of WAC 230-40-625 shall be met; and
- (5) An entry shall be made in the daily card room record for each table and each type of fee collected at a table. Count slips for each table shall be retained with the daily records.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-630, filed 6/19/01, effective 7/20/01.]

WAC 230-40-801 Interruption of card games—Pre-operational review and evaluation required—Procedures—House-banking. A house-banked card room applicant, or a current licensee who interrupts operations for a substantial period, shall demonstrate the ability to comply with

commission requirements prior to operating house-banked card games. In order to demonstrate such capability, the commission staff shall complete a preoperational review and evaluation (PORE) of the entire operation. The following requirements and preoperating procedures apply to house-banked card rooms:

Review and evaluation process.

(1) The commission staff shall review and evaluate the information presented per WAC 230-04-207 to determine:

- (a) The internal accounting and administrative controls are adequate to assure gambling activities are controlled and results of operations are accurately recorded;
- (b) The physical layout of the card room and supporting functions are adequate to implement the proposed accounting and administrative controls;
- (c) The applicant has adequate trained personnel and an organizational structure that will support implementation of the proposed accounting and administrative controls.

Notification of interruptions in operations.

(2) A licensee shall notify the commission in writing if the operation of house-banked card games is interrupted for more than seven days. Such notification shall:

- (a) Be made within three days of the interruption;
- (b) Include the reason for ceasing operations; and
- (c) Include the estimated date operations are planned to recommence.

Procedures for interruptions in operations.

(3) A licensee shall comply with the following procedures prior to commencing operations:

- (a) Provide the commission, in writing, with any changes in the information required by WAC 230-04-207;
- (b) Request commission staff to evaluate the impact of any changes in internal controls, physical layout, or personnel structure and to complete a PORE for changes that are material;
- (c) Correct any discrepancies noted by the staff's review; and
- (d) Receive written approval from the director to commence operations: Provided, That the director may allow limited operations when changes require the staff to observe operations in order to evaluate the impact of changes.

[Statutory Authority: RCW 9.46.070. 01-23-055, § 230-40-801, filed 11/20/01, effective 1/1/02.]

WAC 230-40-803 Phase II wager limits—Restrictions—Procedures. A house-banked card room licensee shall not increase wager limits to Phase II levels prior to operating for a minimum of six months and demonstrating that it is capable of operating at higher wager limits and receiving commission approval. The following procedures and restrictions apply to the Phase II approval process:

Review procedures.

- (1) Requests for an increase in wagering limits shall be processed in the following manner:

(a) The licensee shall submit a written request for review, including a deposit of five thousand dollars to pay for the review;

(b) Commission staff shall review the licensee's entire house-banked card game operation. Such review shall include an evaluation of:

(i) The licensee's written internal accounting and administrative controls to ensure they are not materially different from those submitted and approved and that the licensee is following such in every material aspect;

(ii) Whether the licensee is operating house-banked card games in accordance with applicable WAC rules; and

(c) A summary of commission staff's findings shall be presented to the director.

Approval process.

(2) Upon the completion of commission staff's review, the director shall either forward the licensee's request to the commission with a recommendation for approval or decline to forward it as provided in subsection (3) of this section. If the director forwards the request to the commission, the director may authorize a licensee to increase Phase II wagering limits pending commission approval at the next scheduled meeting;

(3) The director may decline to forward a licensee's request for Phase II wagering limits to the commission if:

(a) There have been substantial or repetitive administrative actions in the past six months or there is an ongoing investigation for substantial or repetitive violations; or

(b) The commission staff's review reveals the licensee has failed to follow WAC rules or its approved internal control procedures and such failures are substantial or deemed substantial due to repetition; or

(c) The licensee has failed to pay any gambling taxes due to counties, cities, or towns. For purposes of this section, gambling taxes include those taxes owed as of the most recent reporting period (month or quarter), as provided in the jurisdiction's ordinance, plus any interest and/or penalties that may be due; and

(d) Actions to correct any deficiencies have not been completed and commission staff afforded adequate time to conduct a follow-up review.

(4) If the director fails to forward a licensee's request within sixty days following completion of commission staff's review and has not commenced administrative actions, a licensee shall be afforded an opportunity to a commission review of the request. The commission may:

- (a) Grant the licensee Phase II wager limit approval;
- (b) Grant the licensee conditional Phase II approval; or
- (c) Refer the request back to commission staff for further investigation.

Sale of a business operating under Phase II.

(5) When a house-banked card room authorized to operate at Phase II levels is sold or otherwise transferred, the director may authorize the new licensee to remain at Phase II levels if the new licensee demonstrates that the gambling operation and internal controls will remain substantially unchanged. Staff may review the operation to determine

compliance at the director's request. The licensee shall be responsible for all costs of the review.

[Statutory Authority: RCW 9.46.070, 01-15-053 (Order 404), § 230-40-803, filed 7/13/01, effective 8/13/01; 00-09-052 (Order 383), § 230-40-803, filed 4/14/00, effective 5/15/00.]

WAC 230-40-805 Progressive jackpot prizes—Procedures—Restrictions—House-banking. Licensees are authorized to operate progressive jackpot prizes in conjunction with approved house-banked card games. Entry into a progressive jackpot is based upon a separate wager by a player, part of which accrues to a progressively increasing prize. A player wins the jackpot prize, or portion thereof, based upon achieving a predetermined pattern or combination of cards. Each licensee operating such games shall ensure they are closely controlled, all the funds collected are accounted for, and prizes and methods of winning are adequately disclosed to players. The following procedures and restrictions apply to progressive jackpots:

Restrictions.

(1) House-banked progressive jackpot restrictions:

(a) The amount of funds accrued to the primary and reserve or secondary jackpots shall increase by a predetermined amount of each wager made, in accordance with the rules of the game;

(b) The amount of the progressive jackpot eligible to be awarded as a prize shall be prominently displayed at each gaming table;

(c) The beginning amount of each progressive jackpot offered must be recorded, including explanations for any increase or decrease in the amount of the prize offered. This documentation shall be maintained with the progressive jackpot records; and

(d) A licensee may establish a maximum limitation on a progressive jackpot prize. If such a limit is established:

- (i) The amount must be equal to or greater than the amount of the jackpot when the limit is imposed; and
- (ii) A notice of the limit must be conspicuously posted at or near the game;

Adjusting jackpot amounts and prize payouts.

(2) A licensee shall not reduce the amount of a progressive jackpot prize, that has been accrued and displayed to players except as authorized by this section. The following adjustments are allowed to accrued progressive jackpot prizes:

(a) Jackpot prizes of five thousand dollars or less shall be paid out immediately. For prizes over five thousand dollars, a minimum of five thousand dollars must be paid immediately and the remaining balance paid, by check, within twenty-four hours: Provided, That a check shall be issued for the entire prize balance within twenty-four hours, at the player's request. The jackpot and advertised amount shall be reduced only by the amount won;

(b) An adjustment may be made to correct malfunctioning equipment or to prevent the display of an amount greater than a predetermined maximum prize limit; or

(c) A reserve or secondary jackpot may be reduced as long as the funds removed are recorded as gross receipts and

are properly documented in the records. A reserve or secondary jackpot may also be reduced to recover seed money that was not taken from gross receipts, provided that those funds are properly documented in the records;

Removing all or portion of a jackpot from play.

