

Title 230 WAC

WASHINGTON STATE GAMBLING COMMISSION

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Chapter 230-02 WAC

GENERAL PROVISIONS AND DEFINITIONS

WAC

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WAC 230-02-010 Washington state gambling commission. The Washington state gambling commission, hereinafter called "the commission," is the commission appointed by the governor pursuant to RCW 9.46.040 as the licensing and regulatory agency charged with the authority and duty to control statutorily authorized non-professional gambling activities. Where appropriate, the term "commission" also refers to the staff and employees of the commission. [Statutory Authority: RCW

9.46.070(13). 79-07-019 (Order 90), § 230-02-010, filed 6/14/79; Order 42, § 230-02-010, filed 9/18/75; Order 5, § 230-02-010, filed 12/19/73.]

WAC 230-02-020 Time and place of meetings. Regular public meetings of the commission shall be held upon the second Friday of March, June, September and December, or the preceding business day if that Friday is a holiday. Each such regular meeting shall be held in Olympia City Hall, Council Chambers, 8th and Plum, Olympia, Washington, beginning at the hour of 10:00 a.m. Additional public meetings necessary to discharge the business of the commission may be called from time to time. [Order 78, § 230-02-020, filed 11/17/77; Order 62, § 230-02-020, filed 10/15/76; Order 51, § 230-02-020, filed 4/30/76; Order 5, § 230-02-020, filed 12/19/73.]

WAC 230-02-030 Address of commission. Unless specifically provided elsewhere in these rules, applications for licenses, submission of materials or requests for notices or information of any kind, may be made by addressing correspondence to:

Washington State Gambling Commission
Jefferson Building
1110 South Jefferson
Olympia, Washington 98504.

[Statutory Authority: RCW 9.46.030 (2), (3) and 9.46.070 (11), (14). 83-19-024 (Order 136), § 230-02-030, filed 9/13/83. Statutory Authority: RCW 9.46.070(13). 80-09-067 (Order 103), § 230-02-030, filed 7/17/80; Order 51, § 230-02-030, filed 4/30/76; Order 23, § 230-02-030, filed 9/23/74; Order 5, § 230-02-030, filed 12/19/73.]

WAC 230-02-040 Commission activities exempt from Environmental Protection Act. The commission has reviewed its authorized activities and has found them to be exempt pursuant to WAC 197-10-040(2), 197-10-150 through 197-10-190 and the State Environmental Policy Act, chapter 43.21C RCW. [Order 55, § 230-02-040, filed 6/25/76.]

WAC 230-02-100 Definitions. Words and terms used in these rules and regulations shall have the same meaning as each has under chapter 9.46 RCW unless otherwise specifically provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning. [Order 42, § 230-02-100, filed 9/18/75; Order 5, § 230-02-100, filed 12/19/73.]

WAC 230-02-110 Gross receipts defined. "Gross receipts" means all money, and all other things of value, received by a person or organization during a given period of time. [Order 5, § 230-02-110, filed 12/19/73.]

WAC 230-02-120 Net receipts defined. "Net receipts" means all money, and all other things of value, received by a person or organization during a given period of time, less the amount of money paid out as cash prizes, or expended for prizes actually distributed to winners, during the same period of time. [Order 5, § 230-02-120, filed 12/19/73.]

WAC 230-02-130 Net income defined. "Net income" means net receipts, less all other expenses directly related to the operation of a licensed activity actually paid out during the same period of time. [Order 5, § 230-02-130, filed 12/19/73.]

WAC 230-02-140 Person defined. "Person" means and includes any individual, firm or partnership, corporation or other association of individuals either natural or legal. The use of the masculine pronoun in these rules includes the feminine and the neuter. [Order 5, § 230-02-140, filed 12/19/73.]

WAC 230-02-150 Immediate family defined. "Immediate family" means and is limited to, the subject individual's spouse, children, and parents. [Order 5, § 230-02-150, filed 12/19/73.]

WAC 230-02-200 Operator defined. An "operator" is any person who purchases or otherwise receives equipment for use in authorized gambling activities, including but not limited to punchboards or pull tabs, with or without any merchandise to be awarded as prizes in connection with the operation of said equipment, from a manufacturer or distributor, and who operates or displays said equipment for use upon payment of a consideration. [Order 5, § 230-02-200, filed 12/19/73.]

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

As used in these rules, the term "distributor" shall include a person who services and repairs pull tab dispensing devices, which shall be authorized so long as the person performing such servicing or repairs is licensed as a distributor or distributor's representative, and makes no addition to, or modification or alteration of, the device.

A manufacturer who sells or otherwise furnishes such equipment not manufactured by him to any other person for resale or for display or operation of that equipment is also a "distributor." [Statutory Authority: RCW RCW 9.46.070(4). 81-09-055 (Order 106), § 230-02-210,

filed 4/17/81; Order 80, § 230-02-210, filed 12/28/77; Order 5, § 230-02-210, filed 12/19/73.]

WAC 230-02-220 Distributor's representative defined. A "distributor's representative" is any natural person who represents a distributor in any of his activities in connection with the sale or furnishing of equipment for use in authorized gambling activities, including but not limited to punchboards and pull tabs. [Order 5, § 230-02-220, filed 12/19/73.]

WAC 230-02-225 Manufacturer's representative defined. A "manufacturer's representative" is any natural person who represents a manufacturer in any one of the manufacturer's activities in connection with the sale or furnishing of equipment for use in authorized gambling activities, including but not limited to, punchboards and pull tabs. [Order 9, § 230-02-225, filed 12/19/73.]

WAC 230-02-230 Manufacturer defined. A "manufacturer" is any person who assembles from raw materials or subparts a completed piece of equipment or pieces of equipment for use in authorized gambling activities, including but not limited to punchboards and pull tabs, and who sells or otherwise furnishes the same to any distributor or retail outlet.

The term shall include, but not be limited to, any person who converts, modifies, adds to or removes parts or a portion from any item, device or assembly to further its promotion, sale or use as a gambling device or gambling record in this state: *Provided*, That a person adding only promotional flares to advise the public of the prizes available, the rules of play and the consideration required shall not be deemed a manufacturer.

The term "manufacturer" shall not include a licensed distributor or distributor's representative who services or repairs pull tab dispensing devices, so long as no addition to, or modification or alteration of, the device is made. [Order 80, § 230-02-230, filed 12/28/77; Order 14, § 230-02-230, filed 3/27/74; Order 5, § 230-02-230, filed 12/19/73.]

WAC 230-02-250 Bingo equipment. Bingo equipment includes all equipment which is actually used, or made or sold for the purpose of use, in bingo games for which consideration is charged persons to play and in connection with which prizes are awarded. Unless otherwise specified, the term shall include, but not be limited to, machines or other devices from which balls are withdrawn to determine the letters and numbers to be called, the balls themselves, bingo cards and any other device commonly used in the direct operation of the game.

Bingo game sets commonly manufactured and sold as children's games for a retail price of twenty dollars or less shall be presumed not to be bingo equipment for the purposes of this rule unless the set, or portion thereof, is actually used in such a bingo game. [Statutory Authority: RCW 9.46.070 (8), (11), and (14). 83-13-050 (Order 134), § 230-02-250, filed 6/14/83; Order 29, § 230-02-250, filed 1/23/75.]

WAC 230-02-260 Pull tab defined. A "pull tab" is a single folded or banded ticket or is a card, the face of which is initially covered or otherwise hidden from view to conceal a number, symbol or set of symbols, a few of which numbers or symbols out of every set of pull tabs have been designated in advance and at random as prize winners, when, for the opportunity to obtain each such folded or banded ticket or card, view the numbers or symbols thereon and possibly obtain a prize winning pull tab, a person pays some consideration to an operator. [Order 5, § 230-02-260, filed 12/19/73.]

WAC 230-02-270 Punchboard defined. A "punchboard" is a board or device containing a number of holes or receptacles of uniform size in which are placed mechanically and at random serially numbered slips of paper or other substance which may be punched or drawn from said hole or receptacle by any person desiring to do so, and which the public, upon payment of a consideration, may punch or draw such numbered slips of paper or other substance from such hole or receptacle and obtain an award if the number drawn corresponds to a winning number. [Order 5, § 230-02-270, filed 12/19/73.]

WAC 230-02-300 Substantial interest defined. The following shall constitute possession of a substantial interest in an organization, association or business:

(1) When, with respect to a sole proprietorship, an individual, or his marital community, owns, operates, manages or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

(2) When, with respect to a partnership, the individual or his marital community, shares in any of the profits, or potential profits, of the partnership activities; or

(3) When, with respect to a corporation, an individual or his spouse, is an officer, or director, or the individual or his marital community is a holder, directly or beneficially, of ten percent or more of any class of stock of the corporation; or

(4) When, with respect to an organization not covered in (1), (2) or (3) above, an individual or his spouse, is an officer or manages the business affairs, or the individual or his marital community is owner of or otherwise controls ten percent or more of the assets of the organization; or

(5) When, an individual, or his marital community, furnishes ten percent or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year. [Order 23, § 230-02-300, filed 9/23/74; Order 12, § 230-02-300, filed 2/14/74; Order 5, § 230-02-300, filed 12/19/73.]

WAC 230-02-310 Bona fide newspaper or magazine defined. A newspaper or magazine shall be "bona fide" only if:

(1) To conduct, or participate in conducting, the contest or drawing of which the coupon or entry blank is a

part is not a primary purpose underlying the publication; and

(2) The price of the publication is consistent with the price of similar publications sold in the state which contain no such coupons or entry blanks; and

(3) The publication has been published regularly and continuously for a period of at least three months prior to any such coupon or entry blank appearing therein; and

(4) At least three regularly scheduled issues have been published prior to any such coupon or entry blank appearing therein. [Order 42, § 230-02-310, filed 9/18/75; Order 14, § 230-02-310, filed 3/27/74.]

WAC 230-02-350 Commercial stimulant. An activity is operated as a commercial stimulant, for the purposes of chapter 9.46 RCW and these rules, only when it is an incidental activity operated in connection with, and incidental to, an established business, primarily engaged in the sale of food or drink for consumption on the premises, with the primary purpose of increasing the volume of sales of food and drink for consumption on that business premises.

Gambling activities authorized for use as commercial stimulants shall be deemed as not being used for this purpose when the combined gross receipts from all such gambling activities, less that amount paid out for or as prizes, and less that amount paid out in federal, state, and local taxes or fees, directly related to the gambling activities, and less that amount paid out in expenses incurred directly as a result of providing a card room employee to be on duty and in the licensed card room area in compliance with WAC 230-40-400 which shall not exceed \$8.50 per hour of operation, are more than the total of the gross receipts from the food and drink business during any calendar quarter. [Statutory Authority: RCW 9.46.020(5). 82-23-050 (Order 125), § 230-02-350, filed 11/15/82. Statutory Authority: RCW 9.46.020(5) and section 1(5), chapter 326, Laws of 1977 ex. sess. and RCW 9.46.070(4). 78-03-061 (Order 81), § 230-02-350, filed 2/22/78; Order 78, § 230-02-350, filed 11/17/77; Order 29, § 230-02-350, filed 1/23/75; Order 23, § 230-02-350, filed 9/23/74.]

WAC 230-02-400 Card game. A card game for the purposes of these rules, is a social card game as defined by RCW 9.46.020(20) and authorized under RCW 9.46.030, played by consenting adults wherein wagers are made and collected by the participants based upon the outcome of the game. [Order 78, § 230-02-400, filed 11/17/77; Order 23, § 230-02-400, filed 9/23/74.]

WAC 230-02-405 Specific authorized card games. These games include, and are limited to, each card game authorized by the commission under WAC 230-40-010 when played as permitted by that rule. [Statutory Authority: RCW 9.46.070(10). 81-09-055 (Order 106), § 230-02-405, filed 4/17/81; Order 29, § 230-02-405, filed 1/23/75.]

WAC 230-02-410 Public card room. A public card room is that area of the premises of a profit seeking retail business which has been specifically set aside or designated by the licensee and approved by the commission for the playing of cards by members of the public as a commercial stimulant to that business in accordance with state law and the rules of the commission. [Order 23, § 230-02-410, filed 9/23/74.]

WAC 230-02-415 Public card room employee defined. A "public card room employee" is any person who is employed by a public card room operator, for compensation or otherwise, to work in, or in direct connection with, a public card room whose duties or responsibilities include any of the following:

- (1) Floor person,
- (2) Time collector,
- (3) Chip seller,
- (4) Dealer or mucker,
- (5) Cashier,
- (6) Pit boss,
- (7) Card room manager,
- (8) Supervision of any person working in, or in connection with, the card room,
- (9) The prevention or discovery of cheating by persons playing in the card room or of improper activities by employees working in the card room,
- (10) To encourage the organization and/or beginning of a card game.

This definition does not include bartenders, waitresses and persons with similar duties who are limited to the serving of food or drink in the card room. [Statutory Authority: RCW 9.46.070(16). 78-06-066 (Order 85), § 230-02-415, filed 5/25/78.]

WAC 230-02-418 Bingo game manager defined. A "bingo game manager" is any person who is employed by a bingo game operator for compensation or otherwise, to work in, or in direct connection with, the operation of a bingo game and is the person with the highest level of authority on the premises where the bingo game is conducted, at any particular time, to supervise and direct other people working on the bingo game.

A bingo game operator may employ more than one person whose functions constitute a bingo game manager under this definition. However, one individual shall be designated by the organization as the principal manager of the bingo games with all other persons designated as "assistant bingo game managers." All bingo game managers, principal and assistants, shall be knowledgeable of the rules and regulations for the conduct of bingo games. The bingo game manager or assistant manager on duty at the premise at any particular session or day shall be responsible for the accuracy of the daily record of activities and for the conduct of play pursuant to Title 230 WAC. The principal manager of the bingo games shall be held responsible for the performance of all assistant managers.

As used in these rules the term bingo game manager includes all persons designated as principal managers

and assistant bingo game managers. [Statutory Authority: RCW 9.46.070(17). 81-21-032 (Order 113), § 230-02-418, filed 10/15/81.]

WAC 230-02-420 Social card room. A social card room is that area of the premises of a bona fide charitable or nonprofit organization which has been specifically set aside or designated by the licensee and approved by the commission for the playing of cards by bona fide members of that organization and their guests only, in accordance with state law and the rules of the commission. [Order 23, § 230-02-420, filed 9/23/74.]

WAC 230-02-430 Guest. The term guest shall include only those persons not a member of a bona fide charitable or nonprofit organization, who are allowed to use the facilities of the organization to play card games, only when accompanied by the regular member of the organization sponsoring the guest and for a fee not to exceed the maximum fee for the playing of cards as set by the commission: *Provided*, That persons holding a valid "guest" card in accordance with Washington state liquor control board regulation 106 (WAC 314-04-040), need not be accompanied by a member.

If a person is charged, directly or indirectly, more than the maximum fee set by the commission to enter the facility and play cards, he is not a guest for the purpose of these rules. [Order 23, § 230-02-430, filed 9/23/74.]

WAC 230-02-440 Calendar day defined. "Calendar day" means a twenty-four hour period commencing at 12:01 a.m. and ending at 12 o'clock midnight. [Order 78, § 230-02-440, filed 11/17/77.]

WAC 230-02-450 Three consecutive days defined. "Three consecutive days" shall include any period of up to seventy-two consecutive hours. [Order 78, § 230-02-450, filed 11/17/77.]

Chapter 230-04 WAC

APPLICATION FOR ISSUANCE OF LICENSES

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- 230-04-150 Supplemental information. [Order 5, § 230-04-150, filed 12/19/73 at 1:25 p.m.] Repealed by Order 9, filed 12/19/73 at 12:26 p.m. See WAC 230-04-151, Emergency Order 11 for readoption.
- 230-04-195 Agricultural fairs to obtain permits for each person to conduct each authorized activity under a fair's license. [Order 5, § 230-04-195, filed 12/19/73.] Repealed by Order 23, filed 9/23/74.
- 230-04-200 License fees. [Statutory Authority: RCW 9.46.070(5), 82-15-009 (Order 124), § 230-04-200, filed 7/9/82; 81-21-032 (Order 113), § 230-04-200, filed 10/15/81; 81-19-073 (Order 112), § 230-04-200, filed 9/15/81; 81-13-032 (Order 109), § 230-04-200, filed 6/15/81; 81-03-045 (Order 105), § 230-04-200, filed 1/16/81; 80-03-059 (Order 98), § 230-04-200, filed 2/25/80; 79-12-057 (Order 94), § 230-04-200, filed 11/28/79; 79-05-026 (Order 89), § 230-04-200, filed 4/18/79; 79-01-026 (Order 88), § 230-04-200, filed 12/18/78. Statutory Authority: RCW 9.46.070(11), 78-06-066 (Order 85), § 230-04-200, filed 5/25/78; Order 78, § 230-04-200, filed 11/17/77; Order 51, § 230-04-200, filed 4/30/76; Order 45, § 230-04-200, filed 12/30/75; Order 42, § 230-04-200, filed 9/18/75; Order 40, § 230-04-200, filed 6/26/75; Order 23, § 230-04-200, filed 9/23/74; Order 12, § 230-04-200, filed 2/14/74; Order 9, § 230-04-200, filed 12/19/73 at 1:26 p.m.; Order 5, § 230-04-200, filed 12/19/73 at 1:25 p.m.] Repealed by 84-01-026 (Order 139), filed 12/12/83. Statutory Authority: RCW 9.46.070 (5), (6), (8), (10), and (11).
- 230-04-205 Person holding, or having held, Class A raffle licenses may convert to new class of raffle license in same year. [Order 21, § 230-04-205, filed 8/20/74.] Repealed by Order 51, filed 4/30/76.
- 230-04-250 Effect of temporary license—Fees. [Order 5, § 230-04-250, filed 12/19/73.] Repealed by Order 14, filed 3/27/74.
- 230-04-305 Change of class. [Statutory Authority: RCW 9.46.070 (5) and (9), 80-03-060 (Order 99), § 230-04-305, filed 2/25/80.] Repealed by 84-01-026 (Order 139), filed 12/12/83. Statutory Authority: RCW 9.46.070 (5), (6), (8), (10), and (11).
- 230-04-332 Change of employee or agent in the operation of a card room, punchboards or pull tabs. [Order 48, § 230-04-332, filed 3/23/76.] Repealed by 78-08-055 (Order 86), filed 7/20/78. Statutory Authority: RCW 9.46.070(13).
- 230-04-452 Pictures to be posted with employee licenses. [Statutory Authority: RCW 9.46.070 (10) and (13), 78-08-055 (Order 86), § 230-04-452, filed 7/20/78.] Repealed by 83-06-077 (Order 127), filed 3/2/83. Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11).

WAC 230-04-010 Application forms. Each application for a license from the commission shall be submitted on the license application form approved by the commission. These application forms may be obtained by coming in person to, or writing to, the offices of the commission in Olympia. From time to time the commission may designate additional locations where application forms may be obtained and shall make these locations public by notifying the news media. [Order 5, § 230-04-010, filed 12/19/73.]

WAC 230-04-020 Application procedure. Applicants for license from the commission shall submit applications to the office of the commission in Olympia. The information requested on the appropriate application form is required to be submitted by each applicant for a license.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 230-04-100 Registration of certain foreign manufacturers of punch boards and pull tabs. [Order 5, § 230-04-100, filed 12/19/73.] Repealed by Order 12, filed 2/14/74.
- 230-04-141 Public card room employee licenses may be reissued when changing employment. [Statutory Authority: RCW 9.46.070(16), 78-06-066 (Order 85), § 230-04-141, filed 5/25/78.] Repealed by 79-09-029 (Order 91), filed 8/14/79. Statutory Authority: RCW 9.46.070(16).

