

Title 230 WAC

GAMBLING COMMISSION

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Chapter 230-03 WAC

PERMITTING AND LICENSING RULES

WAC

230-03-140	Full and regular membership requirements.
230-03-185	Applying for a manufacturer license.
230-03-300	Applying for a manufacturer's representative license.
230-03-330	Representing one or more licensed businesses.

WAC 230-03-140 Full and regular membership requirements. (1) "Bona fide member" means the same thing as "bona fide active member." Bona fide members hold full and regular membership status.

(2) To have full and regular membership status in a Washington charitable or nonprofit organization, you must:

(a) Be at least eighteen years old, unless the organization:

(i) Has a primary purpose that is the development of youth; and

(ii) The only activity the organization conducts is raffles or amusement games, whether licensed or unlicensed; and

(iii) Has at least three members or advisors who are at least eighteen years old and who supervise the operation of the gambling activity; and

(iv) Has an adult member or advisor designated as the manager for the gambling activity; and

(b) Take part in at least one of the following activities of the organization:

(i) Attend at least one regular membership meeting per year; or

(ii) Vote for officers and/or board members; or

(iii) Help set policy by serving as a member of the board of directors or a similar policy setting position; or

(iv) Serve as a volunteer providing services or raising funds from nongambling sources; or

(v) Maintain a level of communication that demonstrates knowledge of the activities of the organization; and

(c) Live within one hundred miles of the main administrative offices of your organization which are located in Washington, or attend seventy-five percent of the organization's board meetings.

[Statutory Authority: RCW 9.46.070. 09-09-065 (Order 643), § 230-03-140, filed 4/13/09, effective 7/1/09; 06-07-157 (Order 457), § 230-03-140, filed 3/22/06, effective 1/1/08.]

WAC 230-03-185 Applying for a manufacturer license. (1) You must apply for a manufacturer license if you:

(a) Make or assemble a completed piece or pieces of gambling equipment for use in authorized gambling activities; or

(b) Convert, modify, combine, add to, or remove parts or components of any gambling equipment for use in authorized gambling activities.

(2) You must demonstrate your ability to comply with all manufacturing, quality control, and operations restrictions imposed on authorized gambling equipment that you want to manufacture or market for use in Washington state.

(3) The licensing process may include an on-site review of your manufacturing equipment and process for each separate type of authorized gambling equipment to ensure compliance capability.

[Statutory Authority: RCW 9.46.070. 09-11-085 (Order 646), § 230-03-185, filed 5/18/09, effective 7/1/09; 06-07-157 (Order 457), § 230-03-185, filed 3/22/06, effective 1/1/08.]

WAC 230-03-300 Applying for a manufacturer's representative license. You must apply for a manufacturer's representative license if you sell, promote, or provide a manufacturer's gambling equipment, or supplies, or you supervise those who do.

[Statutory Authority: RCW 9.46.070. 09-24-012 (Order 664), § 230-03-300, filed 11/20/09, effective 12/21/09; 06-07-157 (Order 457), § 230-03-300, filed 3/22/06, effective 1/1/08.]

WAC 230-03-330 Representing one or more licensed businesses. (1) If you are a licensed distributor representative, gambling service supplier representative, or a linked bingo prize provider representative or applying for one of these representative licenses, you must represent only one licensed distributor, gambling service supplier, or linked bingo prize provider at a time.

(2) If you are a licensed manufacturer representative, you may represent more than one licensed manufacturer.

(3) If the owner you represent owns more than one licensed business, you may represent the owner in all those licensed businesses, including licensed manufacturers, without applying for another representative license.

[Statutory Authority: RCW 9.46.070. 09-24-012 (Order 664), § 230-03-330, filed 11/20/09, effective 12/21/09; 06-07-157 (Order 457), § 230-03-330, filed 3/22/06, effective 1/1/08.]

Chapter 230-05 WAC

FEES

WAC

230-05-030	Fees for other businesses.
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WAC 230-05-030 Fees for other businesses. All other business license applicants must pay the following fees to us when applying for gambling licenses, miscellaneous changes, or inspection services:

1. Commercial amusement games

License	Annual Gross Gambling Receipts	Fee
Class A	Premises only	*\$327/\$150
Class B	Up to \$50,000	\$460
Class C	Up to \$100,000	\$1,184
Class D	Up to \$250,000	\$2,644
Class E	Up to \$500,000	\$4,640
Class F	Up to \$1,000,000	\$7,968
Class G	Over \$1,000,000	\$9,970

* We reduce the license fee by \$177 when you apply for additional licenses at the same business premises, apply for multiple licenses at the same business premises, or a licensee is renewing an annual license.

2. Distributor

License	Annual Gross Sales	Fee
Class A	Nonpunch board/pull-tab only	\$659
Class B	Up to \$250,000	\$1,318
Class C	Up to \$500,000	\$1,980
Class D	Up to \$1,000,000	\$2,644
Class E	Up to \$2,500,000	\$3,446
Class F	Over \$2,500,000	\$4,242

3. Fund-raising event equipment distributor

License	Description	Fee
Class A	Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	\$260
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	\$659

4. Gambling service supplier

License	Fee
Annual	\$687
Financing, consulting, and management contract review	\$143

5. Linked bingo prize provider

License	Fee
Annual	\$4,414

6. Manufacturer

License	Annual Gross Sales	Fee
Class A	Pull-tab dispensing devices only	\$659
Class B	Up to \$250,000	\$1,318
Class C	Up to \$500,000	\$1,980
Class D	Up to \$1,000,000	\$2,644
Class E	Up to \$2,500,000	\$3,446
Class F	Over \$2,500,000	\$4,242

7. Permits

Type	Description	Fee
Agricultural fair	One location and event only	\$27
Agricultural fair annual permit	Annual permit for specified different events and locations	\$189
Recreational gaming activity		\$59
Manufacturer's special sales permit		\$211
Punch board and pull-tab service business permit	Initial application fee	\$236
Punch board and pull-tab service business permit	Renewal	\$56

8. Changes

Application	Description	Fee
Name		\$27
Location		\$27
Business classification	Same owners	\$59
Exceeding license class	New class fee, less previous fee paid, plus	\$27
Duplicate license		\$27

