

WSR 22-07-047

PERMANENT RULES

GAMBLING COMMISSION

[Filed March 14, 2022, 4:23 p.m., effective April 14, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: On March 25, 2020, Governor Jay Inslee signed HB [ESHB] 2638 authorizing sports wagering for Class III tribal facilities under terms negotiated in tribal-state compacts, and adding or amending several sections of the gambling act giving the gambling commission authority to adopt and/or amend rules needed for the state's regulation of sports wagering. This change allows the gambling commission to take action if an applicant or licensee fails to comply with all applicable tribal laws or provisions of the applicable tribal-state compact and its appendices related to sports wagering.

Citation of Rules Affected by this Order: Amending WAC 230-03-085 Denying, suspending, or revoking an application, license or permit.

Statutory Authority for Adoption: RCW 9.46.070.

Other Authority: RCW 9.46.070.

Adopted under notice filed as WSR 22-03-099 on January 19, 2022.

Changes Other than Editing from Proposed to Adopted Version: The removal of a comma following "applicable tribal laws" to clarify intent with CR-101 filed on July 22, 2020 (WSR 20-15-154).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 10, 2022.

Ashlie Laydon  
Rules Coordinator

OTS-3568.2

AMENDATORY SECTION (Amending WSR 20-08-095, filed 3/30/20, effective 4/30/20)

**WAC 230-03-085 Denying, suspending, or revoking an application, license or permit.** We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

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

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person; or

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or

(4) Has failed to pay gambling taxes to local taxing authorities and the local taxing authority has petitioned us to take action; or

(5) Has failed to pay a quarterly license fee or submit a quarterly license report or has failed to pay a late fee assessed as a result of failure to pay a quarterly license fee or submit a quarterly license report; or

(6) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4); or

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

(8) Fails to provide us with any information required under commission rules within the time required, or, if the rule establishes no time limit, within (~~thirty~~) 30 days after receiving a written request from us; or

(9) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:

(a) Prior activities; or

(b) Criminal record; or

(c) Reputation; or

(d) Habits; or

(e) Associations; or

(10) Knowingly provides or provided goods or services to an entity that illegally operates gambling activities; or

(11) Has failed to comply with all applicable tribal laws or the provisions of the applicable tribal-state compact and its appendices related to sports wagering, that are in effect at the time of the violation, and as posted on the National Indian Gaming Commission's website at [www.nigc.gov](http://www.nigc.gov) (for tribal laws) or our agency website at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) (for compacts and appendices).

[Statutory Authority: RCW 9.46.070. WSR 20-08-095, § 230-03-085, filed 3/30/20, effective 4/30/20; WSR 18-05-029, § 230-03-085, filed 2/9/18, effective 7/1/18; WSR 07-21-116 (Order 617), § 230-03-085, filed 10/22/07, effective 1/1/08; WSR 06-07-157 (Order 457), § 230-03-085, filed 3/22/06, effective 1/1/08.]