The application shall be signed under oath by the highest ranking executive officer of a charitable, nonprofit or profit seeking corporation, such as the president of a firm or club or the head pastor or minister of a church; or by the principal owner of a profit seeking business. Other persons, including but not limited to, the chairman of a board of directors or trustees, the person in charge of the financial records, or persons having a substantial interest in the applicant business and/or charitable nonprofit organization, may at the commission director's discretion be required to sign the application. When the application is being submitted by or on behalf of an incorporated city or town in the state of Washington, the application must be signed by the mayor or the mayor's designated representative.

Each such person shall acknowledge that he assumes full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts.

The commission will consider only those applicants submitting the form and fully completing all the applicable portions of the form. Each applicant shall certify under oath that the information set forth in the application and any accompanying materials is true, accurate and complete.

The application form and all information set forth therein and all supplemental information submitted at the commission's request, except statements as to arrests of any person, shall constitute public records and the entire contents thereof may, at the discretion of the commission, be disclosed to the public or discussed at the public meetings of the commission.

The commission shall issue the license applied for only after it is satisfied that the applicant is qualified to operate the activity for which the license is being requested. The commission may refrain from issuing the license until the completion of such review and investigation as it deems necessary into the propriety of granting the license. [Statutory Authority: RCW 9.46.070 (1), (7), (11), (14), and (17). 83-21-073 (Order 137), § 230-04-020, filed 10/18/83; Order 60, § 230-04-020, filed 9/10/76; Order 42, § 230-04-020, filed 9/18/75; Order 12, § 230-04-020, filed 2/14/74; Order 5, § 230-04-020, filed 12/19/73.]

WAC 230-04-030 Commission may post public notice of license application on premises. The commission may, at its discretion, place, or require to be conspicuously placed, a notice upon each premises upon which a gambling activity is to be conducted under a license for which application has been made. The notice shall advise the public that such license has been requested and that any comments persons wish to make concerning the license application, or the propriety of granting such a license to the applicant(s), or for those premises, may be made to the commission prior to a date certain.

The applicant(s) shall take all reasonable measures to insure that the notice remains posted thereafter until the last day set forth thereon for making comment and shall report to the commission forthwith if said notice has been removed prior to that date. [Order 9, § 230-04-030, filed 12/19/73.]

WAC 230-04-050 Qualified bona fide charitable and nonprofit organization qualifications. Qualified bona fide charitable or nonprofit organizations, including qualified agricultural fairs, to which licenses may be issued by the commission shall be limited to the following organizations only as provided by RCW 9.46.020(3):

(1) Any organization duly existing under the provisions of chapter 24.12 RCW. That chapter deals only with certain leaders of a church or religious organization who, pursuant to the provisions of that chapter, have become a corporation sole.

(2) Any organization duly existing under the provisions of chapter 24.20 RCW. That chapter deals with certain fraternal societies.

(3) Any organization duly existing under the provisions of chapter 24.28 RCW. That chapter deals with granges.

(4) Only those charitable or nonprofit organizations, whether incorporated or not, which are organized and operating for one or more of the following purposes only:

- (a) Charitable
- (b) Benevolent
- (c) Eleemosynary
- (d) Educational
- (e) Civic
- (f) Patriotic
- (g) Political
- (h) Social
- (i) Fraternal
- (j) Athletic
- (k) Agricultural.

(5) Any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW.

(6) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the suffering caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(7) A branch or chapter of a parent organization, which parent organization is itself eligible for licensure, must demonstrate to the satisfaction of the commission that the branch or chapter was not established and is not and will not be organized and operated with the evasion of the limitations of state law or commission rule on the operation of gambling activities as one of its purposes. The branch or chapter must be organized and operating for one of the purposes set out above and be otherwise qualified to obtain the license sought. The director may require an affidavit signed by the chief executive officers of the parent organization certifying that the branch or chapter is a bona fide subdivision of the parent organization.

(8) An incorporated city or town in the state of Washington.

(9) Each applicant shall be required to provide in its bylaws and, if incorporated, in its articles of incorporation, a statement of dissolution which requires that all

assets of the organization remaining upon dissolution after satisfying its debts be distributed to another bona fide nonprofit or charitable organization which has been granted IRS exemption, unless otherwise exempted from this requirement by the commission.

(10) Each applicant must be organized and operated primarily for purposes other than the operation of gambling activities, in the opinion of the commission, to be eligible for a license to conduct any authorized gambling activity. [Statutory Authority: RCW 9.46.070 (1), (7), (11), (14), and (17). 83-21-073 (Order 137), § 230-04-050, filed 10/18/83. Statutory Authority: RCW 9.46.070(1). 82-04-009 (Order 117), § 230-04-050, filed 1/22/82; Order 42, § 230-04-050, filed 9/18/75; Order 23, § 230-04-050, filed 9/23/74; Order 5, § 230-04-050, filed 12/19/73.]

WAC 230-04-060 Required information. In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

(1) Copy of corporate applicants' articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization;

(2) A copy of a nonprofit or charitable applicant's internal revenue service tax exemption letter if one has been obtained;

(3) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the gambling activity will be conducted, if such premises are leased or rented;

(4) Details and copies of any and all franchise agreements or other agreements, whether written or oral, if any, between the applicant and distributors or manufacturers of equipment or between the applicant and any other person where those agreements relate to gambling activities or gambling equipment;

(5) The name, address, date of birth, and social security number of each paid employee or agent who will work in the activity for which the license is sought;

(6) For each person listed below, a completed copy of the commission's form entitled "personal information form":

(a) Each person who has a substantial interest in the applicant;

(b) Each person who is the chief executive officer, the chairman of a board, and the financial records officer of a corporation and/or bona fide nonprofit charitable organization;

(c) Each person who will serve in a supervisory capacity over those persons in the direct management or direct operation of the activity for which the license is sought;

(7) If the applicant is a natural person, a completed copy of the commission's "personal information form" respecting the applicant;

(8) When information filed with the commission becomes inaccurate in any way, or additions or deletions

are necessary to reflect changes in circumstances of the licensee, applicant, or any other persons since the information was filed, the applicant or licensee shall submit full details of any such change and/or correct any inaccuracy, together with copies of any new required documents, with the commission within 30 days following the change: *Provided*, That with respect to bona fide charitable and/or bona fide nonprofit organizations only, notice need not be given of changes of officers until required renewal time(s) for a particular license(s). If other information required to be submitted under all other sections of this rule and/or other information required on the application, changes or becomes inaccurate in any way, the commission shall be notified as required in this subsection. All officers of bona fide charitable and/or bona fide nonprofit organizations, upon signing the original and/or renewal application(s) for licensure, shall obligate the organization to the fair and lawful operation of all gambling activities for that license year or until renewal time of another license held by the organization or an additional license is applied for, whichever is sooner, regardless of any change(s) in the roster of elected officers during that license period.

(9) Sections (1), (2), and (6) shall not apply to applications by or on behalf of an incorporated city or town in the state of Washington. [Statutory Authority: RCW 9.46.070 (1), (7), (11), (14), and (17). 83-21-073 (Order 137), § 230-04-060, filed 10/18/83. Statutory Authority: RCW 9.46.070(7). 82-15-009 (Order 124), § 230-04-060, filed 7/9/82. Statutory Authority: RCW 9.46.070(6). 78-06-066 (Order 85), § 230-04-060, filed 5/25/78; Order 67, § 230-04-060, filed 3/11/77; Order 60, § 230-04-060, filed 9/10/76; Order 51, § 230-04-060, filed 4/30/76; Order 48, § 230-04-060, filed 3/23/76; Order 42, § 230-04-060, filed 9/18/75; Order 23, § 230-04-060, filed 9/23/74; Order 12, § 230-04-060, filed 2/14/74; Order 5, § 230-04-060, filed 12/19/73.]

WAC 230-04-061 Required information, bona fide charitable and nonprofit organizations. (1) In addition to all other information required, each bona fide charitable or nonprofit organization shall demonstrate on initial application and annually thereafter the progress they have made toward meeting their stated purpose pursuant to RCW 9.46.020(3). Any licensee demonstrating an excessive accumulation of cash or other assets not primarily related to the purpose of the organization, may be deemed as organized primarily for purposes of gambling and therefore ineligible for licensing pursuant to WAC 230-04-050. For purposes of this subsection, the following definitions apply:

(a) Stated purpose - all rules and guidelines set out in the organization's constitution and/or by laws which have been approved and are on file with the commission;

(b) Excessive accumulation - amounts over and above the licensee's liabilities due within one year plus all expenses of the organization for a six month period. This computation shall be based on the most current financial data on file;

(c) Cash – actual cash, demand deposits, certificates of deposit, money market funds, securities, or other liquid assets;

(d) Other assets not primarily related to the purpose of the organization – any assets which would not be normally associated with current income production or services to be provided by the organization.

(2) An organization requesting to be licensed to receive less than \$500,000 in gross receipts annually shall meet this requirement by completing a standard form provided by the commission. This form shall be submitted with the original or renewal application each year unless exempted from this requirement by the commission.

(3) Any organization requesting to be licensed to receive more than \$500,000 gross bingo receipts annually shall meet this requirement by submitting complete financial documents, covering the most recently completed fiscal year of the licensee, and prepared in accordance with generally accepted accounting principles. These documents shall be submitted with the initial application and annually thereafter no later than 120 days following the end of the licensee's fiscal year. If any licensee benefits from bingo receipts earned by a related organization, such as an auxiliary or parent of an auxiliary, the commission will combine gross receipts from both licensees to determine if \$500,000 gross bingo receipts has been exceeded. If the combined receipts exceed this limit, all related licensees will be required to comply with this rule. The following financial documents must be submitted:

(a) Balance sheet;

(b) Profit and loss statement presenting income and expenses separately for each function or activity of the organization. The minimum separation shall be:

(i) Exempt purpose activities;

(ii) Bingo;

(iii) Punchboard and pull tab; and

(iv) Food and beverage items sold during gambling activities.

(c) Footnotes to (a) and (b) disclosing material or significant items not clearly shown by these documents. The minimum disclosures shall be:

(i) Brief history of the organization including its purpose;

(ii) Summary of significant accounting policies, such as: Method of accounting; inventory valuation method; income tax exempt status and tax credit policy; fiscal year end selected; policies for recording assets and depreciation; and any other significant accounting policies made by the organization.

(iii) Federal income tax liability for unrelated business income;

(iv) Terms of long term debt, including the lender's name, term, monthly payments, interest rate, and any collateral;

(v) Receivables should be presented at the expected realizable value and any allowance for uncollectable accounts disclosed. Include any terms, including interest

rates and deferred payment plans. Receivables from officers, employees, and members must be presented separately;

(vi) Details of any adjustments made to prior period capital accounts or fund balances;

(vii) Terms of significant lease and rental agreements;

(viii) Pension plans, including a description of employee groups covered, funding policy, and cost for the period;

(ix) Transactions with related parties. Related parties are defined as officers, board members, managers, employees, and immediate family members of the above. Immediate family members are defined as spouses, parents, children, and brothers and sisters. Related party transactions which, accumulatively, exceed \$1,000 in a fiscal year will be considered material;

(x) Marketable securities, including, at a minimum, type, name, cost, and market value;

(xi) Contingent liabilities;

(xii) Subsequent events; and

(xiii) Any other disclosures material to the review of the data must be disclosed.

(d) A separate narrative telling how the organization made progress toward accomplishing its stated purpose during the year. Include the number of active voting members, and the number of membership meetings held during the fiscal year. This summary shall include a listing of contributions made to charitable or nonprofit organizations, and any payments made directly to individuals for charitable purposes. Any licensee who demonstrates excessive accumulations, as defined in subsection (1)(b) above, must submit planning documents setting out details of projected uses of these assets. These documents should include annual budgets and other long range plans which have been approved by the licensee's board of directors or membership.

(4) The commission may require additional information to ensure completeness of (3) above.

(5) The commission may also require the information in (3) and (4) above be provided for the period between the most recent fiscal year ended and the license renewal date.

(6) The commission may grant additional time to comply with this subsection upon submission of a written request which includes:

(a) The licensee's fiscal year end;

(b) The reason for requesting an extension of time; and

(c) The expected date that the required documents will be submitted. [Statutory Authority: RCW 9.46.070 (5), (6), (8), (10), and (11). 84-01-026 (Order 139), § 230-04-061, filed 12/12/83.]

WAC 230-04-065 Lesser requirements for applicants for certain classes of licenses to operate bingo, raffles, amusement games and fund raising events. Notwithstanding the provisions of WAC 230-04-060, the following provisions shall apply to:

(1) Fund raising events. (All classes)

(2) Bingo.

(a) Class A – \$500 or less annual net receipts.

(b) Class B – over \$500 through \$5000 annual net receipts.

(3) Raffles.

(a) Class C – \$500 or less annual net receipts.

(b) Class D – over \$500 but not over \$5000 annual net receipts.

(4) Amusement games. Those amusement games which are conducted under a Class A, B or C license on the premises of property owned by a corporation sole or property owned by a public school (kindergarten through grade 12), college or university where the annual net receipts of the licensee from the licensed activity do not exceed \$5000 and where the licensed activity is conducted by a bona fide charitable or nonprofit organization.

(5) As to the above categories only, the director may prepare a simplified form which all applicants for license for the above categories shall submit to the office of the commission in Olympia. The information requested on the simplified application form shall be submitted to the commission by the applicant's highest ranking executive officer. At the minimum, each applicant shall provide the following information on or attached to the application:

(a) Copy of a corporate applicant's articles of incorporation and bylaws; a partnership applicant's articles and partnership agreement; copies of any bylaws and other documents which set out the organizational structure and purposes for which a noncorporate organization applicant was formed and operates; or, if the above are not available, an affidavit of the chief officer or responsible person with the organization setting out the purpose for which the organization exists and operates;

(b) Information as to whether or not a tax exemption letter from the United States Internal Revenue Service has been obtained or denied;

(c) The name, address and date of birth of each employee who will participate in the operation of, and of each person who will participate in the management of, the activity for which the license is sought;

(d) The name, address and date of birth of each person who has any interest in the gambling activity for which the license is sought, the building within or premises upon which the activity will occur or the equipment to be used for such gambling activity;

(e) When information filed with the commission becomes inaccurate in any way, the applicant or licensee shall submit full details of any such change and correct any inaccuracy, together with copies of any new required documents with the commission within 30 days following the change.

(6) Refer to WAC 230-20-400 for certain other exemptions subsequent to issuance of license(s). These exemptions and those referred to in WAC 230-08-015, do not apply to fund raising events. [Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11). 83-06-077 (Order 127), § 230-04-065, filed 3/2/83. Statutory Authority: RCW 9.46.070(7). 82-15-009 (Order 124), § 230-04-065, filed 7/9/82; Order 53, § 230-04-065, filed 5/25/76; Order 42, § 230-04-065, filed 9/18/75; Order 29, § 230-04-065, filed 1/23/75; Order 23, § 230-04-

065, filed 9/23/74; Order 14, § 230-04-065, filed 3/27/74.]

WAC 230-04-070 Activities not to be conducted without a license or permit. No activity for which a license or permit from the commission is required under chapter 9.46 RCW or commission rule shall be conducted or performed, or allowed to be conducted, played or performed, on any premises unless the operator of, or person conducting or performing, the activity first obtains the appropriate license or permit from the commission. [Statutory Authority: RCW 9.46.070(13). 79-05-026 (Order 89), § 230-04-070, filed 4/18/79; Statutory Authority: RCW 9.46.070(13). 78-06-066 (Order 85), § 230-04-070, filed 5/25/78; Order 51, § 230-04-070, filed 4/30/76; Order 23, § 230-04-070, filed 9/23/74.]

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

(1) Raffles when:

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

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

(c) Tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: *Provided*, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles; and

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

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

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended: *Provided*, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

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

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

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted

solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

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

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

(3) An organization may exceed the separate limits set forth in (1) and (2) above only if it first obtains a license to conduct the appropriate gambling activity from the commission, with the classification and fee to be computed, including but not limited to, all income from the activity or activities already conducted during that calendar year. The duration of the license issued shall be one year from the date of the first gross receipts received for the particular activity during the calendar year. [Statutory Authority: RCW 9.46.030 (2), (3) and 9.46.070 (11), (14). 83-19-024 (Order 136), § 230-04-075, filed 9/13/83; Order 23, § 230-04-075, filed 9/23/74.]

WAC 230-04-080 Certain activities to be operated as a commercial stimulant only. Punchboards and pull tabs, or public card rooms, licensed for use as a commercial stimulant shall not be operated other than as a commercial stimulant. [Order 23, § 230-04-080, filed 9/23/74.]

WAC 230-04-110 Licensing of manufacturers of punchboards, pull tabs and pull tab dispensing devices. A manufacturer shall first obtain a license from the commission prior to manufacturing within the state of Washington, or selling or supplying to any persons within this state, or for use within this state, any punchboard, pull tab or device for the dispensing of pull tabs or engaging in any intrastate activities whatsoever in connection with such devices.

The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials which are elsewhere required under these rules:

(1) The name and address of the applicant and the name and address of each of its separate locations manufacturing such devices;

(2) The name and home address of all owners of the manufacturing business if the business is not a corporation. If the business is a corporation, the name and address of each of the officers and each of the directors of the corporation and of each stockholder owning ten percent or more of any class of stock in the corporation;

(3) A full description of each separate type of punchboard, pull tab or device for the dispensing of pull tabs which the applicant seeks to manufacture or to market in this state;

(4) For each such device, the brand name under which it is sold;

(5) If the applicant is a foreign manufacturer, then the full name, business and home address of the agent who is a resident of this state designated pursuant to WAC 230-12-300;

(6) A list of all distributors of such devices, punchboards or pull tabs, and of all businesses or organizations located within the state of Washington in which the licensee has some financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include, among all other interests, indebtedness from the licensee to the other person, or vice versa, in excess of five hundred dollars.

The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission. [Statutory Authority: RCW 9.46.070 (4) and (6). 79-07-019 (Order 90), § 230-04-110, filed 6/14/79; Order 12, § 230-04-110, filed 2/14/74; Order 9, § 230-04-110, filed 12/19/73 at 1:26 p.m.; Order 5, § 230-04-110, filed 12/19/73 at 1:25 p.m.]

WAC 230-04-120 Licensing of distributors of punchboards, pull tabs or devices for the dispensing of pull tabs, and of distributor's representatives. Prior to selling or supplying to any person, any punchboard, pull tab or device for the dispensing of pull tabs, or any gambling equipment or paraphernalia for use in connection with licensed fund raising events, within the state of Washington or for use within the state of Washington, a distributor and, individually, each of his representatives, shall first obtain a license from the commission. A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed as a distributor shall not be required to be additionally licensed as a distributor's representative to engage in the selling or supplying of the distributor's products or services. Office, clerical or warehouse personnel employed by the distributor who have contact with the public and potential customers only occasionally and only by telephone or at the distributor's own premises when working under the immediate and direct supervision of the owner, a partner, or major officer of a corporation licensed as a distributor, shall also be exempt from this licensing requirement. A manager or supervisor who is not a sole owner, partner or a major officer or owner of a substantial interest in a licensed distributor whose duties and responsibilities include the supervision of selling, supplying and/or the promotion of the distributor's products shall be licensed as required by this rule prior to performing such functions in connection with the selling or furnishing of gambling devices, equipment or related items in the state of Washington or for use within the state of Washington. A distributor shall not allow an unlicensed person to represent it in such transactions and shall take all measures necessary to prevent an unlicensed person from doing so.