Application	Description	Fee
Corporate stock/limited liability company shares/units		\$59
License transfers		\$59

9. Other fees

Type	Fee
Defective punch board/pull-tab cost recovery fees	Up to \$100
Failing to apply for license class upgrade	Up to fifty percent of the difference between our fees for the licensee's present license class and the new license class or one thousand dollars, whichever is less, plus \$27
Review of gambling equipment, supplies, services, or games	Cost reimbursement

10. Identification stamps

Type	Fee	
(a) Punch boards and pull-tabs		
(i) Standard	Wagers fifty cents and below	\$.28
	Wagers over fifty cents	\$1.11
(ii) Progressive jackpot pull-tab series	Per series	\$11.19
(iii) Pull-tab series with carry-over jackpots and cumulative prize pool pull-tab series	Per series	\$1.11
(b) Pull-tab dispensing devices		
(i) Mechanical and electro-mechanical		\$.28
(ii) Electronic	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	\$112.04 annually
Replacement of identification stamps		\$26
(c) Disposable bingo cards		
(i) Single game sets of individual cards or sheets of cards		\$.28
(ii) Multigame card packets		\$1.22
(iii) Cards used to play for linked bingo prizes	Fee per 250 cards	\$.44
(iv) Cards used to play for linked bingo prizes	Fee per 5,000 cards	\$8.96
(d) Coin or token-activated amusement games		
Annually - operated at any Class A amusement game license location		\$28.00
(e) Electronic bingo card daubers		
Annual		\$11.19
(f) Electronic card facsimile table		
Annual		\$381.50

11. Two-part payment plan participation

Annual participation	\$27
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[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-05-030, filed 8/14/09, effective 1/1/10; 07-23-083 (Order 621), § 230-05-030, filed 11/20/07, effective 1/1/08; 07-03-082 (Order 606), § 230-05-030, filed 1/18/07, effective 1/1/08; 06-07-157 (Order 457), § 230-05-030, filed 3/22/06, effective 1/1/08.]

Chapter 230-06 WAC
RULES FOR ALL LICENSEES

WAC

230-06-011	Detaining and identifying persons under eighteen years of age engaging in or attempting to engage in authorized gambling activities.
230-06-012	Conducting underage compliance test programs with minors.
230-06-095	Change name, trade name, or corporate name.

WAC 230-06-011 Detaining and identifying persons under eighteen years of age engaging in or attempting to engage in authorized gambling activities. When issuing civil infractions under RCW 9.46.228, gambling commission special agents or peace officers may detain persons for a reasonable period of time and in a reasonable manner to determine the person's true identity and date of birth if the special agent or peace officer has reasonable grounds to believe that:

- (1) The person is under eighteen years of age; and
- (2) The person is, or has played or participated in, or is attempting or has attempted to play or participate in authorized gambling activities including, but not limited to, punch boards, pull-tabs, card games, or fund-raising events.

[Statutory Authority: RCW 9.46.070. 09-19-082 (Order 659), § 230-06-011, filed 9/17/09, effective 10/18/09.]

WAC 230-06-012 Conducting underage compliance test programs with minors. (1) Licensees may conduct in-house controlled purchase programs (underage compliance test programs) to test their employee's compliance with RCW 9.46.228 that makes it unlawful for any person under the age of eighteen to play punch boards, pull-tabs, card games, or participate in fund-raising events.

- (2) Licensees must:
 - (a) Have written procedures for conducting underage compliance test programs.
 - (i) Class F or house-banked card game licensees must include the procedures in their internal controls; or
 - (ii) Licensees not required to have internal controls must submit their procedures to us prior to conducting an underage compliance test and keep a copy of the procedures on the licensed business premises; and
 - (b) Provide employees a written description of the employer's underage compliance test program. The written description must include notice of actions an employer may take as a consequence of an employee's failure to comply with company policies regarding unauthorized persons engaging in gambling activities during an underage compliance test; and
 - (c) Provide written notification (letter, e-mail, or fax) to us before conducting the test. The notification must include:
 - (i) Licensee name; and
 - (ii) Date and time of test; and
 - (iii) Last name and first initial of the person used in the test; and
 - (iv) First and last name of the person supervising the person used in the test; and
 - (d) Maintain on the licensed business premises for at least one year, and produce upon request, the following information for each test conducted:
 - (i) A copy of the photo identification, which must include the birth date, of the person used in the test; and

- (ii) The results; and
- (e) Only use underage persons who are sixteen or seventeen years old at the time of the test.

(3) Licensees with a minimum gambling age of twenty-one must follow the procedures in subsections (1) and (2) of this section, except for subsection (2)(e) of this section, if they use persons who are at least eighteen years of age but less than twenty-one years of age to conduct underage enforcement tests.

[Statutory Authority: RCW 9.46.070. 09-19-082 (Order 659), § 230-06-012, filed 9/17/09, effective 10/18/09.]

WAC 230-06-095 Change name, trade name, or corporate name. Licensees must notify us and pay a fee for any name change as follows:

- (1) Businesses and organizations changing their trade or corporate name - at least thirty days before the actual change date;
- (2) Individuals changing their name - no later than thirty days after the effective date of the change.

[Statutory Authority: RCW 9.46.070. 09-19-053 (Order 662), § 230-06-095, filed 9/11/09, effective 1/1/10; 06-17-132 (Order 601), § 230-06-095, filed 8/22/06, effective 1/1/08.]

Chapter 230-07 WAC
CHARITABLE AND NONPROFIT RULES

WAC

230-07-020 Making "significant progress."