(3) House-banked progressive jackpot prizes, which are advertised or displayed in any manner are deemed to be funds for which players have a vested interest and may only be removed from play under the following conditions:

Disbursement.

(a) The director or the director's designee provides the licensee written approval of a plan to disburse all jackpot funds back to the players. The request for approval shall include full details of the distribution plan and shall be conspicuously posted at least ten days prior to distribution. Licensees shall disburse the funds utilizing one or more of the following methods:

- (i) By offering the prize on a different house-banked game;
- (ii) Offering the prize through means of an approved tournament. All funds must be distributed within sixty days from the date of approval by commission staff; or
- (iii) Donating the money to the Washington state council on problem gambling; and

Discontinued jackpot-player notification.

(b) The licensee must notify players of any planned discontinuance, including closure of the business, by conspicuously posting notice for a period of ten days prior to beginning the discontinuance process;

Awarding merchandise prizes with jackpot funds.

(c) Licensees may use a portion of these funds to purchase merchandise to be awarded as prizes under the following conditions:

- (i) The licensee discloses to the public that a specific portion of these jackpot funds were used to purchase merchandise to be awarded as prizes, as well as the specific prize to be awarded;
- (ii) The merchandise is awarded as a prize on the specific outcome of a game and is included in the game rules;
- (iii) The merchandise prizes shall be owned by the licensee and paid for in full, without lien or interest of others, prior to the prize being awarded: 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 chooses their option;
- (iv) The licensee must disclose the value of the merchandise to be awarded. This value must be true and verifiable; and
- (v) Detailed records, including purchase invoice, are maintained on premises and available for review by commission staff;

Temporarily removing a jackpot from play.

(4) A licensee may temporarily remove a progressive jackpot game from play subject to the following conditions:

- (a) The removal and reasons must be approved in writing by commission staff; and
- (b) The disruption is caused by circumstances beyond the control of the licensee, or for other good cause (for example: Remodeling the card room); and
- (c) Players are notified of the disruption and the estimated date of continuance.

[Statutory Authority: RCW 9.46.070, 01-13-091 (Order 403), § 230-40-805, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-805, filed 4/14/00, effective 5/15/00.]

WAC 230-40-808 Deposit requirements for prizes—House-banking. Each organization licensed to conduct house-banked card games shall ensure sufficient funds are available to pay prizes offered. Funds shall be controlled as follows:

Bank account.

(1) Each licensee shall maintain a bank account for holding jackpot prizes accrued at house-banked card games. The account shall be separate from all other accounts of the entity and be maintained in a recognized Washington state depository for purposes of depositing prize funds.

Deposit requirements.

(2) Amounts accrued for any house-banked game which offers a progressive jackpot shall be deposited into the jackpot prize account at least weekly for all disclosed and reserve jackpot funds.

(3) In addition to any progressive jackpot prize funds required to be maintained in the bank account, licensees shall also deposit and maintain in the account an amount equal to the total of all individual prizes offered which exceed twenty-five thousand dollars. For games in which the prize is based on the amount wagered, the highest wager allowed by the licensee shall be used in computing the individual prize amount for purposes of determining the deposit requirement.

Failure to maintain sufficient bank funds.

(4) No game shall be offered for play until the above conditions have been met. At anytime that the prize account is reduced below the level required, the licensee shall immediately cease operating games until they are in compliance. At no time shall the account go below the total amount of progressive jackpots and individual prizes offered over twenty-five thousand dollars. Failure to maintain funds as required in this rule shall be prima facie evidence of defrauding the public in violation of RCW 9.46.190.

Recording deposits.

(5) A record of all deposits shall specifically identify by game name and number, and dates of collection for progressive prizes. The validated deposit slip shall be kept as part of the records required by WAC 230-40-052.

Monthly reconciliation.

(6) At the end of each month, the account balance per the bank statement shall be reconciled to the jackpot prize balances. The reconciliation shall be kept as part of the records required by WAC 230-40-052.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), amended and recodified as § 230-40-808, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-12-073, filed 4/14/00, effective 5/15/00.]

WAC 230-40-815 Administrative and accounting control structure—Organization—House-banking. Each licensee operating a house-banked card game shall ensure that all games are closely controlled, operated fairly and in accordance with all rules of the commission. The following control procedures and conditions shall be met:

Internal controls.

(1) The licensee shall have a system of internal controls that include at least the following:

(a) Administrative controls, which include, but are not limited to, the organization's plan, procedures, and records concerned with decision processes leading to management's authorization of transactions; and

(b) Accounting controls which include the licensee's plan, procedures, and records concerned with the safeguarding of assets and the reliability of financial records. These controls must be designed to provide reasonable assurance that:

(i) Transactions are executed in accordance with management's general and specific authorization;

(ii) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles, and to maintain accountability for assets;

(iii) Access to assets is permitted only in accordance with management's authorization; and

(iv) The recorded accountability for assets is compared with existing assets at least annually and appropriate action is taken within five working days with respect to any differences.

Administrative controls.

(2) The licensee's system of administrative controls shall provide for the following:

(a) Competent personnel with an understanding of prescribed procedures;

(b) The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of his or her duties; and

(c) Each employee of a house-banked card room shall be licensed by the commission and shall be knowledgeable in all accounting and internal control practices and procedures relevant to each employee's individual function.

Separate departments and functions.

(3) The licensee shall, at a minimum, establish the following departments or functions that shall be independent from all other departments or functions:

Surveillance.

(a) A surveillance department which shall not include security functions or personnel. The head of surveillance shall be responsible for, but not limited to, the following:

(i) The clandestine surveillance of the operation and conduct of the table games;

(ii) The clandestine surveillance of the operation of the cashier's cage;

(iii) The video and audio taping of activities in the count rooms;

(iv) The detection of cheating, theft, embezzlement, and other illegal activities in the gaming facility, count rooms, and cashier's cage;

(v) The video taping of unusual or suspected illegal activities;

(vi) The notification of appropriate supervisors and commission staff, within three working days, upon the detection of cheating, theft, embezzlement, or other illegal activities;

(vii) Ensuring that each dealer is evaluated to determine if all required dealer procedures and techniques set forth in the licensee's approved internal controls are followed; and

(viii) Ensuring all surveillance employees have a demonstrated knowledge of the following:

(A) Operating surveillance systems;

(B) Rules of play and procedures for the games being played; and

(C) The overall procedures relating to the duties of all employees of the house-banked card room being monitored (dealers, shift managers, floor supervisors, cage cashier's and count team members).

Security.