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

(1) The full name and address of the applicant and, if a distributor, the name and address of each of the separate locations operated by the distributor;

(2) The name and home address of all owners of a distributorship if the business is not a corporation. If the business is a corporation, the name and address of each of the officers and of each of the directors of the corporation and of each of the stockholders having ten percent or more of the shares of any class of stock in the corporation;

(3) A full description of each type of punchboard, pull tab, or device for the dispensing of pull tabs that the distributor intends to market in this state or for use in this state;

(4) For each such device, the brand name under which it will be sold;

(5) If the applicant is a distributor located out of state, then the name, business and home address of the agent who is a resident of this state designated by the applicant pursuant to WAC 230-12-300;

(6) A list of all manufacturers of such devices and all businesses or organizations located in the state of Washington in which the applicant has some financial interest. For the purposes of this subsection, the term financial interest shall include, among all other interests, an indebtedness from the other person to the applicant, or vice versa, in excess of five hundred dollars;

(7) The distributor for which a distributor's representative will work shall sign the application of each such distributor's representative acknowledging that the applicant will be representing the distributor with the distributor's knowledge and consent. [Order 80, § 230-04-120, filed 12/28/77; Order 23, § 230-04-120, filed 9/23/74; Order 14, § 230-04-120, filed 3/27/74; Order 5, § 230-04-120, filed 12/19/73.]

WAC 230-04-121 Distributor's representatives to represent only one distributor at a time. No person licensed as a distributor's representative shall represent more than one distributor at a time. [Order 80, § 230-04-121, filed 12/28/77.]

WAC 230-04-122 Distributor's representative shall not represent manufacturers--Exception. A distributor's representative shall not represent a manufacturer: *Provided*, That this rule shall not bar the distributor's representative from representing his own distributor who is also licensed as a manufacturer. [Order 80, § 230-04-122, filed 12/28/77.]

WAC 230-04-125 Distributor's representative license may be reissued when changing distributors. In the event that a licensed distributor's representative ceases to represent the distributor under whom his license was granted, the license shall be automatically suspended and he shall return it to the commission forthwith: *Provided*, That if such person is employed to represent a

different distributor within the term otherwise remaining under the license, he may apply to the commission to have his license reissued as a representative of that distributor for such remaining term. The fee for this transfer shall be ten dollars. The distributor which the distributor's representative seeks to represent shall sign the application for transfer acknowledging that the applicant for transfer will be representing the distributor with the distributor's knowledge and consent. [Order 14, § 230-04-125, filed 3/27/74; Order 9, § 230-04-125, filed 12/19/73.]

WAC 230-04-130 Licensing of manufacturer's representatives. Prior to selling or supplying to any person any punchboard, pull tab or device for the dispensing of pull tabs within the state of Washington or for use within the state of Washington, a representative or agent of the manufacturer of such devices shall first obtain a license from the commission. A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed as a manufacturer shall not be required to be additionally licensed as a manufacturer's representative to engage in the selling or supplying of the manufacturer's products or services. Office, clerical or warehouse personnel employed by the manufacturer who have contact with the public and potential customers only occasionally and only by telephone or at the manufacturer's own premises when working under the immediate and direct supervision of the owner, a partner, or major officer of a corporation licensed as a manufacturer, shall also be exempt from this licensing requirement. A manager or supervisor who is not a sole owner, partner or a major officer or owner of a substantial interest in a licensed manufacturer whose duties and responsibilities include the supervision of selling, supplying and/or the promotion of the manufacturer's products shall be licensed as required by this rule prior to performing such functions in connection with the selling or furnishing of gambling devices, equipment or related items in the state of Washington or for use within the state of Washington. A manufacturer shall not allow an unlicensed person to represent it in such transactions where a license is required and shall take all measures necessary to prevent an unlicensed person from doing so.

The applicant shall include upon his application form, to be supplied by the commission, the following information as well as all other information and material required elsewhere in these rules:

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

(2) A list of all manufacturers of such devices the applicant represents or will represent;

(3) All responsibility, functions and duties which the applicant will perform for each of these manufacturers, all details of the basis upon which the applicant will be compensated by each manufacturer and all details of any financial interest other than such compensation that either the applicant or the applicant's spouse has in each such manufacturing business;

(4) A list of all businesses or organizations located in the state of Washington, and all manufacturers of such devices which the applicant will not represent wherever

located in which the applicant has some financial interest.

The manufacturer for which a manufacturer's representative will work shall sign the application of each such manufacturer's representative acknowledging that the applicant will be representing the manufacturer with the manufacturer's knowledge and consent. [Order 80, § 230-04-130, filed 12/28/77; Order 12, § 230-04-130, filed 2/14/74.]

WAC 230-04-140 Licensing of public card room employees. (1) No person shall act as a public card room employee unless he or she has either received a license to do so from the commission or, if:

(a) The commission has not previously revoked a license or denied an application by that person for such a license; and

(b) He or she has properly applied for such license. If there has been such a previous denial or revocation, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158, that person shall not act as a public card room employee unless he or she has been issued a license by the commission.

(2) On or before the first day he or she actually performs work as a public card room employee, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission): *Provided*, That the requirements of this section shall not apply to persons employed in a public card room operating under a Class B or Class D license only.

(3) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a public card room shall not be required to be additionally licensed as a public card room employee to perform duties in connection with the card room. Except as provided in this section, an operator of a public card room shall not employ any unlicensed person to perform duties for which a license is required in or in connection with a public card room, and shall take all measures necessary to prevent an unlicensed person from doing so.

(4) 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 [original] application [for license] of each such public card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent. [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.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

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.

The notification shall include the full name, sex and birthdate of the employee, and among other things, the date the employee began to work for the card room operator, with an acknowledgement that he or she has done so with the operator's knowledge and consent, or the date employment terminated. The report shall be made immediately and must reach the commission's Olympia office not later than 5 p.m. on the tenth day following the employee's first day of work or last day of work, as applicable. If the tenth day falls on a Saturday, Sunday or state holiday, it shall be due upon the next following business day.

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(7). 79-09-029 (Order 91), § 230-04-142, filed 8/14/79.]

WAC 230-04-145 Licensing of managers of bingo games. No person shall act as a bingo game manager on or after February 1, 1982, unless he or she has either received a license to do so from the commission or, if the commission has not previously denied an application by that person for a license, or the commission has not previously revoked a license issued to that person, he or she has properly applied for such license. If there has been [such] a previous denial of an application and/or revocation of a license, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158 that person shall not act as a bingo game manager unless he or she has been issued a license to do so by the commission. See WAC 230-02-418 for the definition of a "bingo game manager."

On or before the first day he or she actually performs work as a bingo game manager, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission).

Except as provided in this section, an operator of a bingo game shall not allow any unlicensed person to perform duties for which a license is required in or in

connection with a bingo game and shall take all measures necessary to prevent an unlicensed person from doing so.

The president of the bingo licensee (or equivalent officer) operating the bingo game in connection with which the applicant will work shall sign the original application for license of each bingo game manager acknowledging that the applicant will be working for that bingo licensee with the bingo licensee's knowledge and consent. [Statutory Authority: RCW 9.46.070 (1), (7), (11), (14), and (17). 83-21-073 (Order 137), § 230-04-145, filed 10/18/83. Statutory Authority: RCW 9.46.070(17). 81-21-032 (Order 113), § 230-04-145, filed 10/15/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 230-04-147 Notification to the commission upon beginning, terminating or changing responsibilities as bingo game managers. A licensed bingo game operator shall notify the commission in writing when a bingo game manager has begun work in the bingo game operation or has terminated employment and/or responsibilities for any reason.

The notification shall include the full name, sex, and birthdate of the bingo game manager, and among other things, the date the bingo game manager began to work for the bingo game operator, with an acknowledgment that he or she has done so with the operator's knowledge and consent, or the date employment and/or responsibilities terminated. The report shall be made immediately and must reach the commission's Olympia office not later than 5 p.m. on the tenth day following the person's first day of work or last day of work, as applicable. If the tenth day falls on a Saturday, Sunday, or state holiday, it shall be due upon the next following business day. [Statutory Authority: RCW 9.46.070(14). 81-21-032 (Order 113), § 230-04-147, filed 10/15/81.]

WAC 230-04-151 Supplemental information. In addition to the application form the applicant or licensee shall submit any supplemental information requested by the commission to the commission within thirty days following the date of issuance of the request or within such other time as the commission may direct. Failure to timely submit any of the requested supplemental information to the commission shall be grounds for denial of the license sought, and for revocation of any licenses held. [Order 12, § 230-04-151, filed 2/14/74.]

WAC 230-04-170 Applicants--Qualifications. Where a married person is an applicant for, or holder of a license, the spouse of such applicant, if the parties are maintaining a marital community, shall be required to have the same qualifications as the applicant.

This rule shall not apply with respect to licenses required for employees of an operator licensed to conduct activities authorized by RCW 9.46.030. [Statutory Authority: RCW 9.46.070(13). 78-06-066 (Order 85), §

230-04-170, filed 5/25/78; Order 5, § 230-04-170, filed 12/19/73.]

WAC 230-04-175 License does not grant vested right. The issuance of any license by the commission shall not be construed as granting a vested right in any of the privileges so conferred. [Order 25, § 230-04-175, filed 10/23/74; Order 12, § 230-04-175, filed 2/14/74; Order 5, § 230-04-175, filed 12/19/73.]

WAC 230-04-180 Fingerprinting and background checks. The commission may require as a condition precedent to the issuance of any license or any permit, fingerprinting and background checks on any person seeking a license or for whom a permit is sought, or employees thereof, of any person holding an interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity. Such fingerprints as are required by the commission may be submitted to the identification division of the federal bureau of investigation and to the Washington state bureau of criminal identification in order that these agencies may search their records for prior arrests and convictions of the individuals fingerprinted.

The applicant, or the person for whom a permit is requested, shall give full cooperation to the commission and shall assist the commission in all aspects of its investigation. [Order 5, § 230-04-180, filed 12/19/73.]

WAC 230-04-190 Issuance of license. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or to qualified bona fide nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo
- (b) Raffles
- (c) Amusement games
- (d) Punchboards and pull tabs

(e) To allow its premises to be used only by bona fide members and guests to play authorized card games.

The operation of each of these activities shall require a separate license from the commission.

(2) **Fund raising event as defined in RCW 9.46.020.** The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.020, other than any agricultural fair defined therein, to conduct fund raising events.

(3) **Special amusement game license.** The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) **Commercial stimulant card games.** The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued

by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

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

(6) **Commercial stimulant punchboards 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 operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

(7) **Punchboard and pull tab manufacturer and distributor.** The commission may issue a separate license to:

- (a) Punchboard and pull tab manufacturers,
- (b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,
- (c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and

(d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

(8) **License expiration.** Each such license shall be valid for one year from the date that it is issued: *Provided, That*

(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) Notwithstanding the provisions of subsection (a), a license issued for the conduct of a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall authorize the licensee to sell tickets for said raffle at any time during the period from the issuance of the license through the conclusion of the fair or festival.

(c) Licenses issued for card tournaments shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(d) Licenses issued for fund raising events shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at 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 9.46.020(23) defining fund raising events.

(e) If the licensee fails to renew the license prior to the expiration date, the license shall expire. The licensee

must reapply for licensure according to the statutory and regulatory conditions then in force as would any other person.

(9) **Conditions of license issuance.** 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. [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 230-04-191 Permits required for persons conducting bingo at agricultural fairs. Before bingo is conducted at an agricultural fair, by a person or persons other than members of the licensee, or employees or volunteers working solely for the licensee, the licensee shall obtain, in addition to its own license, the approval of the commission of, and a permit from the commission for, each such person to operate said games.

Permits shall be applied for by the licensee by fully completing and returning to the commission its application form entitled "application for permit to conduct activity at agricultural fair," together with the fee required for each permit. The licensee is responsible for the operation of each activity conducted under the authority of its license and any violation by any one of the operators of the licensed activities within the fair or any of the provisions of chapter 9.46 RCW, or any amendments thereto, or of the rules of this commission, shall be grounds for the suspension or revocation of both the license and any permits issued thereunder.

No activity for which a license is required shall be conducted other than by the licensee, its members or employees or volunteers working solely for the licensee without the required permit having been first obtained and being prominently displayed as required elsewhere in these rules.

Permits issued by the commission under this rule shall be for the duration of the fair but in no event shall exceed one calendar year. [Order 53, § 230-04-191, filed 5/25/76; Order 23, § 230-04-191, filed 9/23/74.]

WAC 230-04-192 Person to hold one bingo license and one amusement game license at a time. No licensee shall hold more than one license to conduct bingo, nor more than one license to conduct amusement games. Each such license shall authorize the conduct of the activity only upon the premises shown on the license. [Order 9, § 230-04-192, filed 12/19/73.]

WAC 230-04-193 Persons may obtain an annual permit to conduct bingo at agricultural fairs only. (1) An operator of bingo games may apply to the commission for a permit approving that operator to conduct bingo games at licensed agricultural fairs only. Such a permit shall be valid only when such games are conducted under an agreement with a fair holding a bingo license from the commission.

(2) It shall not be necessary for a licensed fair to obtain a permit on behalf of an operator under WAC 230-04-191 when the operator possesses a permit including the applicable event and location which has been obtained under this rule. However, the management of each agricultural fair licensee shall not be relieved from full and concurrent responsibility for the fair and lawful operation of bingo conducted under the authority of its license and any violation by any one of the permittees of any of the provisions of chapter 9.46 RCW, or any amendments thereto, or of the rules of the commission, shall be grounds for the suspension or revocation of the license.

(3) Applications for these annual permits shall be submitted by the operator upon the application forms developed therefor by the commission. All information required by the commission or its staff shall be submitted in accordance with the procedures and subject to the same conditions as an application for a license under these rules. A change in the information furnished to the commission shall be made known to the commission in writing by the owner or chief executive officer of the operator within ten days of the change.

(4) Persons holding these permits who have contracted with a licensee to operate bingo shall notify, in writing, the county sheriff of each county, or the chief of police of each city, in which he will operate these games, of the times and locations at which they will be operated not later than ten days prior to operating any such games in that jurisdiction. The employment records of the permittee shall be made available to such local law enforcement officers upon demand.

(5) The fee for each annual permit obtained under this section shall be \$100, which shall be tendered together with the application. The fee is not refundable irrespective of whether or not a permit is granted or later revoked. [Order 53, § 230-04-193, filed 5/25/76; Order 23, § 230-04-193, filed 9/23/74; Order 15, § 230-04-193, filed 4/17/74.]

WAC 230-04-194 Denial or revocation of annual operator permit for special locations--Grounds and effect. Permits granting approval obtained under WAC 230-04-191 or 230-04-193 may be denied or revoked by the commission for the same reasons as set forth under WAC 230-04-400. However, denial or revocation of such an annual permit shall not bar an application being submitted to the commission by a licensee on behalf of that operator for the commission's approval of, and permit for, the operator to conduct bingo at a particular event under WAC 230-04-191. The commission will

again consider its reasons for denying or revoking the annual permit at the time it considers a subsequent application on behalf of that operator to conduct bingo games at a particular agricultural fair or other location. [Order 53, § 230-04-194, filed 5/25/76; Order 23, § 230-04-194, filed 9/23/74; Order 21, § 230-04-194, filed 8/20/74; Order 15, § 230-04-194, filed 4/17/74.]

WAC 230-04-196 The commission may issue Class A or B bingo operator's licenses authorizing the conduct of the games at up to three separate locations. The commission may issue Class A and B licenses to operate bingo games at up to three specific separate locations to a qualified organization. [Order 35, § 230-04-196, filed 3/14/75.]

WAC 230-04-197 Permits for raffles on separate premises. A person holding Class "C" through Class "F" licenses to conduct raffles may hold drawings connected with such raffles at a location other than the premises for which the license is issued only after obtaining a permit to do so from the commission in advance of conducting each such raffle.

Application for such permit must be made by the licensee no later than thirty days prior to any promotion or sale of tickets connected with the raffle and no such activity shall be undertaken prior to receipt by the licensee of the permit. Application shall be made upon a form provided by the commission. The form shall require, among other things, the following:

(a) The name of the applicant-licensee, the number of its license to conduct raffles and the address for which the license is issued;

(b) The address of the premises upon which it will conduct the drawing for the subject raffle and a list of the name and address of each owner of such premises;

(c) Details of any rental or lease arrangements between the applicant-licensee or any of its members and the owner(s) of the premises upon which the drawing is to be held;

(d) The inclusive dates that the raffle will be conducted and the date the drawing will be held;

(e) If the raffle is being held by a subdivision of the licensee, then the name of the subdivision and an explanation of the subdivision's status as a part of the applicant-licensee;

(f) The name and address of each person who will participate in managing the raffle or is responsible for keeping the financial records of the applicant-licensee with respect to the proceeds of the raffle together with a "personal information form" for each such person if one has not been filed with the commission.

A fee of ten dollars shall be included with each application for each raffle, which shall be in addition to the license fee previously paid.

The permit issued by the commission shall be conspicuously posted and displayed upon the premises at all times during the occasion when the drawing is being conducted. [Order 9, § 230-04-197, filed 12/19/73.]

WAC 230-04-199 Class R recreational card games conducted by a bona fide charitable or bona fide non-profit organization. (1) Bona fide charitable or bona fide nonprofit organizations will be issued, and may permit the playing of social card games on their premises under, a Class R recreational card game license only when the following conditions are met:

(a) No person is charged, directly or indirectly, more than \$1.00 in cash, or goods or services, to play in card games permitted on the premises in any calendar day; and

(b) Only bona fide members and guests of the organization are permitted to play in the card games with the number of guests not exceeding 25% of those persons playing at any one time; and

(c) Only bona fide members of the organization who are not compensated for such services are permitted to perform any work or service in support of such card games; and

(d) Only the following card games are permitted by the licensee:

- (i) Hearts,
- (ii) Rummy,
- (iii) Pitch,
- (iv) Pinochle,
- (v) Cribbage,
- (vi) Bridge.

See WAC 230-40-015 to determine rules of these games.

(2) Applications for such Class R recreational card room licenses shall be made on a simplified form prepared by the director submitted in the manner, and including the information, required by WAC 230-04-065(4):

(3) Class R licensees need not comply with the following rules of the commission:

(a) WAC 230-04-280, requiring notice to local law enforcement of the activity;

(b) WAC 230-08-010 and 230-08-090, respecting recordkeeping; and WAC 230-08-160, respecting quarterly reports, but the licensee must, in the alternative, maintain those records required by WAC 230-08-015, such records to be retained by the licensee for a period of not less than one year from the end of the license year for which the record is kept;

(c) WAC 230-40-020, limiting the part of premises which may be used for card playing;

(d) WAC 230-40-030, limiting the number of tables and players;

(e) WAC 230-40-050, fees for card playing, provided the \$1.00 per day limit set out in (1)(a) above may not be exceeded;

(f) WAC 230-40-070, requiring the licensee to furnish all cards, chips and other services;

(g) WAC 230-40-080, prohibiting people from bringing their own cards and chips; and

(h) WAC 230-40-130, requiring wagers to be made only with chips. [Statutory Authority: RCW 9.46.070 (10) and (13). 79-05-026 (Order 89), § 230-04-199, filed 4/18/79.]