WAC 230-07-020 Making "significant progress." Charitable or nonprofit licensees must make "significant progress" toward their stated purpose. They have made "significant progress" when they have:

- (1) Complied with all requirements set forth in their bylaws and articles of incorporation; and
- (2) Actively engaged in providing services to the public or their members during the fiscal year under review, and the services directly relate to the stated purposes of the organization; and
- (3) Held elections to select officers at least once in the previous two years; and
- (4) Held a general membership meeting to conduct the business of the organization at least once in the previous two years; and
- (5) Used a substantial portion of the licensees' "available resources" for providing program services during the fiscal year under review. For purposes of this section, "available resources":
 - (a) Include the income generated by or from:
 - (i) The net of all activities used to raise funds, including net gambling income; and
 - (ii) Grants, gifts, and contributions from private sources; and
 - (b) Does not include:
 - (i) Funds generated in periods other than the fiscal year under review; or
 - (ii) Funds that are raised or contributed from outside the organization for purposes of purchasing land or capital assets or to endow future operations when those funds are specifi-

cally identified by the board or contributors as restricted and separately recorded in the organization's records; or

- (iii) Net income from the sale of assets; or
- (iv) Fees paid by members or the public to receive services or to participate in specific activities. (Example: Fees to attend a swimming lesson or event.) These fees must be classified as a reduction to both program service and supporting service expenses on a pro rata basis and as a reduction to

resources available for providing services in the fiscal year. (Example: In the chart below, licensee X has revenue of five thousand dollars. They must calculate the pro rata reduction by adjusting the total by the percentages of support services, program services expenses, and functional expenses.)

(6) This rule will be effective for fiscal years ending on or after December 31, 2009.

Revenue					
Fees paid by public					\$5,000
Calculation:					
Expenses	Unadjusted Amount	% of Total	Pro Rata Reduction Fees Paid by Public (\$5,000)	% of Total	Adjusted Amount
Support Service Expense	\$35,000	32%	(\$1,591)	32%	\$33,409
Program Service Expense	\$75,000	68%	(\$3,409)	68%	\$71,591
Functional Expenses	\$110,000	100%	(\$5,000)	100%	\$105,000

[Statutory Authority: RCW 9.46.070. 09-19-080 (Order 661), § 230-07-020, filed 9/17/09, effective 10/18/09; 07-10-032 (Order 609), § 230-07-020, filed 4/24/07, effective 1/1/08.]

**Chapter 230-09 WAC
FUND-RAISING EVENT RULES**

WAC
230-09-131 Poker tournaments authorized.

WAC 230-09-131 Poker tournaments authorized.

Licensees may operate poker tournaments at fund-raising events. Licensees must:

- (1) Adopt and prominently post tournament rules; and
- (2) Count all money paid to enter a tournament or purchase chips as a wager when determining their ten thousand dollar net receipts limits; and
- (3) Not allow chips used in poker tournaments to have a monetary value; and
- (4) Allow chips to be redeemed for cash and/or merchandise prizes; and
- (5) Maintain a record of all prizes awarded, including, at least:
 - (a) The amount paid for each prize; and
 - (b) For donated prizes, the name of the donor and a description of the prize(s) donated; and
 - (c) The name and complete address of each winner.

[Statutory Authority: RCW 9.46.070. 09-11-086 (Order 647), § 230-09-131, filed 5/18/09, effective 7/1/09; 06-22-051 (Order 604), § 230-09-131, filed 10/27/06, effective 1/1/08.]

**Chapter 230-10 WAC
BINGO RULES**

WAC
230-10-380 Relief reduction for minimum annual adjusted cash flow.

WAC 230-10-380 Relief reduction for minimum annual adjusted cash flow. (1) If a bingo licensee fails to meet the minimum annual adjusted cash flow requirements for any calendar year and has maintained a positive cash flow, the licensee may apply as a credit against the required

adjusted cash flow up to forty-nine percent of gambling taxes paid to local governments.

(2) If the licensee is still out of compliance, the director automatically grants relief, allowing up to twenty-five percent reduction to the annual dollar amount of required adjusted cash flow for the year, excluding the relief available in subsection (1) of this section, in which the licensee is out of compliance.

(3) No licensee granted relief is eligible to receive relief for any of the four years following the calendar year for which the director granted the relief, pursuant to subsection (2) of this section.

[Statutory Authority: RCW 9.46.070. 09-17-075 (Order 655), § 230-10-380, filed 8/14/09, effective 9/14/09; 07-10-033 (Order 610), § 230-10-380, filed 4/24/07, effective 1/1/08.]

**Chapter 230-11 WAC
RAFFLES**

WAC
230-11-014 Maximum raffle ticket price.
230-11-030 Restrictions on ticket sales.

WAC 230-11-014 Maximum raffle ticket price. Raffle tickets must not be sold for more than one hundred dollars each.

[Statutory Authority: RCW 9.46.070. 09-19-052 (Order 663), § 230-11-014, filed 9/11/09, effective 10/12/09; 06-20-040 (Order 602), § 230-11-014, filed 9/26/06, effective 1/1/08.]

WAC 230-11-030 Restrictions on ticket sales. (1) Only the following people, who are at least eighteen years old, may sell raffle tickets:

- (a) Members of the organization, except as explained in subsection (2) of this section; and
 - (b) Volunteers under the supervision of a member.
- (2) Organizations may allow members under the age of eighteen to sell tickets when the organization has:

- (a) Development of youth as a primary purpose; and
 - (b) At least three members or advisors who are at least eighteen years old and who supervise the operation of the raffle; and
 - (c) An adult member or advisor designated as the manager of the raffle.
- (3) Organizations must sell tickets for a particular raffle for the same price unless offering an authorized discount plan; and
- (4) Organizations must not:
- (a) Sell raffle tickets via the internet; or
 - (b) Require anyone to purchase more than one raffle ticket; or
 - (c) Give away raffle tickets; or
 - (d) Give an opportunity to participate in a raffle drawing to a person who has not purchased a ticket.

[Statutory Authority: RCW 9.46.070. 09-09-065 (Order 643), § 230-11-030, filed 4/13/09, effective 7/1/09; 06-20-040 (Order 602), § 230-11-030, filed 9/26/06, effective 1/1/08.]

Chapter 230-13 WAC AMUSEMENT GAME RULES

WAC

230-13-080	Operating coin or token activated amusement games.
230-13-135	Maximum wagers and prize limitations at certain amusement game locations.
230-13-150	Amusement game locations.