(b) A security department, supervised by a security department manager, is responsible for at least the following:

(i) Control of cards and dealing shoes, including storage of new and used cards and shoes, and control of the disposition and/or destruction of same when removed from service; and

(ii) Transfer of cash and chips to and from the gaming tables, cage and count room.

Gaming operations.

(c) A gaming operation department supervised by a gaming operation department manager who shall be responsible for the operation of all house-banked card games conducted by ensuring the following:

(i) Card games are operated by licensed dealers who are assigned to each gaming table;

(ii) A floor supervisor is assigned the responsibility for the overall supervision of the conduct of gaming within a pit and can supervise no more than five tables: Provided, That a single supervisor may supervise up to seven tables, if only seven tables are in operation and the layout was preapproved by commission staff;

(iii) A licensee which utilizes two separate areas of a gaming establishment shall require at least one supervisor in each area; and

(iv) A shift manager, who reports to the gaming operation department manager, is assigned to supervise floor

supervisors and all gaming related activities that occur during each shift. In the absence of the gaming operation department manager, the shift manager shall have the authority of a gaming operation department manager: Provided, That in addition to the floor supervisors required in this subsection, licensees operating more than ten tables shall be required to have a shift manager on the premises.

Accounting.

(d) An accounting department supervised by an individual who shall report directly to the chief executive officer or chief operations officer. The responsibilities of the accounting department shall include, but not be limited to, the following:

- (i) Implementing and monitoring of accounting controls;
- (ii) The preparation, control, and storage of records and data required;
- (iii) The control of unused forms inventory along with reconciliation of forms used; and
- (iv) The control and supervision of the cashier's cage.

Modifications.

(4) Any changes to the licensee's system of internal controls must be submitted to commission staff and be approved prior to implementation.

Employees shall be informed of internal controls.

(5) All licensed operators shall inform their card room employees of the internal controls related to their respective area of responsibility. Furthermore, both the operator and all card room employees shall follow these internal controls at all times.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-815, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-815, filed 4/14/00, effective 5/15/00.]

WAC 230-40-820 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-40-821 General accounting records—House-banking. Every licensee authorized to offer house-banked card games shall keep and maintain a complete set of records, which have been approved by commission staff. Such records shall include all details of activities related to the conduct of the licensed activity. The following requirements shall apply:

Revenue and expenses.

(1) Each licensee shall maintain legible, accurate and complete records of all transactions relating to the revenues and costs of the gaming operation. These records shall be maintained in a format to ensure consistency, comparability, and effective disclosure of financial information.

General accounting records.

(2) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on an accrual basis, to include detailed, supporting, subsidiary records, sufficient to meet the requirements below.

Recordkeeping.

(3) The detailed, supporting and subsidiary records shall include, but not necessarily be limited to:

- (a) Records of all patrons' checks initially accepted, deposited, and returned as "uncollected," and ultimately written off as "uncollectible";
- (b) Statistical game records to reflect drop and win amounts for each table, for each game, and for at least each period for which the drop boxes are removed, which shall be at the minimum, the end of each gaming day;
- (c) Records of investments in property, including, but not limited to, equipment used directly in connection with the gaming operation;
- (d) Records of amounts payable by the gaming operation;
- (e) Records which identify the purchase, receipt, and destruction of all cards and gaming chips used in wagering; and
- (f) Records of services provided for the operation of gaming activities.

Copies.

(4) Whenever duplicate or triplicate copies are required of a form, record or document:

- (a) The original, duplicate, and triplicate copies shall be color-coded;
- (b) If under these standards, forms, records, and documents are required to be inserted in a locked dispenser, the last copy shall remain in a continuous unbroken form in the dispenser; and
- (c) If under these standards, forms or serial numbers of forms are required to be accounted for or copies of forms are required to be compared for agreement and exceptions noted, such exceptions shall be reported immediately to the commission for investigation.

Storing documents.

(5) All forms, records, documents and stored data required to be prepared, maintained and controlled shall:

- (a) Have the title of the form, record, document, or stored data (such as "fill slip," "request for fill," "credit slip," "request for credit," "reconciliation," etc.), imprinted or pre-printed thereon or therein; and
- (b) Be located at the licensed premises for three years: Provided, That the director or the director's designee may waive parts of this section if requested by the licensee.

Employee records.

(6) Licensees shall maintain a records system that ensures all applicable employees have met licensing requirements. The system shall be maintained on the premises and include the following:

- (a) Employee names;
- (b) Gambling license numbers;
- (c) Gambling license expiration dates; and
- (d) Photocopies of all current employees' licenses.

Record of employees who have not yet received a license.

(7) If an employee license has not yet been issued, the licensee shall maintain a copy of the following:

- (a) Temporary employment authorization;
- (b) Documentation that the required payment (license or transfer fee) has been made; and
- (c) Proof that the employee has adhered to the ten-day waiting period, if applicable.

Notification - new license not received.

(8) The licensed card room operator shall ensure commission staff is notified if an employee license has not been received within sixty days of employment.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), amended and recodified as § 230-40-821, filed 6/19/01, effective 7/20/01. Statutory Authority: RCW 9.46.070 and 34.05.230. 01-01-016 (Order 396), § 230-08-027, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 9.46.070. 00-09-052 (Order 383), § 230-08-027, filed 4/14/00, effective 5/15/00.]

WAC 230-40-825 Closed circuit television system—House-banking. Critical activities related to the operation of house-banked card games shall be closely monitored by the use of a closed circuit television (CCTV) system, including video recording. Each house-banked card room licensee shall install and maintain a CCTV system that meets the following requirements.

Camera coverage.

(1) The following areas are required to be covered by the CCTV system:

(a) All gaming at each table including, but not limited to, the following:

- (i) Cards;
- (ii) Wagers;
- (iii) Chip tray;
- (iv) Drop box openings;
- (v) Card shoe;
- (vi) Shuffling devices; and
- (vii) Players and dealers.

(b) All activity in the pits.

(c) All activity in the cashier's cage including, but not limited to, the:

- (i) Outside entrance;
- (ii) Fill/credit dispenser;
- (iii) Customer transactions;
- (iv) Cash and chip drawers;
- (v) Vault/safe;
- (vi) Storage cabinets;
- (vii) Fill or credit transactions; and
- (viii) Floor.

(d) All activity in the count room including, but not limited to, the:

- (i) Count table;
- (ii) Floor;
- (iii) Counting devices;
- (iv) Trolley;
- (v) Drop boxes;
- (vi) Storage shelves/cabinets; and
- (vii) Entrance and exits.

(e) The movement of cash, gaming chips, and drop boxes.