WAC 230-04-201 Fees. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative actions.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES	(Fee based on annual net receipts)	
Class A	\$500 or less	\$ 25
Class B	\$501 - 1,000	30
Class C	\$1,001 - 5,000	50
Class D	\$5,001 - 15,000	200
Class E	over \$15,000	350
2. BINGO	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 50
Class B	\$ 10,001 to 50,000	150
Class C	\$ 50,001 to 100,000	500
Class D	\$ 100,001 to 300,000	800
Class E	\$ 300,001 to 500,000	1,500
Class F	\$ 500,001 to 1,000,000	3,000
Class G	\$1,000,001 to 1,500,000	4,000
Class H	\$1,500,001 to 2,000,000	5,000
Class I	\$2,000,001 to 2,500,000	6,000
Class J	\$2,500,001 to 3,000,000	7,000
Class K	\$3,000,001 to 3,500,000	8,000

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3.	BINGO GAME MANAGER	Original Renewal	\$ 100 50
4.	CARD GAMES Class A Class B Class C Class D Class R	General (fee to play charged) Limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage - (fee to play charged) Tournament only - no more than ten consec. days per tournament General (no fee to play charged) Primarily for recreation (WAC 230-04-199)	\$ 500 100 35 35 10
5.	CHANGES NAME LOCATION FRE LICENSE CLASS	(See WAC 230-04-310) (See WAC 230-04-320) (Reno Nite date(s)/time(s)) (See WAC 230-04-325) (See WAC 230-04-260) new class fee less previous fee paid, plus	\$ 10 25 20 10
6.	FUND RAISING EVENT Class A-1 Class A-2 Class B-1	One event not more than 24 consec. hrs. Not more than two events - 24 consec. hrs. each One event not more than 72 consec. hrs.	\$ 200 300 300
7.	PERMITS Class A Class B	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191) Annual permit for specified different events and locations (see WAC 230-04-193)	10 100
8.	PUNCHBOARDS/ PULL TABS		\$ 150
9.	RAFFLES Class C Class D Class E Class F	(Fee based on annual net receipts) \$500 or less \$501 - 5,000 \$5,001 - 15,000 Over \$15,000	\$ 25 75 300 500
10.	SEPARATE PREMISES BINGO RAFFLES	Occasion (see WAC 230-04-300) (See WAC 230-04-197)	\$ 5 10
11.	SPECIAL INVESTIGATION FEES	(See WAC 230-04-240)	Varies

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. CARD GAMES		
Class B	(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, coon-can and/or cribbage	\$ 100
Class C	Tournament only, no more than ten consec. days per tournament	100
Class D	General (no fee to play charged)	35
Class E	General (fee to play charged)	
E-1	One table only	250
E-2	Up to two tables	500
E-3	Up to three tables	750
E-4	Up to four tables	1,500
E-5	Up to five tables	2,000
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2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 10
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIF.	(Same owners – see WAC 230-04-340(3))	35
LICENSE CLASS	(See WAC 230-04-260) new class fee, less previous fee paid, plus	10
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3. DISTRIBUTOR		\$1,000
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4. DISTRIBUTOR'S REPRESENTATIVE	Original Renewal	\$ 150 75
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5. LICENSE TRANSFERS	(See conditions in WAC 230-04-340 and 230-04-350)	\$ 35
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6. MANUFACTURER		\$1,250
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7. MANUFACTURER'S REPRESENTATIVE	Original Renewal	\$ 150 75
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8. PERMITS		
Class A	Agriculture fair/special property bingo One location and event only (see WAC 230-04-191)	\$ 10
Class B	Annual permit for specified different events and locations (see WAC 230-04-193)	100
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9. PUBLIC CARD ROOM EMPLOYEE	Original Renewal	\$ 100 50
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10. PUNCHBOARDS/PULL TABS		\$ 150

11.	SPECIAL INVESTIGATION FEES	(See WAC 230-04-240)	Varies
12.	SPECIAL LOCATION AMUSEMENT GAMES Class A	(Fee based on annual net receipts) One event per year lasting no longer than 12 consec. days	\$ 500
	Class B	\$25,000 or less	500
	Class C	\$25,001 - 100,000	1,500
	Class D	\$100,001 - 500,000	3,000
	Class E	Over \$500,000	5,000

[Statutory Authority: RCW 9.46.070 (5), (6), (8), (10) and (11). 84-01-026 (Order 139), § 230-04-201, filed 12/12/83.]

WAC 230-04-210 Withdrawal of application. An application for any license may be withdrawn by the applicant by submitting to the commission a written notice of withdrawal of the application. To be effective, such written notices must be actually received in the office of the commission in Olympia by 5:00 p.m. the day prior to issuance or denial of the license by the commission or its delegate.

The fact that an application for a license has previously been withdrawn shall not prejudice any future application for a license from the commission. [Order 5, § 230-04-210, filed 12/19/73.]

WAC 230-04-220 Prorating and refunding of fees--Discontinuance of business. (1) Unless otherwise provided by law, there will be no prorating of any license fee.

(2) Upon denial or withdrawal of an application for license, adoption or change of trade name, or change of location, the commission shall retain that portion of the fee tendered therewith as is necessary to offset its costs of processing and investigating the propriety of issuance of the license. [Order 51, § 230-04-220, filed 4/30/76; Order 46, § 230-04-220, filed 2/13/76; Order 5, § 230-04-220, filed 12/19/73.]

WAC 230-04-230 Intentionally understating anticipated revenue--Prohibited. It shall constitute grounds for revocation or suspension of a license if any applicant for license to conduct bingo, raffles and/or amusement games shall intentionally understate the anticipated gross or net receipts from the licensed activity for any purpose. [Statutory Authority: RCW 9.46.070 (5), (6), (8), (10), and (11). 84-01-026 (Order 139), § 230-04-230, filed 12/12/83; Order 42, § 230-04-230, filed 9/18/75; Order 5, § 230-04-230, filed 12/19/73.]

WAC 230-04-240 Special investigation fee. In addition to the basic license or permit fees, the commission may require payment of such additional license fees as are necessary to defray the costs of background investigations of applicants for whom adequate background information sources are not readily available, including,

but not limited to, applicants who have not resided in the state of Washington for at least one year. The commission may require payment of the estimated additional license fee in advance as a condition precedent to beginning the investigation.

The commission shall notify the applicant as soon as possible after it makes the determination that such additional fee is necessary and shall further notify the applicant of the commission's best estimate of what such additional license fee will be: *Provided*, That such estimate shall not be binding upon the commission. Any applicant may then withdraw his application if he so chooses, as provided under WAC 230-04-210 and 230-04-220. [Order 5, § 230-04-240, filed 12/19/73.]

WAC 230-04-255 Director may issue temporary licenses not to exceed sixty days. The director may issue a temporary license by the commission upon the administrative approval of the application for a license to conduct such activity for a period not to exceed sixty days. If the application is approved by the commission during the sixty day period, such temporary license will be replaced with the issuance of a license to expire one year from the date of the temporary license issued by the director under this provision. [Order 12, § 230-04-255, filed 2/14/74.]

WAC 230-04-260 Effect of exceeding license class income limit. (1) A licensee shall not exceed the class limit on annual gross or net receipts from the licensed activity.

(2) As soon as it is apparent to a licensee that the licensee's class limit on annual gross or net receipts from licensed activity will be exceeded, it shall immediately notify the commission and shall apply for the license class which is proper, submitting the basic fee required therefor less the amount originally submitted for the previous license, plus a change of classification fee required by WAC 230-04-201.

Any such additional license issued by the commission shall be valid only for the period which remains in the term of the previous license at the time such additional

license is issued. [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.]

WAC 230-04-270 Bad checks submitted as payment of fees. The submission in payment of a license fee of a check which for any reason is not promptly paid by the drawee bank shall be grounds for immediate denial of an application for the license, or for the suspension or revocation of a license issued for which the fee is due. The commission shall add fifteen dollars to each license fee when payment of a check originally submitted is denied by the drawee bank, or when the check is required to be resubmitted for payment for any reason. [Order 5, § 230-04-270, filed 12/19/73.]

WAC 230-04-280 Notification to law enforcement. Each licensee for the operation of an authorized gambling activity, within ten days after issuance of the license and before initially conducting any activity under the license, shall notify, in writing, the law enforcement agencies set forth below of the name and address of the licensee, the address where the activity will be conducted, the type of activity licensed, the date the activity shall first be conducted, and if the activity is planned to be conducted on a regular basis, the proposed schedule for the operation of the activity.

When the activity is to be conducted within a city or town, the local police agency shall be notified, and when the activity is to be conducted within a county, then the sheriff's office shall be notified.

No activity shall be initially conducted until such notification has been made. [Order 5, § 230-04-280, filed 12/19/73.]

WAC 230-04-290 Loss or destruction of licenses, permits, etc.—Fees. Upon the loss or destruction of any license granted by the commission to conduct gambling activities in the state of Washington, application for a duplicate must be made to the commission upon a form to be supplied by the commission. A notarized affidavit signed by the licensee, chief executive officer of a corporation or by each of the owners of a profit making business which details the circumstances under which the license was lost or destroyed and certifies that such license was, in fact, lost or destroyed, shall accompany such application. The fee for replacement of a license shall be ten dollars. [Statutory Authority: RCW 9.46.070(13). 78-06-066 (Order 85), § 230-04-290, filed 5/25/78; Order 5, § 230-04-290, filed 12/19/73.]

WAC 230-04-300 One annual change of premises allowed for bingo. A bona fide charitable or bona fide nonprofit organization, except agricultural fairs, which has obtained an annual license from the commission to conduct bingo games upon a specified premise may, not more often than once during each annual period for which it is licensed, make written application to the

commission for permission to conduct bingo, not to exceed three consecutive days, and not to exceed twelve consecutive hours per each day, at a location other than is authorized under its license.

Such application may be by letter, signed by the chief executive officer of the organization. The letter shall set out the name and address of the location upon which the bingo occasion would be conducted, the desired inclusive dates, the names and addresses of all persons who have an interest of any kind in those premises, the amount of rent, if any, that would be paid for the use of the premises and the basis upon which that rent was computed and a detailed explanation of why the change of location is being requested.

The application shall be made not less than fifteen calendar days prior to the date of the bingo occasion.

If the commission approves, the applicant will be notified by mail and provided with a permit for the event by the commission. The permit shall be prominently displayed upon the premises during the event.

The fee of five dollars shall be charged for processing the application, which shall accompany the written application letter and which shall be retained by the commission whether or not the permit is issued. [Order 29, § 230-04-300, filed 1/23/75; Order 5, § 230-04-300, filed 12/19/73.]

WAC 230-04-310 Change of name. No licensee shall adopt or make a change in his or her given name or a trade or corporate name without notifying the commission at least thirty days prior to the effective date of such change. Each such change shall be made subject to the approval of the commission. The fee for such adoption or change of name shall be ten dollars. [Statutory Authority: RCW 9.46.070(13). 78-06-066 (Order 85), § 230-04-310, filed 5/25/78; Order 5, § 230-04-310, filed 12/19/73.]

WAC 230-04-320 Change of location. No change of location of licensed premises shall be made without the written consent of the commission. The fee for such change will be twenty-five dollars: *Provided*, That persons operating amusement games under a special amusement game license issued pursuant to WAC 230-04-190(2) shall pay no fee for adding to or deleting from the list of locations for which that license was issued. [Order 60, § 230-04-320, filed 9/10/76; Order 21, § 230-04-320, filed 8/20/74; Order 5, § 230-04-320, filed 12/19/73.]

WAC 230-04-325 Cancellation, change of date or location of fund raising event. A cancellation or a change in date and/or location of a fund raising event as defined in RCW 9.46.020 requires:

(1) For cancellation, the licensee shall notify the commission and the appropriate law enforcement agency in advance of the date upon which the event is scheduled.

(2) For change of date or location, the licensee shall:

(a) Give at least ten days written notice to the commission in advance of the new date or location, together

with a signed statement from the chief executive officer that the appropriate law enforcement agency has been notified of the change;

(b) Pay a fee of twenty dollars to the commission for each such date or location change.

(3) For a cancellation or change in date and/or location, the permit form authorizing the event for the specific date or location shall be returned to the commission. [Statutory Authority: RCW 9.46.070 (5), (14) and 9.46.020(23), 81-19-073 (Order 112), § 230-04-325, filed 9/15/81.]

WAC 230-04-330 Change of management. No licensee shall make, or allow, a change in the management, directors, officers, or any other person holding a position with that licensee wherein he makes any management decision directly affecting the operation of any licensed gambling activity without notifying the commission in writing not more than thirty days following such change: *Provided*, That with respect to bona fide charitable or bona fide nonprofit organizations only, notice need not be given of change in officers until the required renewal date(s) for a particular license(s), or an additional license is applied for, whichever is sooner.

Each such change is subject to the approval of the commission.

Together with a notice of such change, the commission shall be supplied with all of the information which, by law or under the rules of the commission, would have been required to be supplied to the commission respecting such director or officer, or other person in a managerial position, with the licensee had he been in such capacity at the time the application for the license was originally submitted to the commission. [Order 67, § 230-04-330, filed 3/11/77; Order 40, § 230-04-330, filed 6/26/75; Order 5, § 230-04-330, filed 12/19/73.]

WAC 230-04-340 Transfer of licenses—Conditions. Transfers of licenses issued by the commission shall be permitted only under the following circumstances and conditions and those set out in WAC 230-04-350, upon approval by the director or the commission. Otherwise, no transfer of any license issued by the commission shall be permitted.

(1) If the licensee is a corporation, except as provided in subsection (2) below, a change in ownership of stock shall not be deemed a transfer of a license: *Provided*, That any change in the ownership of any stock in such corporation which results in any person or organization becoming the owner of a substantial interest therein who was not the owner of a substantial interest immediately preceding the transaction, or which involves ten percent or more of any class of stock, shall be reported to the commission, in writing, within ten days of the close of such transaction, together with such information concerning the person or persons receiving such stock as the director may require.

(2) Where a change in the ownership of the stock of any corporate licensee results in any person, together with any members of his or her immediate family, or results in any organization, becoming the owner of a

majority of the voting shares of that corporation who or which had not held a substantial interest in the corporation immediately prior to the change in ownership, gambling licenses held by that corporation shall immediately terminate and be void. In such cases a new license must be obtained from the commission prior to the operation of any gambling activity requiring a license.

(3) Licenses issued to other than bona fide charitable or bona fide nonprofit organizations may be transferred to a business entity wholly owned by the same person or persons who owned the business entity to which the license was originally issued, or by their spouses or children under the age of eighteen and residing at the family home or by others possessing less than a substantial interest in the business to which the license transfer is sought, but only when the licensed activity will be conducted on the same premises as that for which the license was issued.

(4) Transfers will not be permitted when any person owning or holding a substantial interest in any of the entities to which transfer is sought is not qualified to hold a gambling license.

The license or licenses of any corporation in which a person holds or acquires a substantial interest will be revoked when such person is not qualified to hold a gambling license.

The fee for transfer of the license under this rule shall be \$35. [Statutory Authority: RCW 9.46.030 (2), (3) and 9.46.070 (11), (14), 83-19-024 (Order 136), § 230-04-340, filed 9/13/83; Order 68, § 230-04-340, filed 4/25/77; Order 40, § 230-04-340, filed 6/26/75; Order 5, § 230-04-340, filed 12/19/73.]

WAC 230-04-350 Death or incapacity of licensee. In the event of the proven incapacity, death, receivership, bankruptcy or assignment for benefit of creditors of any licensee, upon approval of the director or commission the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate the activity under the license, subject to the provisions of chapter 9.46 RCW and the commission's rules.

The person to whom a license is transferred hereunder must be otherwise qualified to hold a gambling license.

The license following transfer shall be subject to regular renewal based upon its original expiration date and shall be void upon that person ceasing to hold such a court appointed, or court confirmed, position.

The fee for transfer of the license under this rule shall be \$35. [Order 68, § 230-04-350, filed 4/25/77; Order 5, § 230-04-350, filed 12/19/73.]

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

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties

imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto;

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission;

(3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of any crime, whether a felony or misdemeanor involving any gambling activity or involving moral turpitude;

(5) Denies the commission or its authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted or who fails promptly to produce for inspection or audit any book, record, or document required by law or regulation;

(6) Shall fail to display its license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity;

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission;

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

(9) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefor by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule then within 30 days after receiving a written request therefor from the commission or its staff;

(10) Allows any person who has been convicted of, or forfeited bond upon, any of the offenses set out in (4) above to participate in the management or operation of any activity regulated by the commission without prior written approval of the commission or its director. [Order 51, § 230-04-400, filed 4/30/76; Order 45, § 230-04-400, filed 12/30/75; Order 42, § 230-04-400, filed 9/18/75; Order 33, § 230-04-400, filed 2/21/75; Order 23, § 230-04-400, filed 9/23/74; Order 14, § 230-04-400, filed 3/27/74; Order 12, § 230-04-400, filed 2/14/74; Order 5, § 230-04-400, filed 12/19/73.]

WAC 230-04-410 Return of license suspended or revoked. Upon suspension or revocation of any license issued by the commission, the licensee shall immediately surrender and return the license to the commission. If such license is not received by the commission by the effective date of such suspension or revocation, the authorized representatives of the commission may enter the premises of the licensee and may enter the premises for which the license is issued for the purpose of retrieving said license: *Provided*, That the commission has notified the licensee in writing of the suspension or revocation of

the license not less than five days prior to any such attempt to enter such premises to recover the license. [Order 33, § 230-04-410, filed 2/21/75; Order 5, § 230-04-410, filed 12/19/73.]

WAC 230-04-450 Display of licenses. All licenses or permits granted by the commission shall be prominently displayed at all times upon the licensed premises in such position as they may be observed by persons participating in gambling activities on the licensed premises, except as may otherwise be provided by these rules.

If a licensed employee works in similar employment for one or more additional employers than the employer upon whose premises the original license is displayed, the employee may obtain from the commission such copy or copies of his or her license as may be necessary for display upon the premises of such additional employer. [Statutory Authority: RCW 9.46.070(7). 79-09-029 (Order 91), § 230-04-450, filed 8/14/79. Statutory Authority: RCW 9.46.070(13). 78-06-066 (Order 85), § 230-04-450, filed 5/25/78; Order 5, § 230-04-450, filed 12/19/73.]

WAC 230-04-455 Employees to wear identification tags. Each employee required to obtain a license from the commission shall wear an identification tag at all times while working or playing in the gambling activity on the employer's premises. The identification tag shall be a minimum of 3" X 2" and shall display the employee's full name and the name of the gambling operator or establishment. All information on the identification tag shall be clear and easily visible to the players in the gambling activity. The identification tag shall be worn on the employee's chest. It shall be furnished to the employee by the operator, who shall be equally responsible with the employee to insure the identification tag is displayed as required by this rule. [Statutory Authority: RCW 9.46.070 (10) and (13). 78-08-055 (Order 86), § 230-04-455, filed 7/20/78.]