WAC 230-13-080 Operating coin or token activated amusement games. (1) Coin or token activated amusement games must have nonresetting coin-in meters, certified as accurate to within plus or minus one coin or token in one thousand plays, which stop play of the machine if the meter is removed or disconnected when operating at:

- (a) Amusement parks; or
 - (b) Regional shopping malls; or
 - (c) Movie theaters; or
 - (d) Bowling alleys; or
 - (e) Miniature golf course facilities; or
 - (f) Skating facilities; or
 - (g) Family sports complexes.
- (i) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.
- (ii) A family sports complex does not include a facility owned or operated by a school or school district; or
- (h) Amusement centers; or
 - (i) Restaurants; or
 - (j) Grocery or department stores. A "department or grocery store" means a business that offers the retail sale of a full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas.

(2) All coin or token activated amusement games must have a coin acceptor capable of taking money for one play and may have an additional acceptor to include paper money.

(3) Operators using amusement games that do not return change must have a change-making bill acceptor or the ability to get change in the immediate vicinity of such games. All amusement games using paper money acceptors must either:

- (a) Return change; or
- (b) Clearly disclose to players before play that change is not returned and disclose to them where at the location they may get change.

[Statutory Authority: RCW 9.46.070. 09-15-067 (Order 650), § 230-13-080, filed 7/13/09, effective 8/13/09; 08-11-036 (Order 625), § 230-13-080, filed 5/14/08, effective 7/1/08; 07-21-116 (Order 617), § 230-13-080, filed 10/22/07, effective 1/1/08; 07-15-064 (Order 612), § 230-13-080, filed 7/16/07, effective 1/1/08.]

WAC 230-13-135 Maximum wagers and prize limitations at certain amusement game locations. The maximum wager is fifty cents and the maximum cost for a prize is two hundred fifty dollars if school-aged minors are allowed to play amusement games at the following locations:

- (1) Regional shopping centers; and
 - (2) Movie theaters; and
 - (3) Bowling alleys; and
 - (4) Miniature golf course facilities; and
 - (5) Skating facilities; and
 - (6) Family sports complexes.
- (i) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.
- (ii) A family sports complex does not include a facility owned or operated by a school or school district; and
- (7) Amusement centers; and
 - (8) Grocery or department stores. A "department or grocery store" means a business that offers the retail sale of a full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas; and
 - (9) Any business whose primary activity is to provide food service for on premises consumption.

[Statutory Authority: RCW 9.46.070. 09-15-067 (Order 650), § 230-13-135, filed 7/13/09, effective 8/13/09; 08-11-036 (Order 625), § 230-13-135, filed 5/14/08, effective 7/1/08; 07-15-064 (Order 612), § 230-13-135, filed 7/16/07, effective 1/1/08.]

WAC 230-13-150 Amusement game locations. (1) Amusement game operators must obtain written permission to operate at any location from the person or organization owning the premises or sponsoring the event where the operator will hold the activity.

- (2) Operators may only conduct commercial amusement games at:
- (a) Locations set out in RCW 9.46.0331; and
 - (b) Family sports complexes.

(i) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.

(ii) A family sports complex does not include a facility owned or operated by a school or school district; and

(c) Skating facilities; and

(d) Grocery or department stores. A "department or grocery store" means a business that offers the retail sale of a full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas.

(3) Operators must conduct amusement games in conformance with local zoning, fire, health, and similar regulations.

[Statutory Authority: RCW 9.46.070. 09-15-067 (Order 650), § 230-13-150, filed 7/13/09, effective 8/13/09; 08-11-036 (Order 625), § 230-13-150, filed 5/14/08, effective 7/1/08; 07-15-064 (Order 612), § 230-13-150, filed 7/16/07, effective 1/1/08.]

Chapter 230-14 WAC

PUNCH BOARD AND PULL-TAB RULES

WAC

230-14-065	Flares for punch board or pull-tab series.
230-14-080	Prize limits and percentage of winners required.
230-14-265	Retention requirements for punch boards and pull-tab series.
230-14-320	Defining a cumulative prize pool pull-tab game.
230-14-325	Defining a cumulative prize pool pull-tab game board.
230-14-330	Defining a cumulative prize pool pull-tab series.
230-14-335	Operating requirements for cumulative prize pool pull-tab games.

WAC 230-14-065 Flares for punch board or pull-tab series. (1) Punch board and pull-tab licensees must have in public view only one flare per punch board or pull-tab series. Flares must have an I.D. stamp number and series number on their face.

(2) Cumulative prize pool pull-tab games must have a cumulative prize pool board and a unique flare for each series.

[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-14-065, filed 8/14/09, effective 1/1/10; 07-17-058 (Order 614), § 230-14-065, filed 8/10/07, effective 1/1/08.]

WAC 230-14-080 Prize limits and percentage of winners required. Punch board or pull-tab operators must not possess, display, put out for play, sell, or otherwise transfer punch boards or pull-tab series that:

(1) Have a total payout of less than sixty percent of the total gross gambling receipts of the board or series, except in cumulative prize pool pull-tab games. In cumulative prize pool pull-tab games, the sixty percent prize payout requirement will be calculated based on the total amount of prizes from the cumulative prize pool board and the instant winners from each series, divided by the number of series contained in the game; and

(2) Offer boards or series, except for progressive series or carry-over jackpots, with a single cash prize that is more than twenty-five hundred dollars; or

(3) Offer a single merchandise prize that is more than twenty-five hundred dollars including markup; or

(4) Have a single pull-tab or punch with multiple winning combinations that are more than the prize limit; or

(5) Offer prizes for purchasing the last pull-tab or last punch (last sale) that are more than:

(a) One hundred dollars cash; or

(b) Merchandise that costs the licensee more than one hundred dollars; or

(c) The highest prize offered, whichever is less; or

(6) Series that have a key to any winning numbers or symbols.

[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-14-080, filed 8/14/09, effective 1/1/10; 08-03-062 (Order 623), § 230-14-080, filed 1/14/08, effective 2/14/08; 07-17-058 (Order 614), § 230-14-080, filed 8/10/07, effective 1/1/08.]

WAC 230-14-265 Retention requirements for punch boards and pull-tab series. (1) Punch board and pull-tab operators must keep all punch boards or pull-tab series removed from play, including, at least:

(a) All prize flares; and

(b) All unplayed tabs; and

(c) All winning punches or tabs.

(2) Operators must make the items in subsection (1) of this section available on the licensed premises for us, local law enforcement, or local tax agencies to inspect.

(3) If stored off premises, operators must produce the game for inspection on demand.