(f) Entrances and exits to the card room.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities that have the capability to determine card and chip values and the configuration of wagers at each gaming table. Each video camera shall be capable of having its picture displayed on a video monitor. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. PTZ cameras shall be placed behind a smoked dome, one-way mirror or similar materials that conceal the camera from view. Installed cameras shall cover the areas required by this rule and shall include at a minimum:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) A sufficient number of fixed and/or PTZ cameras permanently programmed for the purposes of monitoring players at each gaming table. The PTZ cameras must be capable of viewing each patron at each gaming position at least once every five minutes;

(c) A sufficient number of PTZ cameras for the purpose of determining the configuration of wagers and card values at each gaming table. Any time a winning wager, including jackpot or bonus payouts in excess of five hundred dollars are won, surveillance shall utilize this camera to verify the winning hand, the amount of the wager, and the player who won the prize. Each licensee shall have documented procedures in their internal controls stipulating the manner in which this will be carried out;

(d) A sufficient number of fixed and/or PTZ cameras in the cage(s);

(e) A sufficient number of fixed and/or PTZ cameras in the count room; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment.

(3) Video recording equipment shall meet the following requirements:

(a) Record at a rate of not less than twenty pictures per second;

(b) Insert the time and date on the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; and

(c) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Activities to be videotaped.

(4) Video signals from all cameras shall be recorded when:

(a) Gaming tables are in operation;

(b) Drop boxes or chip trays are stored on the gaming tables;

- (c) Drop boxes are being transported; or
- (d) Drop box contents are being counted.

Video monitors.

(5) The CCTV system shall include a sufficient number of video monitors to simultaneously view multiple gaming tables, the cashier's cage, and count room activities.

Surveillance room.

(6) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That this restriction does not apply to owners or approved supervisory or management personnel.

(b) Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(c) Entrances to surveillance rooms shall not be readily observable from the gaming operation area.

(d) The licensee shall ensure a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, any time the card room is open to conduct gaming and during the count process: Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks.

Surveillance staff not required.

(7) Licensees that are licensed for five or fewer tables and not operating under Phase II limits, shall not be required to maintain a staffed surveillance room.

Surveillance activity log.

(8) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

- (a) Date and time of surveillance;
- (b) Person initiating surveillance;
- (c) Time of termination of surveillance;
- (d) Summary of the results of the surveillance; and
- (e) A record of any equipment or camera malfunctions.

Employee sign-in log.

(9) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Labeling and storing tapes.

(10) Video and audio tapes shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to tapes:

(a) All tapes shall be retained for a minimum of seven complete gaming days;

(b) Tapes of evidentiary value shall be maintained as requested by commission staff;

(c) Tapes documenting jackpot payouts over three thousand dollars shall be retained for at least thirty days; and

(d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

(11) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes will be resolved in favor of the player: Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-825, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-825, filed 4/14/00, effective 5/15/00.]

WAC 230-40-830 Cashier's cage—Requirements—

House-banking. All cash, cash equivalents, and chips related to the operation of card games shall be closely controlled and records maintained documenting receipts and disbursements. Licensees shall maintain a cashier's function whose responsibility shall be to secure and account for all chips and monies in the card room portion of the premises. At a minimum, the following restrictions and procedures apply:

Location.

(1) There shall be on or immediately adjacent to the gaming floor a physical structure known as the cashier's cage (cage) to house the cashiers and to serve as the central location for, at a minimum, the following:

(a) The custody of the cage inventory comprising currency, coin, patron checks, gaming chips, forms, documents and records normally associated with the operation of a cage;

(b) The approval of patron checks for the purpose of gaming;

(c) The receipt and distribution of gaming chips from the gaming table and the redemption of gaming chips from patrons. The purchase of gaming chips by patrons shall only occur at the gaming table: Provided, That licensees operating both house-banked and nonhouse-banked games may sell chips for use in poker games through an imprest window bank located within the cashier's cage, or another location approved by commission staff; and

(d) Such other functions normally associated with the operation of a cage.

Design and structure.

(2) The cage shall be designed, constructed and operated to provide maximum security and accountability for funds including, at a minimum, the following:

(a) An enclosed structure except for openings through which items such as gaming chips, checks, cash, records, and documents can be passed to service the public and gaming tables;

(b) Manually triggered silent alarm systems connected directly to the surveillance rooms of the closed circuit television system or an alarm monitoring agency;

(c) Access shall be through a locked door, which shall have closed circuit television coverage which is monitored by the surveillance department.

Entry into the cage.

(3) Entry to the cage shall be limited to authorized personnel. The gaming operation department shall place on file with the accounting department the names of all persons authorized to enter the cage, those who possess the combination or the keys or who control the mechanism to open the locks securing the entrance to the cage, and those who possess the ability to operate the alarm systems.

Entry/exit log.

(4) A log shall be maintained documenting all persons entering the cashier's cage. The log must contain the person's name, title, time entering and exiting, and date of entry.

Cage not required.

(5) Licensees not offering house-banked card games shall not be required to meet the above requirements: Provided, That licensees shall maintain a system for securing and properly accounting for all gaming chips and moneys.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-830, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-830, filed 4/14/00, effective 5/15/00.]

WAC 230-40-833 Cashier's bank and minimum bankroll—House-banking. All card room licensees with house-banked card games or player-supported jackpots shall maintain sufficient funds to meet all cash out and prize payout requirements.

(1) All assets for which the cashiers are responsible shall be maintained on an imprest basis. This requires funds to be replenished on a regular basis by exactly the amount of expenditures from the cage less the amount of funds added. Expenditures shall be reviewed by a supervisor of the accounting department before replenishment: Provided, That licensees demonstrating the ability to control cage activity can request commission staff approval to operate on a float basis as an alternative procedure.

(2) The licensee shall have sufficient cash on hand to redeem all chips and payout all prizes: Provided, That payments of prizes may be paid by check as long as sufficient funds are available on deposit in accordance with WAC 230-40-608 and 230-40-808.

(3) Failure to maintain funds to cash in chips, pay prizes, or redeem gaming related checks shall be prima facie evidence of fraud.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-833, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-833, filed 4/14/00, effective 5/15/00.]

WAC 230-40-840 Drop boxes—House-banking—Drop box collection method. All card room licensees operating house-banked card games or collecting fees utilizing

the drop box collection method (WAC 230-40-050) shall use a drop box. Drop boxes shall be constructed and controlled in a manner to provide security of contents and shall meet the following requirements and procedures:

Drop box requirements.

(1) Each gaming table shall have attached to it a metal container known as a "drop box" into which all cash, duplicate fill slips and credit slips, request for fills, request for credits, and table inventory forms shall be deposited.

(2) Each drop box shall have the following:

Box lock.

(a) A lock securing the contents. The key to this lock shall be maintained and controlled by the accounting department;

Table lock.

(b) A separate lock securing the drop box to the gaming table. This lock shall be keyed differently from the lock securing the contents of the drop box. The key utilized to unlock this lock shall be maintained and controlled by the security department;

Opening on box.

(c) An opening through which currency, coins, chips, forms, records and documents can be inserted into the drop box;

Labeling drop boxes.