WAC 230-04-500 Local gambling prohibitions. The commission shall issue no license to engage in any gambling activity in a county or city after the commission has been adequately notified in writing by the governing body of such county or city that the activity has been prohibited. [Order 23, § 230-04-500, filed 9/23/74; Order 5, § 230-04-500, filed 12/19/73.]

Chapter 230-08 WAC RECORDS AND REPORTS

WAC	
230-08-010	Monthly records.
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230-08-160	Quarterly activity reports by operators of social and public card rooms.
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230-08-240	Annual activity reports by special location amusement game licensees other than bona fide charitable or nonprofit organizations.
230-08-250	Annual activity reports by agricultural fairs and other bona fide charitable or nonprofit organizations with special location licenses to conduct bingo, raffles, and amusement games.
230-08-260	Fund raising events—Activity report required.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-08-020	Distributor's records. [Statutory Authority: RCW 9.46.070(7) and (13), 80-03-059 (Order 98), § 230-08-020, filed 2/25/80; Order 21, § 230-08-020, filed 8/20/74; Order 18, § 230-08-020, filed 5/21/74; Order 9, § 230-08-020, filed 12/19/73, 1:26 p.m.; Order 5, § 230-08-020, filed 12/19/73, 1:25 p.m.] Repealed by 83-10-002 (Order 132), filed 4/21/83. Statutory Authority: RCW 9.46.070 (8) and (11).
230-08-030	Manufacturer's records. [Order 14, § 230-08-030, filed 3/27/74; Order 9, § 230-08-030, filed 12/19/73, 1:26 p.m.; Order 5, § 230-08-030, filed 12/19/73, 1:25 p.m.] Repealed by 83-10-002 (Order 132), filed 4/21/83. Statutory Authority: RCW 9.46.070 (8) and (11).
230-08-230	Report required of certain sales. [Order 5, § 230-08-230, filed 12/19/73, 1:25 p.m.] Repealed by Order 14, filed 3/27/74.

WAC 230-08-010 Monthly records. Every person or organization licensed to operate any authorized gambling activity shall keep and maintain permanent monthly records of all of the activities of the licensee related to each licensed activity. These records shall be kept separate for each month and [shall] include, but not necessarily be limited to, all details of the following:

(1) The gross receipts from the conduct of each of the activities licensed.

(2) Full details on all expenses related to each of the activities licensed.

(3) The total cost of all prizes paid out for each of the activities licensed.

(4) With respect to those licensees receiving such licenses as qualified bona fide charitable or bona fide nonprofit organizations, except agricultural fairs, records which clearly show in detail how those proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee.

(5) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly record for punchboards and pull tab series removed from play during that month. This detailed

monthly record shall be recorded in a standard format prescribed by the commission and shall disclose for each set at minimum the following information:

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

(b) The Washington state identification stamp number issued by the commission and placed thereon;

(c) The series number of each pull tab series or punchboard;

(d) The date placed out for play;

(e) The date removed from play;

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

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

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

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

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

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

(l) The net receipts (gross receipts less total prizes paid);

(m) The cash over or short determined by (1) subtracting actual cash from net receipts for punchboards and pull tabs which pay cash prizes, and (2) subtracting actual cash from gross receipts for punchboards and pull tabs which award merchandise prizes;

(n) The actual cash received from the operation of each pull tab series or punchboard; and,

In the alternative, with written commission approval, licensees operating pull tabs may record (m) and (n) in total on a daily, weekly, or monthly basis.

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

Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by the commission from this requirement as to any particular record or records. [Statutory Authority: RCW 9.46.070 (8), (11), and (14), 83-13-050 (Order 134), § 230-08-010, filed 6/14/83; Statutory Authority: RCW 9.46.070(8), 82-01-065 and 82-03-033 (Order 115 and 116), § 230-08-010, filed 12/18/81 and 1/18/82; Order 74, § 230-08-010, filed 8/17/77; Order 18, § 230-08-010, filed 5/21/74; Order 9, § 230-08-010, filed 12/19/73, 1:26 p.m.; Order 5, § 230-08-010, filed 12/19/73, 1:25 p.m.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 230-08-015 Certain lower volume licensees may meet reduced recordkeeping requirements. Notwithstanding the provisions of WAC 230-08-010, persons holding licenses issued under the classes and circumstances set out in WAC 230-04-065 and persons operating without a license under RCW 9.46.030 (2) or (3)

need only keep a set of permanent records of all of the activities of the licensee related to conducting the licensed activity which includes the following, by month:

(1) The gross receipts from the conduct of each licensed activity;

(2) The total amount of cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually paid out for each licensed activity;

(3) A summary of all expenses related to each of the activities licensed; and

(4) The net income received by the licensee from the licensed activity with a designation of the purposes for which the net income was raised and the amount paid each recipient of any part of the net income.

These records shall be maintained by the licensee for a period of not less than three years from the end of the license year for which the record is kept unless released by the commission from this requirement as to any particular record. Persons operating under RCW 9.46.030 (2) or (3) without a license shall maintain the above records for a period of one year. [Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11). 83-06-077 (Order 127), § 230-08-015, filed 3/2/83; Order 70, § 230-08-015, filed 5/24/77; Order 53, § 230-08-015, filed 5/25/76; Order 29, § 230-08-015, filed 1/23/75; Order 21, § 230-08-015, filed 8/20/74; Order 14, § 230-08-015, filed 3/27/74.]

WAC 230-08-025 Accounting records to be maintained by distributors and manufacturers. Every licensed distributor and manufacturer shall keep and maintain a complete set of records which include all details of all activities of the licensee related to the conduct of the licensed activity. These records shall be recorded using the double entry accounting system prepared in accordance with generally accepted accounting principles on the same basis as the licensee's federal income tax return, and shall include but not necessarily be limited to the following records by month:

1. Sales invoices – every licensee shall use, for the purpose of recording sales of any and all types of goods and services, a general sales invoice which meets the following criteria and sets out the following information:

a. Prenumbered consecutively using a number not less than four digits;

b. The date of sale. For distributors only, if the date of delivery is different, then also the delivery date;

c. The customer name and adequate business address;

d. A full description of each item sold including any state identification stamp number;

e. The quantity and sales price of each individual item including individual items of merchandise to be used as prizes on punchboards and pull tabs;

f. The gross amount of each sale to each customer;

g. The sales invoice shall be prepared in at least three parts and distributed and maintained as follows:

(1) One shall be issued to the customer.

(2) One shall be retained in an invoice file by customer name.

(3) One shall be retained in an invoice file by invoice number or in an alternative manner that accounts for

each invoice numerically. This provision may be waived if the licensee receives written commission approval.

h. Credit memos for returned items shall be prepared in the same detail as items a through g above.

2. Sales journal – the sales journal shall contain at least, but not be limited to, the following by month:

a. The date of the sale;

b. The invoice number of the sale;

c. The customer name or person remitting a payment;

d. Sales shall be categorized at least by the following:

(1) Punchboards that pay out cash prizes;

(2) Punchboards that pay out merchandise prizes;

(3) Pull tabs that pay out cash prizes;

(4) Pull tabs that pay out merchandise prizes;

(5) Pull tab dispensing devices;

(6) Merchandise: Only that which is used as a prize on a punchboard or series of pull tabs.

(7) Other types of sales including but not limited to, equipment leases, equipment sales, and bingo supplies.

e. Total amount of the invoice;

3. Cash disbursements book (check register) – this record shall include a recording of all checks issued by the licensee, cash payments made by the licensee or payment made by any other means and shall contain at least, but not limited to, the following information by month:

a. The date the check was issued or payment made;

b. The number of the check issued;

c. The name of the payee;

d. Expenses shall be categorized by type.

All expenses by the licensee, both respecting its expenditures relating to gambling and nongambling activities, shall be documented by invoices or other appropriate supporting documents.

4. Cash receipts – all cash receipts shall be recorded in an original book of entry whether it be a sales journal, a check register, or a separate cash receipts journal, and at a minimum shall include a recording of not only cash sales, but also cash received from all sources, and shall contain at least, but not limited to, the following by month:

a. The date the payment was received;

b. The name of the person remitting the payment;

c. The amount of payment received;

5. General ledger – each licensee whose gambling related sales exceed \$500,000 per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of sale.

6. Bank reconciliation – a bank reconciliation shall be performed each month. In addition, all undeposited funds at year end shall be reconciled in an account titled cash on hand.

7. Copies of all financial data which support tax reports to any and all governmental agencies.

8. An alternative format may be used for sections 1, 2, and 3 upon advance written approval from the commission.

Each of these records shall be maintained for a period of not less than three years from the end of the licensee's fiscal year. [Statutory Authority: RCW 9.46.070 (8)]

and (11). 83-10-002 (Order 132), § 230-08-025, filed 4/21/83.]

WAC 230-08-070 Raffle records. Licensees for the operation of raffles shall be required to prepare a detailed record covering each individual raffle. This detailed record shall be recorded in a standard format prescribed by the commission. Each detailed raffle record shall be supported by a validated bank deposit receipt(s) and winning tickets.

Operators of Class C and D raffles shall be exempt from this rule, but will be required to keep all operator records in order to properly report all information as required by WAC 230-08-015.

These records shall be maintained for a period of not less than three years from the end of the licensee's fiscal year in which the raffle was completed. [Statutory Authority: RCW 9.46.070 (8) and (11). 83-11-034 (Order 133), § 230-08-070, filed 5/16/83.]

WAC 230-08-080 Daily records--Bingo. In addition to any other requirement set forth in these rules, licensees for the operation of bingo shall be required to prepare a detailed record covering each bingo session as defined in WAC 230-20-170: *Provided*, That operators of bingo games conducted at qualified agricultural fairs and other special locations shall be exempt from this rule, but will be required to keep all operator records by location in order to properly report all information as required by WAC 230-08-250. This detailed daily record shall be recorded in a standard format prescribed by the commission, shall disclose the following information and be retained for a period of not less than three years:

(1) The gross receipts collected for each separate type of sale, of any kind, for bingo games including, but not limited to, regular games, early bird games, blackout games, special games, or pick up games. These gross receipts are to be supported by proper receipting records as required by WAC 230-20-100.

(2) The amount paid out on each separate bingo game supported by the licensee's copy of the prize receipts issued as required by WAC 230-20-100. Where a prize is awarded other than cash, such as merchandise or a trip, the amount for such prize shall be its actual cost to the licensee. Each prize awarded other than cash shall be fully described in these records.

(3) A statement of the daily net receipts from the licensed activity accruing to the organization, supported by a validated copy of the bank deposit receipt.

(4) The cash on hand at the commencement and the conclusion of each session, along with a reconciliation of cash to the daily net receipts for each session. Overages and/or shortages exceeding \$10.00 are to be explained.

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

Items 1 through 5 shall be recorded during the course of each session and this record shall be signed immediately following its completion by the person or persons

preparing the daily record and by the bingo manager responsible for the session. [Statutory Authority: RCW 9.46.070 (8), (11), and (14). 83-13-050 (Order 134), § 230-08-080, filed 6/14/83; Order 74, § 230-08-080, filed 8/17/77; Order 43, § 230-08-080, filed 11/28/75; Order 15, § 230-08-080, filed 4/17/74; Order 5, § 230-08-080, filed 12/19/73, 1:25 p.m.]

WAC 230-08-090 Daily records--Card games. In addition to any other requirements set forth in these rules, persons licensed to operate card rooms shall be required to prepare a detailed record covering each occasion. This record shall be maintained continuously during hours of operation and updated immediately following the collection of fees during all time periods. The commission shall provide to the licensee a consecutively prenumbered standard format record sheet in three parts. This form shall contain the following:

- (1) The date of the occasion;
- (2) The time that the half hour fee was charged;
- (3) The amount of half hour fee charged per table;
- (4) The number of players at each table at half hour intervals to include all nonpaying house players;
- (5) The names and time of play for each nonpaying house player (which may only include licensed card room employees and the licensee);
- (6) The amount of fees collected at each table each half hour;
- (7) The cumulative gross amount received from fees collected on each occasion and in total;
- (8) A reconciliation of chips and cash on a daily basis; and
- (9) A printed name, signature, and hours worked of the person who was responsible for the collection of fees.

All detailed record sheets issued to a licensee shall be numerically accounted for, and the original of each three part record shall be maintained on the premises for a period of not less than three years from the date of the occasion which it records. An "occasion" for card rooms shall be defined as 20 hours beginning at 6:00 a.m. one day and running continuously through 2:00 a.m. the following day. [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 230-08-095 Minimum standards for Class C and larger bingo games--Monthly and annual accounting records. A double entry accounting system shall be maintained by all bingo licensees, except Class A and B:

(1) This system shall include all receipts and disbursements of the licensee, including but not limited to, those related to bingo, and shall conform to generally accepted accounting principles. The system shall be the same system as the licensee uses as the basis for its reporting to the U.S. Internal Revenue Service on its form 990.

The cash basis or modified cash basis shall be acceptable accounting system methods only as long as they accurately represent the results of operations. The

preferable method of accounting shall be the accrual method. The accrual method is mandatory where the licensee has substantial or material liabilities.

At minimum, the double entry system shall include a general ledger, a monthly cash disbursements journal (check register) and a monthly sales journal (cash receipts journal).

(2) All expenditures by the licensee, both respecting its expenditures relating to gambling, and nongambling activities, shall be documented by invoices or appropriate supporting documents. [Order 45, § 230-08-095, filed 12/30/75.]

WAC 230-08-100 Political contributions of licensees to be reported. Each licensee shall file with the commission a report fully disclosing each gift or contribution of money, or other thing of value, made directly or indirectly by the licensee or the licensee's spouse, or by any person having a substantial interest in the licensee, to, or for the benefit of:

(1) Any candidate for public office or any public officeholder; or

(2) Any committee or association of persons formed to promote to encourage any candidate or candidates for, or holder or holders of, any public office; or

(3) Any person or association actually advocating any legislation or administrative rule, or any changes therein.

These reports shall be filed in the office of the commission within ten calendar days after each gift or contribution is made, or if the gift or contribution is made within three weeks prior to any election of the candidate for public office or the balloting on any legislative or referendum or other ballot issue for or to which the gift or contribution is made, then the report shall be filed within three days after each gift or contribution is made.

The filing herein shall reflect all such gifts or contributions made prior to the time of the report. The report shall be made under oath on a form obtained from the commission. No report need cover any period of time which is covered by a previous report filed with the gambling commission.

The report shall at minimum include the following for each gift or contribution:

(a) The amount of the gift or contribution, or a description and the retail value if other than cash; and

(b) The name of the person for whose benefit the gift or contribution was made; and

(c) The name of the person or association to whom the gift or contribution was actually made; and

(d) The name of the person or association actually making the gift or contribution; and

(e) The date the contribution was made.

Provided, That gifts or contributions made directly to a recognized political party in the state of Washington for general party purposes and not for the benefit of a specific candidate or candidates, and gifts or contributions for the benefit of a specific person or persons or for the benefit of any initiative, referendum or ballot issue which accumulate to less than five dollars in any calendar year shall be exempt from this reporting requirement.

Provided further, That licensed, dues paying members of bona fide trade associations which are not principally formed for the purpose of influencing candidates for public office, public officeholders, legislation, or administrative rules and are not principally formed for the purpose of representing, speaking for or advising licensees of the commission are exempted from this reporting requirement concerning the funds paid to the trade association only, if:

(a) The trade association is registered as a political committee, or its authorized representative is registered as a lobbyist, with the Washington state public disclosure commission and copies of all reports furnished by the trade association, its registered lobbyist, or both to the public disclosure commission are furnished to the gambling commission at the same time they are required to be filed with the public disclosure commission;

(b) Such exemption is specifically granted by the Washington state gambling commission to the trade association's dues paying members; and

(c) The trade association agrees in writing to open its financial records relating to dues, voluntary donations, gifts, contributions or other sources of income or expenditures for inspection by the gambling commission at any time, with or without notice. [Order 23, § 230-08-100, filed 9/23/74.]

WAC 230-08-120 Quarterly activity report by operators of bingo games (license Class C and above). Each licensee for the operation of bingo games (license Class C and above) conducted by bona fide charitable or non-profit organizations, shall submit an activity report to the commission concerning the licensed activity and other matters set forth below during each of the following periods of the year:

January 1st through March 31st

April 1st through June 30th

July 1st through September 30th

October 1st through December 31st

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

Each report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the president, or equivalent officer and shall be submitted upon a form to be obtained from the commission. If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report. The report shall include, among other items, the following:

(1) The gross receipts from bingo by month.

(2) The total amount of cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually paid out by month.

(3) The net receipts by month.

(4) Full details on all expenses directly related to bingo, including all compensation paid by the licensee to

each person for any work connected with the management, promotion, conduct or operation of bingo including a description of the work performed by that person.

(5) The net income. [Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11). 83-06-077 (Order 127), § 230-08-120, filed 3/2/83; Order 70, § 230-08-120, filed 5/24/77; Order 46, § 230-08-120, filed 2/13/76; Order 42, § 230-08-120, filed 9/18/75; Order 29, § 230-08-120, filed 1/23/75; Order 23, § 230-08-120, filed 9/23/74; Order 15, § 230-08-120, filed 4/17/74; Order 5, § 230-08-120, filed 12/19/73, 1:25 p.m.]

WAC 230-08-125 Annual activity reports by operators of Class A or B bingo, all classes or raffles, and bona fide charitable or nonprofit amusement games. Each licensee for the operation of all classes of raffles and bona fide charitable or nonprofit amusement games, and Class A or B bingo shall submit to the commission an annual summary of each separate licensed activity on a form supplied by the commission. This section shall become effective for license years beginning after March 31, 1983.

Each report shall be received in the office of the commission or postmarked no later than 30 days following the expiration of such organization's license year. The report shall be signed by the highest ranking executive officer. If the report is prepared by someone other than this officer, then the preparer shall also sign the report. The report shall include, among other items, the following:

(1) The gross receipts from the conduct of each licensed activity;

(2) The total amount of cash prizes actually paid out, and the total of the cost to the licensee of all merchandise prizes actually paid out for each licensed activity;

(3) The net receipts for each activity;

(4) Full details on all expenses directly related to each activity, including all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of each of the licensed activities, including a description of the work performed by that person. Provided that RCW 9.46.020(19) and WAC 230-20-070 are observed in relation to the restriction against employing persons to conduct or otherwise take part in the operation of a raffle.

(5) The net income from each activity. [Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11). 83-06-077 (Order 127), § 230-08-125, filed 3/2/83.]

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

January 1st through March 31st

April 1st through June 30th

July 1st through September 30th

October 1st through December 31st

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

Each report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the owner, president, or equivalent officer and shall be submitted upon a form to be obtained from the commission. If the report is prepared by someone other than the licensee or his employee then the preparer shall also sign the report. The report shall include, among other items, the following:

(1) The gross receipts of the licensee from all sources other than licensed gambling activities during the reporting period.

(2) The portion of the receipts set out in response to (1) above related solely to the sale of food and drink for consumption on the premises.

(3) The gross receipts from punchboards and the gross receipts from pull tabs.

(4) The total amount of cash prizes paid out and the cost to the licensee of all merchandise prizes paid out, for punchboards and for pull tabs.

(5) All expenses relating directly to the purchase and operation of punchboards and pull tabs.

(6) Total net income. [Statutory Authority: RCW 9.46.070(8). 82-04-010 (Order 118), § 230-08-130, filed 1/22/82; Order 80, § 230-08-130, filed 12/28/77; Order 70, § 230-08-130, filed 5/24/77; Order 46, § 230-08-130, filed 2/13/76; Order 29, § 230-08-130, filed 1/23/75; Order 14, § 230-08-130, filed 3/27/74; Order 5, § 230-08-130, filed 12/19/73, 1:25 p.m.]