(4) Operators must retain punch board or pull-tab series removed from play for:

(a) **Charitable or nonprofit operators** - Four months following the last day of the month in which the board or series was removed from play; and

(b) **Commercial operators** -

(i) Two months following the last day of the month in which they removed the board or series from play; and

(ii) Three months following the day they removed the board or series from play for winning punches or pull-tabs over twenty dollars. Operators must also retain the flare for these games; and

(c) **Carry-over jackpot series** - For four months after the last day of the month in which the carry-over jackpot was won; and

(d) **Progressive pull-tab series** - For one year. After the retention period, operators must destroy unsold progressive pull-tab series tabs in such a way that no one may find and use unopened winning tabs later; and

(e) **Cumulative prize pool pull-tab games** - for four months, following the last day of the month, in which the last seal is opened on the cumulative prize pull-tab game board.

[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-14-265, filed 8/14/09, effective 1/1/10; 07-17-058 (Order 614), § 230-14-265, filed 8/10/07, effective 1/1/08.]

WAC 230-14-320 Defining a cumulative prize pool pull-tab game. "Cumulative prize pool pull-tab game"

means a pull-tab game that contains two or more series. Each series in the game has a unique serial number.

[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-14-320, filed 8/14/09, effective 1/1/10.]

WAC 230-14-325 Defining a cumulative prize pool pull-tab game board. "Cumulative prize pool pull-tab game board" means the flare for a cumulative prize pool pull-tab game.

[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-14-325, filed 8/14/09, effective 1/1/10.]

WAC 230-14-330 Defining a cumulative prize pool pull-tab series. "Cumulative prize pool pull-tab series" means individually packaged groups of pull-tabs that make up a cumulative prize pool pull-tab game.

[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-14-330, filed 8/14/09, effective 1/1/10.]

WAC 230-14-335 Operating requirements for cumulative prize pool pull-tab games. (1) Operators must conduct cumulative prize pool pull-tab games in the same way as other pull-tab series and must follow these additional requirements:

- (a) Cumulative prize pool pull-tab game boards must be displayed until the game is permanently pulled from play.
 - (b) Once a seal card winner from each series is revealed, the seal card winner will pick one unopened seal from the cumulative prize pool pull-tab game board.
 - (c) If a player buys out a series, their name will be placed on all remaining empty lines on the list displayed on the series flare.
 - (d) Must not use substitute flares.
- (2) Operators may have more than one series in play at the same time, but may not commingle pull-tab series.
- (3) Operators must prominently post house rules of how the winner of a series will be chosen if the operator removes a series from play before the list on the series flare is completed. For example, once the seal is open and a player's name is not on that line, house rules could indicate that the name above the winning line would be declared the winner of the series.

[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-14-335, filed 8/14/09, effective 1/1/10.]

**Chapter 230-15 WAC
CARD GAME RULES**

WAC

230-15-040	Requirements for authorized card games.
230-15-050	Minimum cash on hand requirements.
230-15-115	Standards for cards.
230-15-135	Wagering limits for nonhouse-banked card games.
230-15-145	Making wagers with chips or coin.
230-15-158	Ensuring card room employees meet license requirements.
230-15-267	Remote access of closed circuit television surveillance systems.
230-15-320	Surveillance room requirements for house-banked card game licensees.
230-15-400	Accounting for player-supported jackpot funds.
230-15-455	Keeping funds to pay prizes, progressive jackpot prizes, and odds-based wager prizes.
230-15-475	Tips from players and patrons to card room employees.

WAC 230-15-040 Requirements for authorized card games. (1) In order for a card game to be authorized, the card game must:

- (a) Be played with standard playing cards or with electronic card facsimiles approved by the director or the director's designee; and
 - (b) Offer no more than four separate games with a single hand of cards. However, no more than three of the games may offer a wager that exceeds five dollars each. We consider bonus features and progressive jackpots separate games. If a player does not have to place a separate wager to participate, we do not consider it a separate game. An example of this is an "envy" or "share the wealth" pay out when another player achieves a specific hand; and
 - (c) Not allow side bets between players.
- (2) Card game licensees may use more than one deck of cards for a specific game. They also may remove cards to comply with rules of a specific game, such as Pinochle or Spanish 21.

(3) Players must:

- (a) Compete against all other players on an equal basis for nonhouse-banked games or against the house for house-banked games. All players must compete solely as a player in the card game; and
- (b) 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; and
- (c) Not place wagers on any other player's or the house's hand or make side wagers with other players, except for:
 - (i) An insurance wager placed in the game of Blackjack; or
 - (ii) An "envy" or "share the wealth" wager which allows a player to receive a prize if another player wins a jackpot or odds-based wager; or
 - (iii) A tip wager made on behalf of a dealer.
- (4) Mini-Baccarat is authorized when operated in the manner explained for Baccarat in the most current version of *The New Complete Hoyle, Revised* or *Hoyle's Encyclopedia of Card Games*, or similar authoritative book on card games we have approved. However:

- (a) Card game licensees may make immaterial modifications to the game; and
 - (b) Subsection (3) of this section does not apply; and
 - (c) The number of players is limited under WAC 230-15-055.
- (5) A player's win or loss must be determined during the course of play of a single card game.

[Statutory Authority: RCW 9.46.070 and 9.46.0282. 09-17-076 and 09-17-105 (Orders 656 and 656-A), § 230-15-040, filed 8/14/09 and 8/18/09, effective 9/14/09 and 9/18/09. Statutory Authority: RCW 9.46.070. 08-21-086 (Order 632), § 230-15-040, filed 10/14/08, effective 1/1/09; 07-09-033 (Order 608), § 230-15-040, filed 4/10/07, effective 1/1/08.]

WAC 230-15-050 Minimum cash on hand requirements. (1) Card game licensees must have sufficient cash on hand to redeem all chips issued for play and pay out all prizes.

(2) Within three hours of opening for the business day, at a time included in the internal controls, house-banked card game licensees must have at least the following minimum

amount of cash on premises in their cage, safe, and vault combined:

(a) One thousand dollars for each house-banked table on the gambling floor; plus

(b) The amount of the largest single prize available excluding jackpot prizes when WAC rules require a deposit into a separate bank account (for example, player-supported jackpots and progressive jackpots).