(d) Permanently imprinted or impressed thereon and clearly visible, a number corresponding to a permanent number on the gaming table to which it is attached and a marking to indicate the game. The shift shall also be included if drop boxes are removed from tables more than once during an operating day: Provided, That emergency drop boxes may be maintained without such number or marking, if the word "emergency" is permanently imprinted or impressed thereon, and when put into use, are temporarily marked with the number of the gaming table and identification of the game and shift.

Transportation to the count room.

(3) All drop boxes removed from the gaming tables shall be transported directly to the count room and secured by one security department member and one employee of the gaming operation department: Provided, That licensees not required to maintain a count room shall transport drop boxes directly to the count area using the supervisor or the supervisor's designee for the transport: Provided further, That a licensee may utilize the count team members to pull and transport the drop boxes to the count room for the count process, if conducted under the supervision of security when the gaming operation is closed and the card room entrances/exits are locked.

Storing drop boxes in count room.

(4) All drop boxes not attached to a gaming table shall be stored in the count room in an enclosed storage cabinet or

trolley and secured in such cabinet or trolley by two separately keyed locks. The key to one lock shall be maintained and controlled by the security department and the key to the other lock shall be maintained and controlled by the gaming operation department.

Storing drop boxes on gaming tables.

(5) Drop boxes, when not in use during a shift, may be stored on the gaming tables if the entire area is covered by taped surveillance.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-840, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-840, filed 4/14/00, effective 5/15/00.]

WAC 230-40-865 Distributing chips and coins to tables—Requests and fills—House-banking. Gaming chips and coins shall only be distributed to gaming tables with adequate security and in a manner that ensures proper control and accountability. The following restrictions and procedures apply:

Fill slip.

(1) Each "fill slip" shall be serially prenumbered three-part forms, which provide an original and duplicate copies as necessary: Provided, That the director may authorize use of a computer based accounting system which includes a nonrepeating sequential numbering system that is consistent with the controls and safeguards of the manual system. Requests for fills shall be a two-part form which provides an original and duplicate copy. These forms shall be controlled in the following manner:

(a) Each series of fill slips received by a licensee shall be controlled and accounted for separately;

(b) Request for fills shall be secured in such a manner that only a gaming operations supervisor has access;

(c) Fill slips shall be secured by the cashier's cage;

(d) These forms shall be used in sequential order and all forms accounted for; and

(e) The preparer shall void forms that have errors by marking "VOID" on both the original and duplicate copies and sign the form.

Request for fill.

(2) A "request for fill" shall be prepared by the gaming operation supervisor to authorize the cage to prepare a "fill slip" for the distribution of chips and coins to gaming tables. The original and duplicate of the request for fill shall include the following entries:

(a) The date, time, and shift of preparation;

(b) The denomination of gaming chips or coins to be distributed to the gaming tables;

(c) The total amount of each denomination of gaming chips or coins to be distributed to the gaming tables;

(d) The game and table number to which the gaming chips or coins are to be distributed;

(e) The signature of the gaming operation supervisor; and

(f) The signature of the security department employee that distributed the chips and coins.

Transporting requests.

(3) After preparation of the request for fill, the original of such request shall be transported directly to the cashier's cage by security.

Duplicate copies of the request.

(4) The duplicate copy of the request for fill shall be placed by the dealer or floor supervisor in public view on the gaming table to which the gaming chips or coins are to be received. Such duplicate copy shall not be removed until the chips and coins are received, at which time the request for fill and fill slip are deposited in the drop box.

Fill slip procedures.

(5) A fill slip shall be prepared by a cashier whenever gaming chips or coins are distributed to the gaming tables from the cashier's cage. The following procedures and requirements shall be observed with regard to fill slips:

(a) Each series of fill slips shall be in triplicate form to be kept in a locked dispenser that will permit an individual fill slip in the series and its copies to be written upon simultaneously while still located in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser: Provided, That if a computer system is used, which includes a nonrepeating sequential numbering system, the controls and safeguards of the manual system must be present; and

(b) Access to the triplicate copy of the form shall be maintained and controlled at all times by an accounting department employee responsible for controlling and accounting for the unused supply of fill slips, placing fill slips in the dispensers, and removing from the dispensers, each day, the triplicate copies remaining therein: Provided, That access will be permitted to an employee of the security department for the sole purpose of clearing any paper jams in the dispenser.

Information to be recorded on fill slip.

(6) On the original, duplicate, and triplicate copies of the fill slip, the preparer shall record, at a minimum, the following information:

(a) The denomination of the gaming chips or coins being distributed;

(b) The total amount of each denomination of gaming chips or coins being distributed;

(c) The total amount of all denominations of gaming chips or coins being distributed;

(d) The game and table number to which the gaming chips or coins are being distributed;

(e) The date and shift during which the distribution of gaming chips or coins occurs; and

(f) The signature of the preparer.

(7) Upon preparation, the time of preparation of the fill slip shall be recorded, at a minimum, on the original and the duplicate.

Employee verification.

(8) All gaming chips or coins distributed to the gaming tables from the cashier's cage shall be transported directly by

a security department employee. This employee shall verify the request for fill to the amount of the fill slip and sign the original of the request for fill, which is maintained at the cashier's cage, before transporting the gaming chips or coins and the original and duplicate of the fill slip for signature.

Signatures required on fill slips.

(9) Signatures attesting to the accuracy of the information contained on the original and duplicate of the fill slips shall, at a minimum, be those of the following personnel at the following times:

- (a) The cashier upon preparation;
- (b) The security department employee transporting the gaming chips or coins to the gaming table upon receipt from the cashier of gaming chips or coins;
- (c) The dealer assigned to the gaming table upon receipt; and
- (d) The gaming operation supervisor assigned to the gaming table upon receipt of the gaming chips or coins at such table.

Transporting chips and coins.

(10) Upon meeting the signature requirements, the security department employee that transported the gaming chips or coins and the original and duplicate copies of the fill slip to the table, shall observe the following:

- (a) The dealer shall immediately place the duplicate fill slip and duplicate request for fill in the drop box attached to the gaming table to which the gaming chips or coins were transported; and
- (b) The security department employee shall then return the original fill slip to the cashier's cage where the original fill slip and request for fill shall be maintained together and controlled by cage employees.

VOID procedures.

(11) The original and duplicate "VOID" fill slips, the original request for fill, and the original fill slip shall be forwarded as follows:

- (a) The count team, as described in WAC 230-40-885(2), for agreement with the duplicate copy of the fill slip and duplicate copy of the request for fill removed from the drop box after which the original and duplicate copy of the request for fill and the original and duplicate copy of the fill slip shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate; or
- (b) The accounting department for agreement, on a daily basis, with the duplicate fill slip and duplicate copy of the request for fill removed from the drop box and the triplicate.

Transferring chips.

(12) Transfers of gaming chips from one gaming table to another gaming table is prohibited. All transfers of gaming chips shall be to the cashier's cage.

[Statutory Authority: RCW 9.46.070, 01-13-091 (Order 403), § 230-40-865, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-865, filed 4/14/00, effective 5/15/00.]