WAC 230-08-140 Quarterly activity reports by distributors. Each licensed distributor shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

January 1st through March 31st

April 1st through June 30th

July 1st through September 30th

October 1st through December 31st.

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

Each report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the owner, president, or equivalent officer and shall be submitted upon a form to be obtained from the commission. If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report. The report shall include, among other items, the following:

(1) The gross receipts from all sales of devices, equipment or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, or pull tab dispensing devices, where such sales are made in the state of Washington or for use or distribution within this state.

(2) The quantity of each specific type of device, equipment or merchandise sold within this state or for distribution and use within this state by the licensee.

(3) A listing of the name and address of each person who was a distributor's representative for the licensee during the three month period or who attempted to solicit sales of such devices, equipment or merchandise, either within the state of Washington or for use or distribution within the state.

(4) The number of employees in the state of Washington other than those listed in (3) above. [Statutory Authority: RCW 9.46.070(7), 79-09-029 (Order 91), § 230-08-140, filed 8/14/79; Order 70, § 230-08-140, filed 5/24/77; Order 46, § 230-08-140, filed 2/13/76; Order 29, § 230-08-140, filed 1/23/75; Order 5, § 230-08-140, filed 12/19/73, 1:25 p.m.]

WAC 230-08-150 Quarterly activity reports by manufacturers. Each licensed manufacturer shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

January 1st through March 31st
 April 1st through June 30th
 July 1st through September 30th
 October 1st through December 31st

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

Each report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the owner, president, or equivalent officer and shall be submitted upon a form to be obtained from the commission. If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report. The report shall include, among other items, the following:

(1) The gross receipts from all sales of devices, equipment, or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, or pull tab dispensing devices, when such sales are made in the state of Washington or for distribution or use within the state of Washington.

(2) The quantity of each specific type of such device, equipment, or merchandise sold within the state or for distribution or use within the state of Washington by the licensee.

(3) A listing of the name and address of each person who was a manufacturer's representative for the licensee or who solicited sales of such devices or equipment for or on behalf of the licensee within the state of Washington or for use or distribution within the state.

(4) The number of employees in the state of Washington other than those listed in (3) above.

(5) A summary of the prices charged by the licensee for each specific type of such device, equipment, paraphernalia, or merchandise of any kind sold or furnished by the licensee during the period for which the report is

made. If the price of a particular item has varied during the period, each such change shall be listed together with the date each such change was made. [Order 70, § 230-08-150, filed 5/24/77; Order 46, § 230-08-150, filed 2/13/76; Order 29, § 230-08-150, filed 1/23/75; Order 14, § 230-08-150, filed 3/27/74; Order 5, § 230-08-150, filed 12/19/73, 1:25 p.m.]

WAC 230-08-160 Quarterly activity reports by operators of social and public card rooms. Each licensee for the operation of social or public card rooms shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

January 1st through March 31st
 April 1st through June 30th
 July 1st through September 30th
 October 1st through December 31st.

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

Each report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the owner, president, or equivalent officer and shall be submitted upon a form to be obtained from the commission. If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report. The report shall include, among other items, the following:

(1) The gross receipts of the licensee from all sources other than licensed gambling activities during the report period.

(2) The portion of the receipts set out in response to (1) above related solely to the sale of food and drink for consumption on the premises.

(3) Gross receipts from the collection of fees charged for allowing persons to play.

(4) Full details on all expenses directly related to the operation of the card room, including all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of the card room, including a description of the work performed by that person.

(5) The net income or loss from the operation of the card room for the reporting period.

Provided, That persons licensed under Class D - general, no fee charged, are exempt from all portions of this rule. [Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11), 83-06-077 (Order 127), § 230-08-160, filed 3/2/83; Order 80, § 230-08-160, filed 12/28/77; Order 70, § 230-08-160, filed 5/24/77.]

WAC 230-08-170 Punchboard and pull tab retention. Each punchboard which is removed from operation for any reason, except for surrender to the commission, shall be retained by the operator for at least six months following the last day of operation of said board and the board so removed with the prize flare attached thereto,

together with the winning punches of \$5 and above from said board, shall remain available for inspection by the commission or its agents and local law enforcement agencies and taxing agencies.

Each pull tab series which is removed from operation for any reason, except for surrender to the commission, the prize display flare for that pull tab series containing the gambling commission identification stamp, together with the unused pull tabs and winning pull tabs of \$5 and above in that series, shall be retained by the operator for at least six months following the last day of operation of said pull tab series and remain available for inspection by the commission or its agents and local law enforcement and taxing agencies. [Statutory Authority: RCW 9.46.070(11). 81-21-033 (Order 114), § 230-08-170, filed 10/15/81; Order 72, § 230-08-170, filed 7/26/77; Order 23, § 230-08-170, filed 9/23/74; Order 14, § 230-08-170, filed 3/27/74; Order 5, § 230-08-170, filed 12/19/73, 1:25 p.m.]

WAC 230-08-200 All records subject to commission audit. Any and all records of any person operating any activity authorized by RCW 9.46.030, or any licensed distributor or manufacturer of gambling devices, paraphernalia or equipment, or any commission permittee, its employees, any of its members that directly participate in the management, operation or promotion of an authorized activity, including but not limited to, those which are required to be kept or which relate in any manner to the conduct of any activity licensed by the commission, or of a rule of the commission, shall be subject to an audit by the commission and any of its authorized representatives, without notice: *Provided*, That unless otherwise provided elsewhere in these rules, such an audit must be begun between the hours of 8:00 a.m. and 5:00 p.m. on a weekday other than a holiday, or during the hours in which the activity is being actually operated, and performed upon the premises of the licensee where the records are located.

In the event of an audit by the commission, or any of its authorized representatives, the operator, distributor, manufacturer or permittee, shall immediately provide all such records, provide a place where such audit may be performed and render such reasonable assistance to the commission and its representatives in inspecting such records as may be requested. [Order 53, § 230-08-200, filed 5/25/76; Order 15, § 230-08-200, filed 4/17/74; Order 5, § 230-08-200, filed 12/19/73, 1:25 p.m.]

WAC 230-08-240 Annual activity reports by special location amusement game licensees other than bona fide charitable or nonprofit organizations. Each licensee to conduct amusement games at special locations, other than bona fide charitable or nonprofit organizations, shall submit an activity report to the commission concerning the operation of those amusement games and other matters set forth below for each calendar year. Each report shall be received in the office of the commission or postmarked no later than February 28th of the following calendar year.

The report shall be signed by the owner, president, or equivalent officer and shall be submitted upon a form to be obtained from the commission. If the report is prepared by someone other than the licensee or his employee then the preparer shall also sign the report. The report shall include, among other items, the following:

- (1) The gross receipts from amusement games by location;
- (2) The total cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually paid out for amusement games by location;
- (3) The net receipts from amusement games;
- (4) Full details on all expenses directly related to conducting such amusement games;
- (5) The net income from amusement games; and
- (6) The gross receipts from the rental or leasing of space for any licensed gambling activity. [Order 74, § 230-08-240, filed 8/17/77.]

WAC 230-08-250 Annual activity reports by agricultural fairs and other bona fide charitable or nonprofit organizations with special location licenses to conduct bingo, raffles, and amusement games. Each bona fide charitable or nonprofit licensee for the operation of bingo, raffles, and amusement games conducted only at agricultural fairs and other special locations shall submit an activity report to the commission concerning the operation of the licensed activities and other matters set forth below for the period of their license.

Each report shall be received in the office of the commission or postmarked no later than 30 days following the expiration date of the license. All persons operating by virtue of a permit issued by the commission shall furnish to the licensee in conjunction with whom the permit is used, all information with respect to their own operation which is needed by the licensee to complete its report not less than ten days prior to the time the licensee is required to file his report with the commission.

The report shall be signed by the president, or equivalent officer, and shall be submitted upon a form to be obtained from the commission. If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report. The report shall include, among other items, the following:

- (1) The gross receipts from each separate gambling activity;
- (2) The total cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually paid out for each separate gambling activity;
- (3) The net receipts for each separate gambling activity;
- (4) Full details on all expenses directly related to each separate gambling activity;
- (5) The net income from each separate gambling activity; and
- (6) The gross receipts from the rental or leasing of space for licensed gambling activities. [Order 74, § 230-08-250, filed 8/17/77.]

WAC 230-08-260 Fund raising events--Activity report required. Each licensee for the operation of fund

raising events shall submit an activity report to the commission concerning the operation of the licensed activities and other matters set forth below for the period of each event. Each report shall be received in the office of the commission no later than 30 days following the authorized operating days or day. The report shall be signed by the president, or equivalent officer, and shall be submitted on a form to be provided by the commission. If the report is prepared by someone other than the president or equivalent officer of the organization, then the preparer shall sign the report also. The report shall include, among other items, the following information:

- (1) The gross receipts from each separate gambling activity;
- (2) Total cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually given out for each separate gambling activity;
- (3) The net receipts for each separate gambling activity;
- (4) The total net receipts;
- (5) Full details of all expenses directly related to each event. [Order 78, § 230-08-260, filed 11/17/77.]

Chapter 230-12 WAC RULES OF GENERAL APPLICABILITY

WAC	
230-12-010	Inspection of premises, records and devices.
230-12-020	Gambling receipts deposit required by all bona fide charitable and nonprofit organizations.
230-12-030	No beer or liquor as prizes.
230-12-040	No firearms as prizes.
230-12-050	No credit to be allowed.
230-12-070	Conduct of gambling activity.
230-12-080	Licensee to maintain copy of commission's rules on premises.
230-12-200	Prohibited practices—Contracts—Gifts—Rebates, etc.
230-12-210	Prices charged by manufacturers, distributors and operators for goods and services not to be fixed by agreement.
230-12-220	Agreement requiring payment by licensee based upon percentage of receipts from authorized activity—Prohibited.
230-12-225	Repair or service not to be conditioned upon exclusive supply arrangement.
230-12-230	Agreements restricting freedom to buy and sell—Prohibited.
230-12-250	No division of territories allowed.
230-12-280	Suspension of licenses, certificates, and permits for various purposes for premises upon which violations occur.
230-12-300	Resident agent to be appointed by foreign manufacturers and distributors.
230-12-310	Licensees to report to the commission all civil or criminal actions filed against them.
230-12-900	Deputy director.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-12-400	License expiration extension. [Order 5, § 230-12-400, filed 12/19/73.] Repealed by Order 23, filed 9/23/74.
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WAC 230-12-010 Inspection of premises, records and devices. All premises licensed, or any premises in

any way connected physically or otherwise with a licensed business, including vehicles used in connection therewith, shall at all times be open to inspection by the commission or its authorized representatives.

At any time during which a licensed gambling activity is being operated upon a premises, the commission, and any authorized representative of the commission, may enter upon the premises without advance notice and:

- (1) Make a count of all monies received during the operation of the licensed activity located on the premises, inspect all receipts for income issued by the licensee, and inspect all receipts for prizes which have been awarded by the licensee.
- (2) Inspect any of the other records of the licensee, or of any member that directly participates in the management, operation or promotion of a licensed activity, or of any employee of the licensee, or of any operator of the licensed activity.

(3) Inspect, including the dismantling of, all pieces of equipment or parts thereof, or devices of any nature, which are being used to conduct the licensed activity.

(4) When the commission, or its authorized representative, finds cause to believe that there is a reasonable probability that the provisions of chapter 9.46 RCW, including any amendments thereto, or any of the rules passed by the commission, have been or are being violated by the licensee, or its employees or operators, remove to another location or locations for further inspection and investigation, any and all records and any and all equipment, parts thereof, and devices of any nature located upon the premises related to the operation of the licensed activity, or any other gambling activity.

A receipt shall be issued to the licensee or operator of the activity which shall list and describe each record and each piece of equipment, or part thereof, and device which has been removed from the premises.

Each such record, piece of equipment, part thereof, and device so removed shall be returned to the premises or to the address of the licensee within a reasonable period of time after its removal in as good a condition as it was in when removed, unless the commission, or the director of gambling, determines that the record, equipment or devices so removed are necessary for an ongoing investigation of possible violations of statutes or rules of the commission by the licensee, by employees of the licensee, or by operators of the licensed activity. [Statutory Authority: RCW 9.46.070(8), 9.46.20(14) [9.46.020(14)] and 9.47.130. 81-21-033 (Order 114), § 230-12-010, filed 10/15/81; Order 57, § 230-12-010, filed 7/9/76; Order 42, § 230-12-010, filed 9/18/75; Order 5, § 230-12-010, filed 12/19/73.]

WAC 230-12-020 Gambling receipts deposit required by all bona fide charitable and nonprofit organizations. (1) Every licensed bona fide charitable or nonprofit organization shall keep a separate gambling receipts' account in a reorganized Washington state depository authorized to receive funds, which shall be kept separate and apart and actually segregated from the licensee's general funds: *Provided*, That if such activities are conducted on the United States' portion of the Point

Roberts Peninsula, Washington, the deposit may be made in a British Columbia branch of a Canadian bank. Licensees are not limited to a single gambling receipts account as long as a minimum of one separate account is maintained. The following conditions of deposit will be met:

(a) No expenditures other than for prizes shall be made from the receipts of any licensed gambling activity until such receipts have first been deposited in the gambling receipts account;

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

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

(d) All deposits from bingo net receipts made to the gambling receipts account shall be made separately from all other deposits, and the validated deposit receipt shall be kept with the daily records as required by WAC 230-08-080.

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

(a) Raffles under the provisions of RCW 9.46.030(2);

(b) Bingo, raffles, or amusement games under the provisions of RCW 9.46.030(3);

(c) Class A or B bingo game;

(d) Class C raffle; or

(e) Class A amusement game.

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

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

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

(c) The validated deposit receipt shall be kept with the licensee's gambling records. [Statutory Authority: RCW 9.46.070 (9), (12) and (14). 83-08-051 (Order 130), § 230-12-020, filed 4/1/83. Formerly WAC 230-20-150.]

WAC 230-12-030 No beer or liquor as prizes. No beverages containing alcohol, including but not limited to, beer or liquor, shall be offered or awarded as a prize or in lieu of a prize for winning at any of the activities authorized by RCW 9.46.030. No such alcoholic beverages shall be furnished to any person participating in the activity by anyone except upon the participant paying the market price therefor. If liquor is offered for sale upon the premises where an authorized activity is being conducted then no one under the age of eighteen years shall be admitted to that portion of the premises used to

conduct the authorized activity. The licensee and each person conducting the activity and each person physically operating the activity shall be responsible to see that no unauthorized person is admitted to that portion of the premises. [Order 51, § 230-12-030, filed 4/30/76; Order 12, § 230-12-030, filed 2/14/74; Order 5, § 230-12-030, filed 12/19/73.]

WAC 230-12-040 No firearms as prizes. No firearms, air guns which are capable of discharging dangerous projectiles, including but not limited to, BB's; or CO² guns, including but not limited to, rifles, shotguns, pistols, or revolvers; shall be offered or awarded as a prize or in lieu of a prize for winning at any of the activities authorized by RCW 9.46.030. [Order 51, § 230-12-040, filed 4/30/76; Order 12, § 230-12-040, filed 2/14/74.]

WAC 230-12-050 No credit to be allowed. No licensee, or any of its members or employees, or any operator, conducting, or in any way participating in the conduct of any of the activities which are authorized by RCW 9.46.030 or by commission rule, shall allow a person to play that activity on credit, or shall grant a loan or gift of any kind at any time to a person playing the activity. When a person is charged consideration for the privilege of playing the activity that consideration shall be collected in full, by cash or check, in advance: *Provided*, That the consideration paid for the opportunity to play a punchboard or pull tab series may be collected immediately after the play is completed only when such consideration is five dollars or less: *Provided further*, That where a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by RCW 9.46.030 or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection with the playing of any of the activities authorized hereunder if:

(1) The playing of such activity is limited to regular members of such organization who have become regular members prior to the commencement of such activity and whose qualifications for membership were not dependent upon, or in any way related to, the playing of such activity; and

(2) The commission has given its prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules. [Order 51, § 230-12-050, filed 4/30/76; Order 15, § 230-12-050, filed 4/17/74; Order 5, § 230-12-050, filed 12/19/73.]

WAC 230-12-070 Conduct of gambling activity. No person operating any activity authorized by RCW 9.46.030 shall, directly or indirectly, in the course of such operation:

(1) Employ any device, scheme or artifice to defraud;

(2) Make any untrue statement of a fact, or omit to state a fact necessary in order to make a statement not misleading, in consideration of the circumstance under which such statement was made;

(3) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any person. [Order 53, § 230-12-070, filed 5/25/76; Order 5, § 230-12-070, filed 12/19/73.]

WAC 230-12-080 Licensee to maintain copy of commission's rules on premises. Each licensee for the operation of a gambling activity shall obtain, maintain and keep current, a copy of the rules of the commission, which shall be located upon each premises used for the conduct of a licensed activity by a licensee at all times the activity is there conducted. The rules shall be produced by the licensee and shown to any person upon demand. The fact that a licensee may not have a current copy of each of the rules of the commission shall not in any way diminish the licensee's obligation to abide by these rules. [Statutory Authority: RCW 9.46.070(13), 78-06-066 (Order 85), § 230-12-080, filed 5/25/78; Order 12, § 230-12-080, filed 2/14/74.]

WAC 230-12-200 Prohibited practices--Contracts--Gifts--Rebates, etc. (1) No contract shall be made or entered into whereby any operator or distributor agrees to deal in, purchase or operate any particular brand or brands of gambling device or equipment to the exclusion of any other brand of gambling device or equipment.

(2) No manufacturer or distributor, or his employee, shall directly or indirectly, solicit, give or offer to, or receive from any other licensee or any employee thereof, any gifts, discounts, loans of money, premiums, rebates, free merchandise of any kind, treats or services of any nature whatsoever; nor shall any licensee or employee thereof, directly or indirectly, solicit, receive from, or give or offer to any manufacturer or distributor, or his employee, any gifts, discounts, loans of money, premiums, rebates, free merchandise of any kind, treats or services of any nature whatsoever. Each licensed manufacturer or distributor of gambling devices, equipment or other gambling paraphernalia selling such items or related services in the state of Washington shall make such items or services available to all persons licensed to sell or operate such items or receive such services in Washington without discrimination and on the same prices and terms for all persons: *Provided*, That a manufacturer, by policy of the manufacturer, may choose to sell and provide services only to distributors: *Provided further*, That nondiscriminatory discounts offered to all parties on the same conditions shall be permitted.

(3) No manufacturer or distributor, or distributor's representative, shall sell to any person, or solicit from any person, any order for any device, equipment, merchandise, property or service, contingent upon that person or another purchasing or ordering some other device, equipment, merchandise, property or service. The price of any such device, equipment, merchandise, property or service charged by the licensee to another person shall not vary depending upon whether or not that person, or another, purchases or orders some other device, equipment, merchandise, property or service.

(4) In selling equipment, fixtures, supplies or commodities other than gambling devices, no manufacturer or distributor shall grant to licensees, nor shall such licensees accept, more favorable credit terms or arrangements than those extended to nonlicensed parties. The price thereof shall be in conformity with the open market price in the locality where sold and the terms of such sales shall not exceed those normally granted in accordance with the customary business practice of the particular trade in the locality where such sales are made. [Order 80, § 230-12-200, filed 12/28/77; Order 5, § 230-12-200, filed 12/19/73.]