For example: If a house-banked card room has fifteen house-banked tables and a largest single prize of twenty-three thousand dollars, before opening, the cage must have at least thirty-eight thousand dollars on hand: 15 tables x \$1,000 = \$15,000 + largest single prize of \$23,000 = \$38,000.

(3) Except for the restrictions on player-supported jackpot pay outs in WAC 230-15-405 and progressive jackpot pay outs in WAC 230-15-690, licensees may pay prizes by check if sufficient funds are available on deposit.

(4) Failure to keep funds to cash in chips, pay prizes, or redeem gambling related checks is prima facie evidence of fraud. Meeting the minimum cage cash amount does not relieve the licensee from the requirement to have sufficient funds available to redeem all chips and pay out all prizes.

[Statutory Authority: RCW 9.46.070. 09-03-024 (Order 640), § 230-15-050, filed 1/9/09, effective 2/9/09; 07-23-081 (Order 620), § 230-15-050, filed 11/20/07, effective 1/1/08; 07-09-033 (Order 608), § 230-15-050, filed 4/10/07, effective 1/1/08.]

WAC 230-15-115 Standards for cards. (1) Card game licensees must:

(a) Supply cards of conventional size and design to maximize the integrity of the card games; and

(b) Safeguard all cards; and

(c) Not allow cards that have been modified or marked in any manner.

(2) For Class E, Class F, and house-banked games, the cards must:

(a) Be made by a licensed manufacturer; and

(b) Be purchased from a licensed manufacturer or distributor.

(3) Cards with the house name or logo must be used for house-banked card games.

[Statutory Authority: RCW 9.46.070. 09-11-087 (Order 648), § 230-15-115, filed 5/18/09, effective 7/1/09; 07-09-033 (Order 608), § 230-15-115, filed 4/10/07, effective 1/1/08.]

WAC 230-15-135 Wagering limits for nonhouse-banked card games. Card room licensees must not exceed these wagering limits:

(1) **Poker** -

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

(b) There must be no more than four wagers in any betting round, for example, the initial wager plus three raises; and

(c) The maximum amount of a single wager must not exceed forty dollars;

(2) **Games based on achieving a specific number of points** - Each point must not exceed five cents in value;

(3) **Ante** - No more than the maximum wager allowed for the first betting round for any game, except for Panguingue (Pan). The ante may, by house rule:

(a) Be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round; and

(b) Be used as part of a player's wager;

(4) **Panguingue (Pan)** - The maximum value of a chip must not exceed ten dollars. An ante must not exceed one chip. We prohibit doubling of conditions. Players going out may collect no more than two additional chips for going out from each participating player.

[Statutory Authority: RCW 9.46.070, 9.46.0282. 09-21-013 (Order 658), § 230-15-135, filed 10/9/09, effective 11/9/09. Statutory Authority: RCW 9.46.070. 09-09-056 (Order 642), § 230-15-135, filed 4/10/09, effective 7/1/09; 07-21-116 (Order 617), § 230-15-135, filed 10/22/07, effective 1/1/08; 07-09-033 (Order 608), § 230-15-135, filed 4/10/07, effective 1/1/08.]

WAC 230-15-145 Making wagers with chips or coin.

Players in card games must make all wagers and pay fees to play card games with chips, except that:

(1) Players may use half dollars or quarters in house-banked card games; and in nonhouse-banked card games to pay fees.

(2) Players may use dimes and nickels in any game that allows a commission to be charged.

[Statutory Authority: RCW 9.46.070. 09-15-069 (Order 652), § 230-15-145, filed 7/13/09, effective 1/1/10; 08-23-061 (Order 632), § 230-15-145, filed 11/14/08, effective 1/1/09; 07-09-033 (Order 608), § 230-15-145, filed 4/10/07, effective 1/1/08.]

WAC 230-15-158 Ensuring card room employees meet license requirements. Card game licensees must not allow any person to perform the duties of card room employee until they have met our licensing requirements.

[Statutory Authority: RCW 9.46.070. 09-11-088 (Order 649), § 230-15-158, filed 5/18/09, effective 7/1/09.]

WAC 230-15-267 Remote access of closed circuit television surveillance systems. Licensed gambling service suppliers that install and maintain closed circuit television (CCTV) surveillance systems may remotely access digital CCTV systems for maintenance or repair under the following provisions:

(1) The card room licensee must notify us before the remote access occurs; and

(2) The card room licensee must document any remote access in their surveillance log; and

(3) Remote access will only be enabled for the duration of the maintenance or repair and the connection terminated immediately after.

[Statutory Authority: RCW 9.46.070. 09-15-071 (Order 651), § 230-15-267, filed 7/13/09, effective 1/1/10.]

WAC 230-15-320 Surveillance room requirements for house-banked card game licensees. House-banked card game licensees must maintain one or more surveillance rooms. They must:

(1) Control access to the surveillance room so that only surveillance department employees use the room. Owners or their approved supervisory or management personnel may also enter the surveillance room to monitor activities. Licensees may allow authorized personnel to escort any other per-

son into the surveillance room for educational, investigative, or maintenance purposes; and

(2) Ensure that surveillance room entrances are not easily observed from the gambling floor; and

(3) Ensure that a surveillance employee is present in the room and monitoring activities using the equipment any time the card room is conducting gambling and during the count process. However, subject to subsection (4) of this section, licensees may operate the surveillance room without staff:

(a) For routine breaks that are less than thirty minutes per shift; or

(b) When only nonhouse-banked card games are operated with wager limits of forty dollars or less and such limits are documented in their internal controls.

(4) Ensure that any time a winning wager, a jackpot, or bonus pay out greater than three thousand dollars is won, they use pan-tilt-zoom (PTZ) cameras to verify:

(a) Winning hands; and

(b) Amounts of the wager; and

(c) Amounts of the pay out; and

(d) Players who won the prize.

[Statutory Authority: RCW 9.46.070. 09-11-093 (Order 645), § 230-15-320, filed 5/18/09, effective 7/1/09; 08-23-080 (Order 638), § 230-15-320, filed 11/18/08, effective 1/1/09; 07-10-034 (Order 611), § 230-15-320, filed 4/24/07, effective 1/1/08.]