WAC 230-40-870 Removing chips and coins from tables—Requests and credits—House-banking. All transfers of gaming chips and coins shall be closely controlled and documented in a manner that ensures accountability. Gaming chips and coins shall only be removed from gaming tables with adequate security. The following restrictions and procedures apply:

Credit slip.

(1) Each "credit slip" shall be serially prenumbered three-part forms, which provide an original and duplicate copies as necessary: Provided, That the director may authorize use of a computer based accounting system which includes a nonrepeating sequential numbering system that is consistent with the controls and safeguards of the manual system. Requests for credits shall be a two-part form which provides an original and duplicate copy. These forms shall be controlled in the following manner:

- (a) Each series of credit slips received by a licensee shall be controlled and accounted for separately;
- (b) Request for credits shall be secured in such a manner that only a gaming operations supervisor has access;
- (c) Credit slips shall be secured by the cashier's cage;
- (d) These forms shall be used in sequential order and all forms accounted for; and
- (e) The preparer shall void forms that have errors by marking "VOID" on both the original and duplicate copies and sign the form.

Request for credit.

(2) A "request for credit" shall be prepared by the gaming operation supervisor to authorize the cage to prepare a credit slip for the removal of gaming chips and coins to the cashier's cage. The original and duplicate of the request for credit shall include the following entries:

- (a) The date, time and shift of preparation;
- (b) The denomination of gaming chips or coins to be removed from the gaming table;
- (c) The total amount of each denomination of gaming chips or coins to be removed from the gaming table;
- (d) The game and table number from which the gaming chips or coins are to be removed; and
- (e) The signature of the gaming operation supervisor and dealer assigned to the gaming table from which gaming chips or coins are to be removed.

Employee verification.

(3) Immediately upon preparation of a request for credit and transfer of gaming chips or coins to a security department employee, a gaming operation supervisor shall obtain on the duplicate copy of the request for credit the signature of the security department member to whom the gaming chips and coins were transferred. The dealer shall place the duplicate copy in public view on the gaming table from which the gaming chips or coins were removed. Such request for credit shall not be removed until a credit slip is received from the cashier's cage at which time the request for credit and credit slip are deposited in the drop box.

Transporting requests.

(4) The original of the request for credit and the gaming chips or coins removed from the gaming table shall be transported directly to the cashier's cage by the security department employee.

Credit slip procedures.

(5) A credit slip shall be prepared by the cashier whenever gaming chips or coins are removed from the gaming tables to the cashier's cage. The following procedures and requirements shall be observed with regard to credit slips:

(a) Each series of credit slips shall be a three-part form and shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still locked in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser: Provided, That if a computer system is used, which includes a nonrepeating sequential numbering system, the controls and safeguards of the manual system must be present; and

(b) Access to the triplicate copy shall be maintained and controlled at all times by an accounting department employee responsible for controlling and accounting for the unused supply of credit slips, placing credit slips in the dispensers, and removing from the dispensers, each day, the triplicates remaining therein: Provided, That access will be permitted to an employee of the security department for the sole purpose of clearing any paper jams in the dispenser.

Information to be recorded on credit slip.

(6) On the original, duplicate and triplicate copies of a credit slip, the preparer shall record, at a minimum, the following information:

(a) The denomination of the gaming chips or coins removed from the gaming table to the cashier's cage;

(b) The total amount of each denomination of gaming chips or coins removed from the gaming table to the cashier's cage;

(c) The total amount of all denominations of gaming chips or coins removed from the gaming table to the cashier's cage;

(d) The game and table number from which the gaming chips or coins were removed;

(e) The date and shift during which the removal of gaming chips or coins occurs; and

(f) The signature of the preparer.

(7) Upon preparation, the time of preparation of the credit slip shall be recorded, at a minimum, on the original and duplicate copy.

Signatures required on credit slips.

(8) Signatures attesting to the accuracy of the information contained on the original and the duplicate copy of a credit slip shall be, at a minimum, the following personnel at the following times:

(a) The cage cashier upon preparation;

(b) The security department employee transporting the gaming chips or coins to the cashier's cage upon presentation to the cashier;

(c) The dealer assigned to the gaming table upon receipt at such table from the security department employee; and

(d) The gaming operation supervisor assigned to the gaming table upon receipt at such table.

Transporting chips and coins.

(9) Upon meeting the signature requirements, the security department employee transporting the original and duplicate copies of the credit slip to the gaming table, shall observe the following:

(a) The dealer shall immediately place the duplicate copies of the credit slip and request for credit in the drop box attached to the gaming table from which the gaming chips or coins are removed; and

(b) The security department employee shall expeditiously return the original credit slip to the cashier's cage where the original of the credit slip and request for credit shall be maintained together and controlled by cage employees.

VOID procedures.

(10) The original and duplicate copies of "VOID" credit slips, and the original request for credit and credit slip shall be forwarded to:

(a) The count team, as described in WAC 230-40-885(2), for agreement with the duplicate credit slip and the duplicate request for credit removed from the drop box, after which the request for credit and the original and duplicate credit slip shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate; or

(b) The accounting department for agreement, on a daily basis, with the duplicate copies of the credit slip and request for credit removed from the drop box and the triplicate.

[Statutory Authority: RCW 9.46.070. 01-13-091 (Order 403), § 230-40-870, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-870, filed 4/14/00, effective 5/15/00.]

WAC 230-40-875 Closing gaming tables—House-banking. Procedures shall be followed for closing gaming tables that ensure proper accountability of gaming chips and coins. The following restrictions and procedures apply:

Counting chips and coins.

(1) Whenever the gaming activity at each gaming table is concluded for the day, the gaming chips and coins shall be counted by the dealer assigned to the gaming table and observed by a gaming operation supervisor. The entire count and closure process shall be monitored and taped by the surveillance department.

Recording the count.

(2) The gaming chips and coins counted shall be recorded on a table inventory slip by the gaming operation supervisor assigned to the gaming table.

Table inventory slips.

(3) Table inventory slips shall be three-part serially pre-numbered forms and on the original of the slip (closer), the duplicate of the slip (opener), and on the triplicate, which is

maintained and controlled by security, the gaming operation supervisor shall record the following:

- (a) The date and identification of the shift ended;
- (b) The game and table number;
- (c) The total value of each denomination of gaming chips and coins remaining at the tables; and
- (d) The total value of all denominations of gaming chips and coins remaining at the gaming tables.

Verification signatures.

(4) Signatures attesting to the accuracy of the information recorded on the table inventory slips at the time of closing the gaming tables shall be of the dealer and the gaming operation supervisor assigned to the gaming table who observed the dealer count the contents of the table inventory.

Distributing table inventory slips.

- (5) Upon meeting the signature requirements:
 - (a) The closer shall be deposited in a drop box attached to the gaming table immediately prior to the closing of the table;
 - (b) The opener and the gaming chips and coins remaining at the table shall be placed in a clear container provided for that purpose after which the container shall be locked; and
 - (c) The triplicate copy of the table inventory slip shall be forwarded to the accounting department by a security department employee.