WAC 230-12-210 Prices charged by manufacturers, distributors and operators for goods and services not to be fixed by agreement. No manufacturer, distributor or operator shall by agreement, either express or otherwise, with any other manufacturer, distributor or operator, fix the price at which any device, paraphernalia, machine, equipment, punchboard or pull tab, prize or any other item used in connection with any of the activities authorized by chapter 9.46 RCW, as now or hereafter amended, shall be sold, or for which services in connection therewith shall be rendered. The price of these items in the competitive market place shall be established by each manufacturer, distributor or operator for the products and services offered by each and shall not be established, directly or indirectly, in concert with one another. [Order 29, § 230-12-210, filed 1/23/75; Order 23, § 230-12-210, filed 9/23/74; Order 14, § 230-12-210, filed 3/27/74.]

WAC 230-12-220 Agreement requiring payment by licensee based upon percentage of receipts from authorized activity--Prohibited. No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any activity authorized under RCW 9.46.030, or any amendments thereto, upon any premises if the lease, license, contract, or any other arrangement under which the right to use the premises for the conduct of the activity is obtained requires an unreasonable rental or other payment to another, or such rental or other payment is to be paid by the licensee wholly or partly, on the basis of a percentage of the receipts or profits derived from such gambling activity. [Order 58, § 230-12-220, filed 8/17/76; Order 42, § 230-12-220, filed 9/18/75; Order 18, § 230-12-220, filed 5/21/74.]

WAC 230-12-225 Repair or service not to be conditioned upon exclusive supply arrangement. No licensed manufacturer or distributor shall condition repair or service of any device or product upon an agreement by any person to purchase or obtain products or services solely from such manufacturer or distributor, or solely from any other person or combination of persons. [Order 80, § 230-12-225, filed 12/28/77.]

WAC 230-12-230 Agreements restricting freedom to buy and sell--Prohibited. No person shall enter into

any agreement, expressly or implied, with any other person which requires any person to purchase exclusively from, or sell exclusively to, any other person, or which prohibits any person from purchasing from or selling to any other person, any devices, materials, products, equipment or services which are used or offered in any way in connection with a gambling activity. No person shall enter into any agreement, express or implied, wherein any person is prohibited from, or required to, make purchases or sales only within a particular geographic area: *Provided*, That such agreements may be entered into between a licensee and its licensed representative. [Order 15, § 230-12-230, filed 4/17/74.]

WAC 230-12-250 No division of territories allowed. No manufacturer or distributor shall make or have an agreement or understanding with any licensee that either of them shall be restricted in the operation and carrying on of business to a specific geographic area, or areas, and such a restriction shall not be a condition of any sales between a manufacturer or distributor and any other licensee: *Provided*, That this shall not prevent a distributor or manufacturer from assigning sales territories among its bona fide representatives. [Order 21, § 230-12-250, filed 8/20/74; Order 5, § 230-12-250, filed 12/19/73.]

WAC 230-12-280 Suspension of licenses, certificates, and permits for various purposes for premises upon which violations occur. When a violation of any provision of chapter 9.46 RCW, or any amendment thereto, or any of the rules or regulations passed by the commission has occurred on any premises upon which gambling activities are conducted, for which any other license, permit or certificate issued for any purpose by any agency of the state, or political subdivision of the state, is in effect, then all such licenses, permits or certificates may be voided by the issuing agency or body pursuant to RCW 9.46.150(2), and any amendments thereto, and no license, permit or certificate so voided shall be issued or reissued for such premises for a period of up to sixty days thereafter. [Order 53, § 230-12-280, filed 5/25/76; Order 42, § 230-12-280, filed 9/18/75; Order 5, § 230-12-280, filed 12/19/73.]

WAC 230-12-300 Resident agent to be appointed by foreign manufacturers and distributors. Each manufacturer and each distributor selling or distributing punchboards, pull tabs, or pull tab dispensing devices in this state, or for use within this state, that is not a Washington resident or Washington corporation shall designate a natural person who is a resident and living in the state of Washington and who is eighteen years of age or older as a resident agent for the purpose of receipt and acceptance of service of process and other communications on behalf of the manufacturer or distributor. The name and business address where service of process and delivery of mail can be made, and home address of such designated resident agent shall be filed with the commission and with any other state agency required by law. [Order 60, § 230-12-300, filed 9/10/76; Order 33,

§ 230-12-300, filed 2/21/75; Order 5, § 230-12-300, filed 12/19/73.]

WAC 230-12-310 Licensees to report to the commission all civil or criminal actions filed against them. Each licensee shall give [give] notice to the commission in writing upon the filing of each and every civil and each and every criminal action, including counterclaims and cross-claims, but excluding traffic violations and dissolutions of marriage, in any court at any level against the licensee, or against the licensee's president or chief executive officer; chairman of the licensee's board of directors or board of trustees; licensee's financial records officer; or the manager of any of the activities for which the licensee has a gambling license.

This notice shall include the name of the case and its court number, the name and location of the court in which the case has been filed and a summary of the nature of the case, including allegations against the defendant(s). Licensee may include a summary of defenses to the allegations. The licensee shall advise the commission in writing of the disposition of each case in each level of court hearing the case.

These notices shall be filed with the commission not later than 30 days following filing, and each disposition, of the case. [Order 15, § 230-12-310, filed 4/17/74.]

WAC 230-12-900 Deputy director. The deputy director appointed by the director is hereby authorized to make any kind of decision or perform any kind of duty or function, which has by the commission rules been delegated to or required of the director, when authorized to do so by the director: *Provided*, That the deputy director shall not be empowered to:

- (1) Issue temporary licenses pursuant to WAC 230-04-255;
- (2) Approve the transfer of licenses pursuant to WAC 230-04-340 or 230-04-350;
- (3) Approve shortening of the time period required by WAC 230-20-380(4);
- (4) Summarily suspend a license pursuant to WAC 230-50-010(1) or 230-50-012;
- (5) Impose any penalty under WAC 230-50-010(4); but the deputy director or any other designee of the director may issue a summary of the charges or complaint against an applicant or licensee, pursuant to that subsection; or
- (6) Designate public records officers pursuant to WAC 230-60-030. [Statutory Authority: RCW 9.46.070(13). 81-01-063 (Order 104), § 230-12-900, filed 12/15/80.]

Chapter 230-20 WAC

BINGO, RAFFLES AND AMUSEMENT GAMES

WAC

230-20-010	Disclosure of prizes and rules.
230-20-015	Prize limits for raffles.
230-20-050	Use of proceeds.
230-20-055	Use by charitable or nonprofit organizations of proceeds from authorized activities.

230-20-063	Limits on bingo gross receipts and prize payouts and requirements for net income.		RCW 9.46.070 (9), (12) and (14). Later promulgation, see WAC 230-12-020.
230-20-065	Licensed bingo manager on premises.	230-20-180	Sale and use of bingo cards. [Order 12, § 230-20-180, filed 2/14/74; Order 5, § 230-20-180, filed 12/19/73.] Repealed by 83-19-024 (Order 136), filed 9/13/83. Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14).
230-20-070	Regulation of managers, operators, and other employees.		
230-20-090	Limits on compensation paid to members or employees.		
230-20-100	Receipting required for income and prizes in bingo games.	230-20-200	Use of numbered balls of various weights prohibited. [Order 9, § 230-20-200, filed 12/19/73, 1:26 p.m.; Order 5, § 230-20-200, filed 12/19/73, 1:25 p.m.] Repealed by 83-19-024 (Order 136), filed 9/13/83. Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14).
230-20-110	Prohibited practices.		
230-20-120	No free food or beverages to be provided at bingo games, exceptions.		
230-20-130	Operation of bingo upon retail business—Conditions.		
230-20-170	Bingo operation date limitations.	230-20-205	Numbers called to be displayed at bingo games. [Order 5, § 230-20-205, filed 12/19/73, 1:25 p.m.] Repealed by 83-19-024 (Order 136), filed 9/13/83. Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14).
230-20-190	Bingo card prices.		
230-20-210	Age limit for bingo.		
230-20-220	Operators shall not play.		
230-20-230	Free games for winners prohibited.		
230-20-240	Bingo equipment to be used.	230-20-245	Manner of conducting bingo—Equipment to be used. [Order 58, § 230-20-245, filed 8/17/76.] Repealed by 83-19-024 (Order 136), filed 9/13/83. Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14).
230-20-246	Manner of conducting bingo.		
230-20-300	Control of raffle prizes.		
230-20-325	Raffle tickets—Limitations and requirements for use.		
230-20-350	Licensees may join together to conduct a raffle.		
230-20-360	Licensee for the conduct of bingo games at agricultural fairs shall not allow another to do so without a permit.	230-20-250	Bingo income limitations. [Order 60, § 230-20-250, filed 9/10/76; Order 53, § 230-20-250, filed 5/25/76; Order 45, § 230-20-250, filed 12/30/75; Order 9, § 230-20-250, filed 12/19/73, 1:26 p.m.] Repealed by Order 65, filed 1/7/77.
230-20-370	Licensees may rent equipment to conduct amusement games.		
230-20-380	Persons obtaining a special amusement game license to conduct activities only at limited locations.	230-20-251	Comprehensive financial information to be filed. [Order 65, § 230-20-251, filed 1/7/77.] Repealed by 84-01-026 (Order 139), filed 12/12/83. Statutory Authority: RCW 9.46.070 (5), (6), (8), (10) and (11).
230-20-400	Certain lower volume licensees exempted from certain rules.		
230-20-600	Amusement games—Licensee to give notice to local police jurisdiction prior to conducting—Inspection of equipment by police.	230-20-310	Raffle tickets—Consecutive numbering. [Order 5, § 230-20-310, filed 12/19/73, 1:25 p.m.] Repealed by 83-11-034 (Order 133), filed 5/16/83. Statutory Authority: RCW 9.46.070 (8) and (11).
230-20-605	Types of amusement games authorized.		
230-20-610	Amusement games—Factors affecting skill to be readily visible to players.	230-20-320	All raffle tickets sold to be available for drawing. [Order 5, § 230-20-320, filed 12/19/73, 1:25 p.m.] Repealed by 83-11-034 (Order 133), filed 5/16/83. Statutory Authority: RCW 9.46.070 (8) and (11).
230-20-620	Amusement games—Objects to be thrown to be uniform—Similar games not to use different objects unless designated.		
230-20-630	Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or script—Prizes not to differ from those posted.	230-20-330	Presence requirement at raffle drawing. [Order 5, § 230-20-330, filed 12/19/73, 1:25 p.m.] Repealed by 83-11-034 (Order 133), filed 5/16/83. Statutory Authority: RCW 9.46.070 (8) and (11).
230-20-640	Amusement games—Sample of prizes to be displayed.		
230-20-650	Amusement games—Coin toss games.	230-20-340	No more than \$1.00 per ticket may be charged to enter raffle. [Order 60, § 230-20-340, filed 9/10/76.] Repealed by 83-11-034 (Order 133), filed 5/16/83. Statutory Authority: RCW 9.46.070 (8) and (11).
230-20-660	Amusement games—Target shoot—Target to be brought to contestant on demand.		

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-20-030	Award to actual winners only. [Order 5, § 230-20-030, filed 12/19/73, 1:25 p.m.] Repealed by 80-03-060 (Order 99), filed 2/25/80. Statutory Authority: RCW 9.46.070(10).
230-20-061	Temporary prize limits for bingo. [Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14). 83-19-024 (Order 136), § 230-20-061, filed 9/13/83.] Repealed by 84-01-026 (Order 139), filed 12/12/83. Statutory Authority: RCW 9.46.070 (5), (6), (8), (10) and (11).
230-20-080	No person working on a bingo game for one licensee shall be allowed to work on a game operated by another licensee. [Order 9, § 230-20-080, filed 12/19/73, 1:26 p.m.] Repealed by Order 14, filed 3/27/74.
230-20-150	Gambling receipts deposit required by all bona fide charitable and nonprofit organizations. [Order 74, § 230-20-150, filed 8/17/77; Order 57, § 230-20-150, filed 7/9/76; Order 42, § 230-20-150, filed 9/18/75; Order 38, § 230-20-150, filed 5/9/75; Order 23, § 230-20-150, filed 9/23/74; Order 5, § 230-20-150, filed 12/19/73, 1:25 p.m.] Repealed by 83-08-051 (Order 130), filed 4/1/83. Statutory Authority:

WAC 230-20-010 Disclosure of prizes and rules.

All prizes awarded in connection with bingo, raffles, or amusement games, whether in cash or merchandise, and all rules by which such prizes may be won, including all costs to a participant, shall be disclosed to each participant in the licensed activity prior to that participant taking part in the activity or paying for the opportunity to take part in the activity.

This disclosure shall be made by conspicuously posting or displaying upon the premises where the activity is operated, the available prizes, or a list and complete description thereof, together with the rules of the activity, an explanation of how each prize can be won, and the cost to participate in the activity. In the case of a raffle, where tickets are sold to enter, this information shall be printed upon each ticket sold, or shall be otherwise provided in writing to each purchaser at the time of sale and shall also include, but not be limited to, date and time of drawing, location of drawing, and name of organization conducting raffle.

In those cases where persons are able to pay for the opportunity to participate in the activity after the winner of any one of the prizes offered has been determined, the licensee shall remove each prize won from any display of prizes, and from any list of prizes which have been posted or displayed upon the premises where the activity is conducted, immediately upon the determination of the winner of that particular prize. [Statutory Authority: RCW 9.46.070 (8) and (11), 83-11-034 (Order 133), § 230-20-010, filed 5/16/83; Order 42, § 230-20-010, filed 9/18/75; Order 23, § 230-20-010, filed 9/23/74; Order 5, § 230-20-010, filed 12/19/73, 1:25 p.m.]

WAC 230-20-015 Prize limits for raffles. (1) No single raffle prize may exceed \$40,000. No group of raffle prizes given during any twelve month period may exceed \$80,000.

(2) The commission may permit a licensee to exceed these limits on specific occasions for good cause shown. Requests to exceed the limits shall be submitted to the commission in writing along with the application for licensing. [Statutory Authority: RCW 9.46.070 (8) and (11), 83-10-002 (Order 132), § 230-20-015, filed 4/21/83.]

WAC 230-20-050 Use of proceeds. No part of the proceeds of any bingo game, raffle, or amusement game conducted by a bona fide charitable or bona fide nonprofit organization, except qualified agricultural fairs, shall be used for the benefit of any person other than the organization conducting the activity; except that if the activity is conducted by a licensee for the charitable benefit of a specific person or persons who have been listed as recipients of the proceeds, or a specified portion thereof, on the application for a license to conduct the activity, then the proceeds or specified portion thereof, may be used for the benefit of such specific person or persons so designated if commission approval has been obtained prior to the organization conducting the activity for that purpose. [Order 53, § 230-20-050, filed 5/25/76; Order 42, § 230-20-050, filed 9/18/75; Order 23, § 230-20-050, filed 9/23/74; Order 5, § 230-20-050, filed 12/19/73, 1:25 p.m.]

WAC 230-20-055 Use by charitable or nonprofit organizations of proceeds from authorized activities. All proceeds remaining after paying the necessary expenses of operating an activity authorized by RCW 9.46.030 shall be used by the organization conducting the activity only for those purposes which are set out in RCW 9.46.020(3) and as it may be amended and, if a licensee, which have been disclosed to the commission in the application for license. [Order 53, § 230-20-055, filed 5/25/76; Order 23, § 230-20-055, filed 9/23/74.]

WAC 230-20-063 Limits on bingo gross receipts and prize payouts and requirements for net income. (1) Bona fide charitable or nonprofit organizations licensed to operate bingo must comply with the following limitations:

(a) Bingo is conducted as a social pastime and/or for the raising of funds to support the purpose(s) of the organization only;

(b) Gross receipts from the sale of bingo cards shall not exceed the below listed limits by class of license for the license year: *Provided*, That no licensee shall be authorized an upgrade in license class during a license year unless prize payout limits for the requested class have been met for the calendar quarter immediately preceding such a request.

License Class	Annual Gross Receipts	Prize Payout Limits	Adjusted Net Income Minimum Requirements
A	Up to \$ 10,000	No Limits	None
B	\$ 10,001- 50,000	"	"
C	50,001- 100,000	"	"
D	100,001- 300,000	"	"
E	300,001- 500,000	"	"
F	500,001-1,000,000	80%	5%
G	1,000,001-1,500,000	78%	7%
H	1,500,001-2,000,000	76%	9%
I	2,000,001-2,500,000	74%	11%
J	2,500,001-3,000,000	72%	13%
K	3,000,001-3,500,000	70%	15%

(c) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts as percentages of gross receipts shall not exceed the above listed limits by class of license by more than two percentage points for any calendar quarter: *Provided*, That prize payouts as percentages of gross receipts do not exceed the above listed limits by class of license for any calendar year: *Provided further*, That a licensee who exceeds the prize payout limits by more than two percentage points in any month of a quarter may notify the commission of any problems or circumstances related to prize payouts and of any corrective action planned; and

(d) Adjusted net income as a percentage of gross receipts is not less than the percentage listed above by class of license for the calendar year: *Provided*, That in the first license year, adjusted net income minimum requirements shall be 50% of the percentages listed above. For the purposes of this rule, adjusted net income is defined as gross receipts from the sale of bingo cards less prizes paid and less all bingo expenses except local gambling taxes. Bingo expenses must include all expenses directly related to the operation of bingo pursuant to WAC 230-08-120 and the instructions for quarterly activity report forms provided by the commission. All expenses shall be allocated to reflect an equitable assignment of operating costs between the bingo operation and other organizational activities. Methods of allocation must be disclosed to the commission.

(2) Failure to meet prize payout limits or adjusted net income minimum requirements may result in a reduction in authorized license class for a period not to exceed one year or other appropriate action at the discretion of the commission. No licensee shall be authorized to exceed the annual gross receipts of a license class to which reduced as a result of any action taken pursuant to this section.

(3) Prize payout limits and adjusted net income minimum requirements shall be prorated upon a change in license class or upon completion of the first license year. The proration shall be a weighted average which will allow for the number of full months with different prize limits or net income requirements.

(4) Proposed initial assignments of current licensees to license classes will be made by the commission within 30 days of the effective date of this section based primarily on gross receipts from the past four calendar quarters. Organizations will have 30 days after notification to request initial assignment to a different class.

(5) To upgrade to a higher license class after initial assignment, a licensee shall apply for the license class which is proper, submitting the license fee and change of class fee as set forth in WAC 230-04-201, less the amount submitted for the original license class. Any such license change shall be valid only for the period of time remaining in the original license.

(6) Prize payout limits and net income minimum requirements will be reviewed annually to measure the effect of this section on the licensed organizations. The annual review shall be held at the December meeting which by law must be held in Olympia and/or periodically by request of the commission with proper and timely notification to the staff. [Statutory Authority: RCW 9.46.070 (5), (6), (8), (10) and (11). 84-01-026 (Order 139), § 230-20-063, filed 12/12/83.]

WAC 230-20-065 Licensed bingo manager on premises. No bona fide charitable or nonprofit organization, except when operating at an authorized agricultural fair, or other special event as authorized by the commission, or under RCW 9.46.030(3), as now enacted or hereafter amended, or under a Class A or Class B or Class C license, shall operate a bingo game unless it is under the supervision of a licensed bingo manager who is on the premises at which the bingo game is licensed for operation during all hours of its operation. [Statutory Authority: RCW 9.46.070 (11) and (17). 81-21-032 (Order 113), § 230-20-065, filed 10/15/81.]