WAC 230-15-400 Accounting for player-supported jackpot funds. Class F or house-banked licensees must:

(1) Maintain a separate bank account in a bank, mutual savings bank, or credit union in Washington state for holding player-supported jackpot (PSJ) funds; and

(2) Deposit only funds from PSJs into the account; and

(3) Not make payouts from the PSJ funds until licensees have first deposited the funds in the PSJ account. However, licensees may pay out prizes won during the gambling day and deduct administrative expenses before licensees deposit the funds; and

(4) Transfer or deposit the PSJ funds into the PSJ account or with an armored car service no later than the second banking day after the close of business; and

(5) Identify all deposits or transfers of PSJ funds by the type of PSJ fund and date of collection. Licensees must keep the validated deposit receipts or transfer information as a part of their required daily records; and

(6) Transfer the amount from the PSJ account to the cage or general account before the end of the month if PSJ prizes are paid from the cage or general account. The licensee must keep the transfer information as part of the written records; and

(7) Reconcile the account balance in their bank statement to the PSJ prize balance on their PSJ fund accrual record each month. "Reconcile" means the licensee must compare the two balances, resolve any differences, and document the comparison and the differences in writing. Licensees must keep the reconciliation as part of their records.

[Statutory Authority: RCW 9.46.070. 09-19-051 (Order 660), § 230-15-400, filed 9/11/09, effective 1/1/10; 07-10-034 (Order 611), § 230-15-400, filed 4/24/07, effective 1/1/08.]

WAC 230-15-455 Keeping funds to pay prizes, progressive jackpot prizes, and odds-based wager prizes. (1)

House-banked card game licensees must ensure that they have sufficient funds available to pay prizes, progressive jackpot prizes and odds-based wager prizes. An "odds-based wager" means a wager where the player wins an amount over and above the amount he or she wagered if a fixed pattern or combination of cards occurs, for example, a royal flush, four aces, or a pair.

(2) Licensees must not offer card games until they have met all of these requirements:

(a) Progressive jackpot prizes.

(i) Keep a separate bank account for progressive jackpot prizes. The account must be kept in a bank, mutual savings bank, or credit union located in Washington state;

(ii) Deposit all funds accrued for progressive jackpot prizes at least weekly; and

(iii) If the prize bank account is reduced below the level required, licensees must immediately stop operating games until they are in compliance.

(b) Odds-based wager prizes.

(i) Licensees offering more than one individual odds-based wager prize greater than twenty-five thousand dollars must keep an amount equal to the second highest odds-based wager prize offered in a bank, mutual savings bank, or a credit union located in Washington state; or possess a verifiable line of credit from a Washington state financial institution for at least the amount required; and

(ii) Use the highest wager they allow to calculate the individual odds-based wager prize amount to determine the amount for this requirement.

(3) Licensees may limit pay outs by using table and/or individual player aggregates.

(4) A licensee's failure to keep funds as required in this rule is prima facie evidence of defrauding the public and a violation of RCW 9.46.190.

[Statutory Authority: RCW 9.46.070. 09-15-070 (Order 654), § 230-15-455, filed 7/13/09, effective 1/1/10; 07-09-033 (Order 608), § 230-15-455, filed 4/10/07, effective 1/1/08.]

WAC 230-15-475 Tips from players and patrons to card room employees. (1) House-banked card game licensees may allow selected employees to accept tips from players or patrons.

(2) If licensees allow house-banked card game dealers to accept tips, licensees must ensure that tips are controlled so that only authorized employees receive tips, that tips are properly accounted for, and that tips are maintained separately from all other gambling funds.

(3) Cage cashiers may accept tips. They must locate their tip containers outside the cage enclosure. Players or patrons must deposit the tips directly into the container. A shift or floor supervisor, security, or an accounting manager who does not work as a cashier must verify the tips cage cashiers receive.

(4) Employees directly concerned with management, supervision, accounting, security, or surveillance must not ask for, accept, or share any tip originating from players or patrons; however, this restriction does not apply to poker "floor supervisors."

(5) House-banked card game licensees must:

(a) Establish and implement procedures for the accounting of tips received by authorized card room employees.

(b) Fully document the procedures in their internal controls and describe in detail any methods used to allocate tips.

(c) Establish procedures necessary to ensure that the floor supervisor and surveillance observe card room employees accepting tips. Procedures must include an overt display of received tips, for example tapping the table with the tip before placing it in the tip container.

(6) Employees must:

(a) Drop all tips into a locked tip container which prevents the removal of tips except by unlocking the container. Tips may be accumulated on the table, exchanged into higher denomination chips, and then deposited into the tip container. Tip containers must remain under camera coverage of the closed circuit television system at all times; and

(b) Keep all tips received or pool them with tips of all card room employees according to the licensee's internal controls; and

(c) Redeem all tips received under surveillance at the cashier's cage; and

(d) Accurately report all tips to their employer as described in the licensee's internal controls.

(7) Licensees may determine whether employees must retain or pool tips among employees. Employees must redeem all pooled tips under surveillance at the cashier's cage, count room, or a gaming table.

[Statutory Authority: RCW 9.46.070. 09-11-083 (Order 644), § 230-15-475, filed 5/18/09, effective 7/1/09; 07-21-116 (Order 617), § 230-15-475, filed 10/22/07, effective 1/1/08.]

Chapter 230-16 WAC

MANUFACTURER, DISTRIBUTOR, AND GAMBLING SERVICE SUPPLIER RULES

WAC

230-16-001	Manufacturers, distributors, and gambling service suppliers must ensure representatives are licensed.
230-16-052	Standards for flares.
230-16-102	Cumulative prize pool pull-tab games.
230-16-104	Cumulative prize pool pull-tab series flare.

WAC 230-16-001 Manufacturers, distributors, and gambling service suppliers must ensure representatives are licensed. (1) A licensed manufacturer, distributor, or gambling service supplier must not allow an unlicensed person to sell, promote, or provide its gambling equipment, or supplies, or to supervise those who do, and must take all measures necessary to prevent an unlicensed person from doing so.

(2) A licensed manufacturer must notify us in writing before a manufacturer representative begins representing them.