VOID procedures.

(6) In the event the closer is voided, the preparer shall void this form by writing the word "VOID" on all copies of the form. All copies of the form shall then be forwarded to the accounting department.

(7) At the end of each gaming day, if the locked containers are transported to the cashier's cage, a cage cashier shall determine that all locked containers have been returned to the cage and adequately secured or, if the locked containers are secured to the gaming table, a gaming operation supervisor shall account for all the locked containers.

Removing drop boxes from tables.

(8) In the event drop boxes are removed from gaming tables at other than the close of the gaming day, they shall be removed at a shift change. A table inventory slip shall be prepared as required above with the incoming and outgoing supervisor verifying the inventory and signing.

[Statutory Authority: RCW 9.46.070, 01-13-091 (Order 403), § 230-40-875, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-875, filed 4/14/00, effective 5/15/00.]

WAC 230-40-885 Count procedures—House-banking. Card rooms that offer house-banked card games shall ensure the contents of drop boxes are counted and recorded in a manner that ensures the proper accountability of all gaming chips, coins, and currency. The following restrictions and procedures apply:

Notification of count.

(1) The security department shall notify the surveillance department whenever the contents of drop boxes removed from gaming tables are to be counted and recorded, which, at a minimum, shall be once each gaming day.

Count team members.

(2) The opening, counting and recording of the contents of drop boxes shall be performed in the presence of and by those employees assigned by the gaming operation department for the conduct of the count. The count team must consist of three employees who shall not be in a position to perpetrate or conceal errors or irregularities in the normal course of his or her duties. Anyone both recording transactions and having access to the relevant assets is in a position to perpetrate errors or irregularities.

Securing the count room.

(3) Immediately prior to the opening of the drop boxes, the doors to the count room shall be securely locked and except as otherwise authorized, no person shall be permitted to enter or leave the count room, except during a normal work break or in an emergency, until the entire counting, recording, and verification process is completed.

Video and audio recording of the count.

(4) Immediately prior to the commencement of the count, one count team member shall notify the person assigned to the closed circuit television surveillance room in the establishment that the count is about to begin, after which such person shall make a video and audio recording of the entire counting process.

Count procedures.

(5) Contents of drop boxes shall not be mixed prior to counting and recording of each drop box. Procedures and requirements for conducting the count shall be the following:

(a) As each drop box is placed on the count table, one count team member shall announce, in a tone of voice to be heard by all persons present and to be recorded by the audio recording device, the game, table number, and shift marked thereon;

(b) The contents of each drop box shall be emptied and counted separately on the count table;

(c) Immediately after the contents of a drop box are emptied onto the count table, the inside of the drop box shall be held up to the full view of a closed circuit television camera, and shall be shown to at least one other count team member to confirm that all contents of the drop box have been removed, after which the drop box shall be locked and placed in the storage area for drop boxes;

(d) The contents of each drop box shall be segregated by a count team member into separate stacks on the count table by denominations of coin and currency and by type of form, record or document;

(e) Each denomination of coin and currency shall be counted separately, either manually or mechanically, by at least two count team members who shall place individual bills and coins of the same denomination on the count table in

full view of the closed circuit television cameras, and such count shall be observed and the accuracy confirmed orally or in writing, by at least one other count team member;

(f) As the contents of each drop box is counted, one count team member shall record or verify on a master game report, by game, table number, and shift, the following information:

- (i) The total amount of currency and coin counted, also known as the "drop";
- (ii) The amount of the opener;
- (iii) The amount of the closer;
- (iv) The serial number and amount of each fill slip;
- (v) The total amount of the fill;
- (vi) The serial number and amount of each credit slip;
- (vii) The total amount of all credit slips; and
- (viii) The game win or loss.

(g) After the contents of each drop box have been counted and recorded, one member of the count team shall record by game and shift, on the master game report, the total amounts of currency and coin, table inventory slips, fill slips and credit slips counted, and win or loss, together with such additional information as may be required on the master game report by the licensee;

(h) Notwithstanding the requirements of (f) and (g) of this subsection, if the licensee's system of accounting and internal controls provides for the recording on the master game report of fill slips, credit slips, and table inventory slips by cage cashiers prior to the commencement of the count, a count team member shall compare the serial numbers and totals of the amounts recorded thereon to the fill slips, credit slips, and table inventory slips removed from the drop boxes: Provided, That the accounting department may complete the win/loss portions independently from the count team, if properly documented in the approved internal controls; and

(i) After completion and verification of the master game report, each count team member shall sign the report attesting to the accuracy of the information recorded thereon.

Concluding the count.

(6) Procedures and requirements at the conclusion of the count for each gaming shift shall be the following:

(a) All cash removed from each drop box after the initial count shall be presented in the count room by a count team member to a cashier who, prior to having access to the information recorded on the master game report and in the presence of the count team, shall recount, either manually or mechanically, the cash received;

(b) The top copy of the master game report, after signing, and the request for fills, the fill slips, the request for credits, the credit slips, and the table inventory slips removed from drop boxes, shall be transported directly to the accounting department and shall not be available to any cashier's cage personnel; and

(c) If the licensee's system of accounting and internal controls does not provide for the forwarding from the cashier's cage of the duplicate of the fill slips, credit slips, request for credits, request for fills, such documents recorded or to be recorded on the master game report shall be transported from the count room directly to the accounting department.

Accounting.

(7) The originals and copies of the master game report, request for fills, fill slips, request for credits, credit slips and table inventory slips shall on a daily basis, in the accounting department be:

- (a) Compared for agreement with each other, on a test basis, by persons with no recording responsibilities and, if applicable, to triplicates or stored data;
- (b) Reviewed for the appropriate number and propriety of signatures on a test basis;
- (c) Accounted for by series numbers, if applicable;
- (d) Tested for proper calculation, summarization, and recording;
- (e) Subsequently recorded; and
- (f) Maintained and controlled by the accounting department.

[Statutory Authority: RCW 9.46.070, 01-13-091 (Order 403), § 230-40-885, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-885, filed 4/14/00, effective 5/15/00.]

WAC 230-40-895 Key control—House-banking. All activities related to the operation of house-banked card games shall be closely monitored and controlled. The following restrictions and operating procedures shall apply for control of card room keys to restrict access to areas by unauthorized card room employees.

Specifications.

(1) Each licensee shall install and maintain key control boxes that meet at least the specifications set forth below:

- (a) Constructed of metal with a minimum of one keylock mechanism: Provided, That coded key boxes or combination key boxes are permitted;
- (b) Be attached to a permanent structure without visibility of hardware used to attach the key box;
- (c) Be tamper proof;
- (d) Have keys stored therein to be easily identifiable, labeled, and displayed individually in numeric or alphabetic order; and

(e) The physical location of key control boxes may be determined by each licensee. The location shall not permit an individual to gain access to a restricted area that he/she would otherwise not be allowed to enter. If key boxes are located in areas where unauthorized individuals have access, that person may only have custody of the key and open the key box in the presence of the key custodian; or while under camera coverage.