[Statutory Authority: RCW 9.46.070. 09-24-012 (Order 664), § 230-16-001, filed 11/20/09, effective 12/21/09; 07-19-069 (Order 615), § 230-16-001, filed 9/17/07, effective 1/1/08.]

WAC 230-16-052 Standards for flares. Flares must clearly display the:

(1) Manufacturer of the punch board or pull-tab series. A stamp, seal or label identifying the manufacturer may be substituted if we have been informed; and

(2) Manufacturer assigned series number; and

(3) I.D. stamp; and

(4) Cost of each punch or pull-tab; and

(5) Total number of punches or pull-tabs in the series. For any newly designed flare or any previously designed flare for pull-tab series with a ticket count over six thousand, which has not yet been packaged, the number of pull-tabs must be printed in one-half inch size lettering; and

(6) Prizes available and the winning number or symbols. For prizes over twenty dollars, the winning numbers or symbols must be printed so each can be permanently and conspicuously deleted off the flare as each prize is won.

(a) A progressive jackpot meter board, for progressive jackpot series, is a supplement to the flare; and

(b) For cumulative prize pool pull-tab games, the seal card prizes from the cumulative prize pool board are not required to be printed on the series flares.

[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-16-052, filed 8/14/09, effective 1/1/10; 08-03-062 (Order 623), § 230-16-052, filed 1/14/08, effective 2/14/08.]

WAC 230-16-102 Cumulative prize pool pull-tab games. (1) Manufacturers of cumulative prize pool pull-tab games must meet all standards of pull-tab construction, including the seals on the board; and

(2) A cumulative prize pool pull-tab game board must include at a minimum:

(a) All seal card prizes; and

(b) Manufacturer's name or logo; and

(c) Each cumulative prize pool pull-tab series number; and

(d) Form number; and

(e) Cost per play; and

(f) Game name; and

(3) A cumulative prize pool pull-tab game board must have the same number of seals as the number of series in the game.

[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-16-102, filed 8/14/09, effective 1/1/10.]

WAC 230-16-104 Cumulative prize pool pull-tab series flare. A cumulative prize pool pull-tab series flare must meet the requirements of WAC 230-16-052 and include at a minimum:

(1) A perforated window or seal; and

(2) A list for players to write their name on for the chance to open a seal on the cumulative prize pool pull-tab board.

[Statutory Authority: RCW 9.46.070. 09-17-077 (Order 657), § 230-16-104, filed 8/14/09, effective 1/1/10.]

Chapter 230-17 WAC

HEARING RULES

WAC

230-17-025	Appointment of administrative law judge or "presiding officer."
230-17-137	Guidelines for imposing penalties in disciplinary actions.

WAC 230-17-025 Appointment of administrative law judge or "presiding officer." (1) The commissioners hereby appoint the office of administrative hearings to assign an administrative law judge (ALJ), called the "presiding

officer," to preside at all hearings which result from administrative charges, unless:

(a) The commissioners, by their own order, declare their intent to preside at a specific proceeding; or

(b) The proceeding is an appeal of an initial order issued by an ALJ.

(2) All hearings must be conducted in compliance with Title 230 WAC and chapter 34.05 RCW.

(3) The presiding officer is authorized to modify an administrative penalty sought by commission staff against the applicant, licensee, or permittee.

[Statutory Authority: RCW 9.46.070. 09-03-025 (Order 639), § 230-17-025, filed 1/9/09, effective 2/9/09; 07-21-156 (Order 615), § 230-17-025, filed 10/24/07, effective 1/1/08.]

WAC 230-17-137 Guidelines for imposing penalties in disciplinary actions. (1) Without in any manner limiting the authority granted to the commission under chapter 9.46 RCW or other applicable law to impose the level and type of discipline it may deem appropriate, at the request of any party, the presiding officer may consider the following factors, along with such others as he or she deems relevant, in determining the administrative penalty to be assessed for the violation of a statute or rule:

(a) The risk posed to the public health, safety, or welfare by the violation;

(b) Whether there are special policy implications relating to the violation, for example, those regarding underage gambling;

(c) Whether, and how, the violations impacted players, for example, failure to pay a player, and player-supported jackpot violations;

(d) Whether the applicant, licensee, or permittee:

(i) Knew, or reasonably should have known, the action complained of was a violation of any law, regulation, or condition of their license;

(ii) Previously received a verbal warning, written warning, notice of infraction, notice of violation and settlement (NOVAS), or administrative charges from the commission for similar violations;

(iii) Made, or attempted to make, a financial gain from the violation;

(iv) Had an existing compliance program related to the violation; or

(v) Has subsequently initiated remedial measures to prevent similar violations from reoccurring;

(e) Whether the violations were intentional, willful, or grossly negligent;

(f) Whether requiring the applicant, licensee or permittee to implement a written self-enforcement and compliance program would assist in ensuring future compliance with relevant laws, regulations, and license conditions;

(g) If the violation was caused by an officer or employee of the applicant, licensee, or permittee:

(i) Whether the individual who caused the violation acted within the scope of authority granted to him or her by the applicant, licensee or permittee; or

(ii) Whether the individual violated company policies, procedures, or other standards;

(h) The adequacy of any relevant training programs the applicant, licensee or permittee previously offered or made available to its employees;

(i) Whether and the extent to which the applicant, licensee or permittee cooperated with the commission during the investigation of the violation;

(j) The penalties imposed on other applicants, licensees or permittees for similar violations;

(k) Whether the applicant, licensee, or permittee reasonably relied upon professional advice from an accountant or other recognized professional, which was relevant to the conduct or action resulting in the violation; or

(l) Any other aggravating or mitigating circumstances the presiding officer deems relevant.

(2) A party intending to rely on any aggravating or mitigating factors must raise them at the initial hearing before the presiding officer in order to preserve them for any subsequent hearings before a reviewing officer.

(3) In the spring of 2011, staff will report to the commission on the impacts of this rule, if any.

[Statutory Authority: RCW 9.46.070. 09-17-074 (Order 653), § 230-17-137, filed 8/14/09, effective 9/14/09; 09-05-084 (Order 641), § 230-17-137, filed 2/17/09, effective 3/20/09.]