Access.

(2) Individual key control boxes shall be maintained by at least four departments including gaming operations, accounting, security, and surveillance. Access to key control boxes shall be limited to the licensed card room employee(s) responsible for overall supervision or management of the operation for which the box is maintained. Keys shall be controlled in the following manner:

Gaming operations department.

(a) Keys included in the key control box maintained by the gaming operations department shall include:

- (i) Key to each pit podium;
- (ii) Key(s) to drawers and other locking cabinets located in each pit podium;
- (iii) Key to remove the clear plastic cover from the container used to store gaming chips and secured to the gaming tables;
- (iv) Key to the second lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables;
- (v) Key to all upper tier and lower tier jackpot payout boxes included with authorized card games;
- (vi) Key to all electrical control boxes used to maintain authorized card games; and
- (vii) Other keys included in the licensee's internal controls and approved by commission staff.

Security department.

(b) Keys included in the key control box maintained by security shall include:

- (i) Key to the lock used to secure the count room door;
- (ii) Key utilized to unlock and reset the drop boxes from the gaming tables;
- (iii) Key to the first lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables to the count room;
- (iv) Key to the storage cabinet(s) or other secure facility used to store the card inventory including decks which have not been placed into play and decks removed from play and waiting to be destroyed;
- (v) Key to main entry or access door of the card room; and
- (vi) Other keys included in the licensee's internal controls and approved by commission staff.

Accounting department.

(c) Keys included in the key control box maintained by the accounting department shall include:

- (i) Key to the lock securing the contents of the drop boxes;
- (ii) Key to the rear of the locked dispenser used to store the triplicate of the fill/credit slips in a continuous, unbroken form;
- (iii) Key to the door to the cashier's cage;
- (iv) Key to reset the lock to the drop boxes;
- (v) Keys included in the licensee's internal controls and approved by commission staff;
- (vi) Keys maintained by the cashier's cage including:
 - (A) Key(s) to each cashier's window drawer;
 - (B) Key to the chip drawer or fill bank;
 - (C) Key to the vault or safe;
 - (D) Key to the door to the cashier's cage;
 - (E) Key to the front of the locked dispenser used to store the triplicate of the fill/credit slips in continuous, unbroken form;
- (F) Other keys included in the licensee's internal controls and approved by commission staff; and

(G) Key(s) to the dealer tip boxes.

Surveillance department.

(d) Keys included in the key control box maintained by surveillance shall include:

- (i) Key to the room used for clandestine surveillance; and
- (ii) Key to the storage cabinet(s) or locker(s) used to maintain tapes of evidentiary value or tapes documenting details of jackpot payouts.

Owner/CEO master key box.

(e) A master key control box may be maintained with access strictly limited to the owner(s) or chief operating officer responsible for exercising the overall management or authority over all the operations of the card room and may include:

- (i) All spare or extra keys for the areas noted above.
- (ii) Other keys included in the licensee's internal controls and approved by commission staff.

Control log.

(3) Each licensee shall maintain for each key control box, a key control log used to record the issuance of and return of all keys used to control the restricted access areas by card room employees identified. The key control log shall be maintained in the format prescribed by the commission.

Keys to key control box.

(4) Keys to secure the contents of each key control box required above shall be strictly controlled as follows.

(a) There shall be one key for each key control box which shall be controlled by the manager of the department for which the key control box is designated. This key shall be distributed to the manager or supervisor in charge and maintained in their possession when gaming is being conducted.

(b) Keys to each key control box will be maintained in a secure manner as approved by commission staff and documented in the licensee's written internal controls.

(c) All spare or duplicate keys to the key control boxes identified above will be maintained in the master key control box and be controlled by the owner(s).

Electronic key control systems.

(5) Licensees may utilize electronic key control systems, if reviewed and approved in writing by the director or the director's designee.

Extra key control box - emergencies only.

(6) For emergency situations, licensees may maintain an additional key control box which can be accessed on a limited basis to protect the safety of employees. The key control boxes which meet this requirement shall be preapproved by commission staff.

[Statutory Authority: RCW 9.46.070, 01-13-091 (Order 403), § 230-40-895, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-895, filed 4/14/00, effective 5/15/00.]

Chapter 230-50 WAC**HEARINGS—PRACTICE AND PROCEDURE****WAC**

230-50-010

Adjudicative proceedings—Hearings.

WAC 230-50-010 Adjudicative proceedings—Hearings. (1) Adjudicative 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 adjudicative proceeding prior to denying such application, and shall afford a licensee the opportunity for an adjudicative 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 adjudicative proceeding prior to denying approval of such device.

(4) No hearing will be conducted with respect to any adjudicative proceeding unless an application for an adjudicative 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 adjudicative 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 adjudicative proceeding and request for hearing shall accompany all notices of administrative charges.

(5) If an application for an adjudicative 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 adjudicative 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;

(f) Denial of an application to operate at a higher bingo license class when the licensee has been restricted by WAC 230-20-062;

(g) Hearings held pursuant to WAC 230-20-059 (failure for charitable or nonprofit organizations to contribute required funds to their stated purpose or maintain a positive adjusted cash flow);

(h) Hearings held pursuant to WAC 230-08-255 (failure for charitable or nonprofit organizations to make significant progress);

(i) Denial or revocation of extended card room hours pursuant to WAC 230-40-400;

(j) Denial of request for Phase II pursuant to WAC 230-40-810;

(k) Repeal of an approved card game pursuant to WAC 230-40-010; or

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

[Statutory Authority: RCW 9.46.070. 01-05-020 (Order 397), § 230-50-010, filed 2/9/01, effective 4/1/01; 00-09-052 (Order 383), § 230-50-010, filed 4/14/00, effective 5/15/00. Statutory Authority: RCW 9.46.070 (1), (2). 97-14-013, § 230-50-010, filed 6/20/97, effective 7/21/97. 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.****232-28****Seasons and limits.****Chapter 232-12 WAC****PERMANENT REGULATIONS****WAC**

232-12-001

Definition of terms.

232-12-004

Classification of wild birds.

232-12-007

Classification of wild animals.

232-12-027

Game farm license provisions.

232-12-054

Archery requirements—Archery special use permits.

232-12-068

Nontoxic shot requirements.

232-12-071

Buying or selling game unlawful.

232-12-131

Repealed.

232-12-141

Wild animal trapping.

232-12-142

Special trapping permit—Use of body-gripping traps.

232-12-243

Public safety cougar removals.

232-12-257

Use of waterfowl decoys.

232-12-271

Criteria for planting aquatic plants and releasing wildlife.

232-12-292

Bald eagle protection rules.

232-12-297

Endangered, threatened, and sensitive wildlife species classification.