WAC 230-20-070 Regulation of managers, operators, and other employees. (1) Amusement games and raffles. No person other than a bona fide member of a qualified bona fide charitable or qualified bona fide nonprofit organization, shall take any part in the management or operation of, including (with respect to amusement games) the furnishing of equipment for, or work as an employee upon, amusement games or raffles conducted by that organization under a license from the commission: *Provided, however, That*, except as to persons operating without a license under RCW 9.46.030 (2) and (3), employees of the organization on a regular or part time basis employed primarily for purposes other than the conduct of such activities, shall be considered members of the organization for the purposes of this subsection.

(2) Bingo. (a) No person other than a bona fide member or an employee of a charitable or nonprofit organization licensee shall take any part in the management or operation of bingo conducted under a license issued to that organization by the commission, and no licensee shall allow any person not one of its members or employees to do so. No person other than a bona fide member of a charitable or nonprofit organization operating without a license under RCW 9.46.030(3) shall take any part in the management or operation of bingo conducted by that organization and no such organization shall allow any person not one of its members to do so.

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

(i) A person participating in the conduct of bingo games by one Class A, B, or C licensee may also participate in the conduct of bingo games by other Class A, B, or C licensees on a voluntary basis only when such person receives no remuneration for services to other licensees and when the requirements of subsection (3) below are satisfied; or

(ii) A person participating in the operation of bingo games conducted by one licensee under any class of license may also participate in the operation of bingo games conducted by other licensees under any class of bingo license, but only when that person has no managerial or supervisory responsibilities in connection with the operation of bingo activities by any licensee and when the requirements of subsection (3) below are satisfied. An assistant bingo game manager as defined by WAC 230-02-418 shall not be deemed a person having managerial or supervisory responsibilities for the purpose of this section and may participate as an hourly employee in the bingo operations of other bingo licensees.

(3) Any licensee which desires to have any person who participates in any manner in the conduct of bingo games for another licensee participate in the conduct of its bingo games shall notify the commission, and local police officials, in writing, of the name and address of that person, the name and address of any licensees for whom that person is working, and the capacity in which that person is working for each licensee prior to the time that person participates in the conduct of the licensee's bingo games. In addition, the licensee shall notify any other licensees for which the person works that the individual is now also working for it.

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

(5) Certain premises excepted. The limitations set forth above in (1) and (2) shall not apply to qualified agricultural fairs conducting amusement games or bingo. [Statutory Authority: RCW 9.46.070 (8) and (17). 83-23-055 (Order 138), § 230-20-070, filed 11/15/83. Statutory Authority: RCW 9.46.070(10). 80-03-060 (Order 99), § 230-20-070, filed 2/25/80; Order 68, § 230-20-070, filed 4/25/77; Order 65, § 230-20-070,

filed 1/7/77; Order 53, § 230-20-070, filed 5/25/76; Order 29, § 230-20-070, filed 1/23/75; Order 14, § 230-20-070, filed 3/27/74; Order 5, § 230-20-070, filed 12/19/73, 1:25 p.m.]

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

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

Provided, That this rule shall not be construed to allow the payment of any wages in unlicensed bingo games conducted pursuant to RCW 9.46.030(3). [Order 53, § 230-20-090, filed 5/25/76; Order 5, § 230-20-090, filed 12/19/73, 1:25 p.m.]

WAC 230-20-100 Receipting required for income and prizes in bingo games. Except for bingo activities conducted at a qualified agricultural fair all income from bingo games shall be receipted for by the licensee at the time the income is received from each individual player and all prizes shall be receipted for at the time the prize is distributed to each individual winner.

(1) Income receipts: Income receipts shall be supplied by the licensee. They may be consecutively numbered tickets, consecutively numbered disposable bingo cards, or cash register receipts. Each individual player must possess a proper receipt for the number of cards being played in order to be awarded the prize for the game.

(a) Cash register receipts for income: In the event a cash register is used, a consecutively numbered receipt shall be given to the customer. The following information shall appear upon the receipts given to the customer:

- (i) The name of the licensee operating the activity;
- (ii) The date;
- (iii) The amount of money paid for the opportunity to play; and
- (iv) The consecutive customer receipt number.

The cash register shall have a consecutive four digit customer receipt number which does not return to zero at the conclusion of any period of use.

Written commission staff approval must be obtained for use of a cash register which does not meet the above standard but does contain adequate control features.

The cash register shall have sufficient keys to record separately each type of sale as required by WAC 230-08-080, and shall provide a total for each type of sale recorded. Further, any cash register used must retain its transaction count between uses whether or not its power source is interrupted.

All cash register receipts for voids, overrings, returns, no sales and any other related receipts must be retained with the daily bingo records.

All transactions, customer receipt numbers, and control totals must be recorded on the tape retained in the

cash register. The internal tape, showing these transactions, shall be retained with the daily records of the licensee for a period of not less than three years. If the cash register is used by the licensee for purposes other than recording the receipts from bingo, the internal cash register tapes from the other uses shall also be retained for not less than three years.

(b) Ticket receipts for income: When tickets are used for receipting the following conditions must be met:

(i) All tickets on a roll must be preprinted with a consecutive number;

(ii) Each ticket on a roll shall represent the same specific amount of money and the amount of money represented by each ticket shall be clearly preprinted on the face of the ticket;

(iii) Once a roll of tickets has been started, tickets shall be issued consecutively off of that roll;

(iv) A log shall be maintained, listing the date each roll of tickets is purchased or obtained by the licensee, the color, the dollar value of the tickets, the beginning ticket number, and the number of tickets on that roll. All tickets received shall be entered in the log prior to the licensee beginning the next bingo occasion. The individual logging the entry shall initial the log at the time of entry; and

(v) The licensee shall record in its daily records, the color, the value, the lowest numbered ticket and the highest numbered ticket issued as a receipt from each separate roll of tickets used. Tickets issued for each type of sale shall be recorded separately as required by WAC 230-08-080. Any ticket not issued as a receipt during a session that bears a number falling below the highest numbered ticket issued shall be retained by the licensee as a part of its daily records, along with any leftover tickets not issued from the end of a roll, and shall not be otherwise used or disposed of by the licensee for a period of not less than three years

(c) Disposable bingo card receipts for income: Disposable bingo cards themselves may be used as the receipt required by this rule: *Provided*, That:

(i) Each disposable card or sheet of cards sold represents a specific amount of money which has been paid to the licensee;

(ii) Each disposable card or sheet of cards from the same series shall be consecutively issued and sold for the same price as each other disposable card or sheet of cards in the same series being used during any particular bingo game;

(iii) A log shall be maintained, listing the date each set of disposable cards is purchased or obtained by the licensee, the series number, the color, the number of cards per sheet, the beginning card or sheet number and the number of cards or sheets per set. All disposable cards or sheets received shall be entered in the log prior to the licensee beginning the next bingo occasion. The individual logging the entry shall initial the log at the time of entry; and

(iv) The licensee shall record in its daily records the series number, the color, the value, the beginning card or sheet number and the ending card or sheet number issued as a receipt for each separate set of disposable

cards used: Disposable cards issued for each type of sale shall be recorded separately as required by WAC 230-08-080: *Provided*, That when more than one card or sheet number appears on a sheet of cards issued, then the lowest card or sheet number shall be used to determine the beginning number sold and the ending number sold. Each time the numbering of the sheets breaks in the series a separate entry shall be made in the records. Disposable cards or sheets of cards which were not issued as receipts during a session, that bear a number below the highest numbered card or sheet issued shall be retained by the licensee as a part of its daily records, along with any leftover cards, or sheets of cards, not issued from the end of a series, and shall not be otherwise used or disposed of by the licensee for a period of not less than three years.

(2) Receipts for prizes: Receipts for prizes shall be consecutively numbered and issued. Each prize receipt shall contain at least a three digit consecutive number, printed prior to purchase. Prize receipts bearing a number below the highest number issued shall be voided and retained with the daily records. Each receipt for prizes shall contain the following information:

- (a) The name of the licensee operating the activity;
- (b) The date;
- (c) The game number;
- (d) The true name and address of the winner of the prize; and
- (e) A description of the prize won and the licensee's cost of that prize.

It shall be the responsibility of the licensee to see that the prize winner is accurately identified upon the receipt and the licensee shall require such proof of identification as is necessary to establish the winner's identity. The licensee shall not pay out any prize until the winner has furnished to the licensee all information required by this rule to be upon the receipt for the prize.

The original of each prize receipt shall be given to the winner and a duplicate copy shall be retained by the licensee as a part of its records for a period of not less than three years.

Provided, That Class A bingo licensees and persons conducting bingo under the provisions of RCW 9.46.030(3), are exempt from all portions of this rule. Class B bingo licensees are exempt from maintaining the required logs for ticket and disposable card receipting, and from the issuing of prize receipts so long as they record items (2)(b), (c), (d) and (e) above in their records. [Statutory Authority: RCW 9.46.070 (8), (11) and (14). 83-13-050 (Order 134), § 230-20-100, filed 6/14/83. Statutory Authority: RCW 9.46.070(7) and (8). 78-11-049 (Order 87), § 230-20-100, filed 10/20/78; Order 74, § 230-20-100, filed 8/17/77; Order 29, § 230-20-100, filed 1/23/75; Order 25, § 230-20-100, filed 10/23/74; Order 15, § 230-20-100, filed 4/17/74; Order 5, § 230-20-100, filed 12/19/73, 1:25 p.m.]

WAC 230-20-110 Prohibited practices. (1)(a) No charitable or nonprofit organizations shall operate or conduct any gambling activity on or within any leased

premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such activity,

(b) Nor shall the rental under such lease exceed the usual rental for such premises in the same locality,

(c) Nor shall any such organization fail to devote the entire net income of any gambling activity exclusively to the lawful purpose of the organization.

(2) No charitable or nonprofit organization shall hold or conduct any gambling activity if the compensation to any person taking part in the management or operation of such activity is based upon a percentage of the receipts or income derived from the operation of such game. The payment to such persons of compensation which is other than reasonable under the local prevailing wage scale for employment of a comparable nature shall create a presumption of a violation of this subsection. [Statutory Authority: RCW 9.46.070 (1), (10) and (13). 80-03-059 (Order 98), § 230-20-110, filed 2/25/80; Order 5, § 230-20-110, filed 12/19/73, 1:25 p.m.]

WAC 230-20-120 No free food or beverages to be provided at bingo games, exceptions. No licensee for the operation of bingo games shall provide food or beverages free, or for a consideration which is less than the current normal and usual retail price in the city or county in which the gambling activity is operated for such prepared food or beverage, to players in such bingo games: *Provided*, That this provision shall not apply to Class A and B bingo licensees. [Order 12, § 230-20-120, filed 2/14/74.]

WAC 230-20-130 Operation of bingo upon retail business--Conditions. (1) Bingo games shall not be operated upon a premises part of a retail sales or service business catering to the public except:

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

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

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

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

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

(4) The owner, manager or any employee of the retail sales or service establishment may not be an officer of the bingo operator or participate in the operation of the bingo games on that premises. [Statutory Authority: RCW 9.46.070 (1) and (10), 80-06-038 (Order 102), § 230-20-130, filed 5/12/80; Order 68, § 230-20-130, filed 4/25/77; Order 53, § 230-20-130, filed 5/25/76; Order 27, § 230-20-130, filed 11/15/74.]

WAC 230-20-170 Bingo operation date limitations.

(1) No bona fide charitable or nonprofit organization, except when operating at an authorized agricultural fair or under RCW 9.46.030(3), shall:

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

(b) Conduct bingo in any location which is used for conducting bingo on more than three occasions per week.

(2) As used herein, the word "occasion" shall mean conducting bingo games for no more than sixteen consecutive hours, which shall begin when the first number for the first game is called until the last winning number on the final winning bingo card has been verified: *Provided*, That no occasion shall be conducted between the hours of 2:00 a.m. and 6:00 a.m. Further, a "session" shall be defined as a continuous series of bingo games with no breaks other than short intermission breaks. [Statutory Authority: RCW 9.46.070 (1), (7), (11), (14) and (17), 83-21-073 (Order 137), § 230-20-170, filed 10/18/83. Statutory Authority: RCW 9.46.070 (8), (11) and (14), 83-13-050 (Order 134), § 230-20-270, filed 6/14/83; Order 53, § 230-20-170, filed 5/25/76; Order 15, § 230-20-170, filed 4/17/74; Order 5, § 230-20-170, filed 12/19/73, 1:25 p.m.]

WAC 230-20-190 Bingo card prices. No person shall be allowed to play in a bingo game for free nor without first paying the licensee's normal and usual charge therefor, except that this provision shall not apply to bingo games conducted under the authority of a Class A or B license issued by the commission or games conducted without a license under RCW 9.46.030(3). [Order 53, § 230-20-190, filed 5/25/76; Order 12, § 230-20-190, filed 2/14/74; Order 5, § 230-20-190, filed 12/19/73, 1:25 p.m.]

WAC 230-20-210 Age limit for bingo. No person who is under the age of eighteen shall participate, nor shall be allowed to participate in any manner in the operation of any bingo game. No person who is under the

age of eighteen years shall play, nor shall be allowed to play in any bingo game, unless that person is accompanied by a member of his immediate family, or guardian, who is not younger than eighteen years of age. For the purposes of this rule, "guardian" means, and is limited to, an individual appointed by a court of law as the legal guardian of the subject person. For the purposes of this rule, "immediate family" means, and is limited to, the subject individual's spouse, children, parents, and grandparents.

It shall be the responsibility of the licensee and of those persons physically operating the bingo game to determine that no unauthorized person is allowed to participate in any manner in the operation of or play in any bingo game: *Provided*, That the age limit herein set forth shall not apply to bingo games lawfully conducted at an agricultural fair or school carnival. [Statutory Authority: RCW 9.46.070(10), 80-05-060 (Order 101), § 230-20-210, filed 4/21/80; Order 63, § 230-20-210, filed 12/3/76; Order 15, § 230-20-210, filed 4/17/74; Order 9, § 230-20-210, filed 12/19/73, 1:26 p.m.; Order 5, § 230-20-210, filed 12/19/73, 1:25 p.m.]

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

No operator shall allow any person who, without payment, assists in the operation of any bingo game conducted by that operator to play in any bingo game conducted by that operator on the same bingo occasion. However, the second paragraph of this rule shall not apply to Class A[,] B[,] and C bingo licensees, or to games operating under the authority of RCW 9.46.030(3). [Statutory Authority: RCW 9.46.070 (11) and (14), 82-01-065 and 82-03-033 (Order 115 and 116), § 230-20-220, filed 12/18/81 and 1/18/82; Order 65, § 230-20-220, filed 1/7/77; Order 53, § 230-20-220, filed 5/25/76; Order 5, § 230-20-220, filed 12/19/73, 1:25 p.m.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 230-20-230 Free games for winners prohibited. No free cards, or any opportunity to play in a bingo game, shall be awarded or given to a person as a prize for, or conditioned upon, winning a bingo game or games, except those bingo games conducted under the authority of a Class A or B license issued by the commission or games conducted without a license under RCW 9.46.030(3). [Order 53, § 230-20-230, filed 5/25/76; Order 12, § 230-20-230, filed 2/14/74; Order 5, § 230-20-230, filed 12/19/73, 1:25 p.m.]

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

(1) A mechanical device which uses an air flow for mixing and randomly withdrawing balls to determine the letters and numbers to be called. This device shall be constructed in a manner that:

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

(b) The operation cannot be interrupted to change the random placement of the balls at the exit receptacle of the device, except when the device is shut off as allowed by WAC 230-20-250.

Provided, That A, B, and C licensees are not required to use a mechanical device for the conduct of their bingo game, but may use other methods of randomly selecting letters and numbers.

(2) A set of seventy five balls bearing the numbers 1 through 75 and the letters B, I, N, G, and O. The 75 balls shall be available for inspection by the players before a bingo session begins to determine that all are present and in operating condition. Each numbered ball shall be the same weight as each of the other balls and free from any defects.

(3) Flashboards shall be located on each premises used to conduct bingo games and must be visible to all players and clearly indicate all numbers that have been called: *Provided*, That [malfunctions occurring during a bingo occasion need not be repaired during that occasion, but must be repaired before use on any other occasion. *Provided further*, That] A, B, and C licensees are not required to have a flashboard for conduct of their bingo game.

(4) Hardcards and disposable bingo cards must be preprinted, manufactured cards and have twenty five spaces, one of which may be a free space, arranged in five even columns headed with the letters B, I, N, G, and O.

In addition, each set of disposable bingo cards must be consecutively numbered from the first card to the last card, or from the first sheet of cards to the last sheet of cards, or is consecutively numbered through the set. Each card or sheet must have printed on its face both its individual card or sheet number, and the series number assigned by the manufacturer to that set of disposable cards.

Other equipment or devices may be used for the purpose of displaying numbers and letters called to the public, and such furniture and sound amplification system as is necessary for the convenience and comfort of the players and operators. [Statutory Authority: RCW 9.46.070 (5), (6), (8), (10) and (11). 84-01-026 (Order 139), § 230-20-240, filed 12/12/83. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 83-13-050 (Order 134), § 230-20-240, filed 6/14/83.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 230-20-246 Manner of conducting bingo. The conducting of a bingo game shall include, but is not limited to the following rules:

(1) All sales of bingo cards shall take place upon the premises during or immediately preceding the session for which the card is being sold;

(2) Bingo cards shall normally be sold and paid for prior to the start of a specified game or specified number of games. Cards may be sold after the start of a game or number of games if the late sale does not allow any player an advantage over any other player;

(3) No operator shall reserve, or allow to be reserved, any bingo card for use by players except braille cards or other cards for use by legally blind or disabled players;

(4) Legally blind players may use their personal braille cards when a licensee does not provide such cards. The licensee shall have the right to inspect, and to reject, any personal braille card. A legally blind or disabled person may use a braille card or reserved hard card in place of a purchased throwaway;

(5) If a licensee has duplicate cards in play, he shall conspicuously post that fact or notify all players;

(6) No two or more sets of disposable cards can be used at the same time if they have identical series numbers;

(7) Immediately following the drawing of each ball in a bingo game, the caller shall display the letter and number on the ball to the participants;

(8) The letter and number on the ball shall be called out prior to the drawing of any other ball;

(9) After the letter and number is called, the corresponding letter and number on the licensee's flashboard, if any, shall be lit for participant viewing;

(10) No bingo game shall be conducted to include a prize determined other than by the matching of letters and numbers on a bingo card with letters and numbers called by the licensee, in competition among all players in a bingo game;

(11) A winner is determined when a specified pattern of called numbers appears on a card;

(12) Immediately upon a bingo player declaring a winning combination of letters and numbers, the winning card shall be verified by a game employee and at least one neutral player;

(13) Upon a bingo player declaring a winning bingo, the next ball out of the machine shall be removed from the machine prior to shutting the machine off and shall be the next ball to be called in the event the declared winning bingo is not valid; and

(14) No operator shall engage in any act, practice, or course of operation as would operate as a fraud to affect the outcome of any bingo game. [Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14). 83-19-024 (Order 136), § 230-20-246, filed 9/13/83.]

WAC 230-20-300 Control of raffle prizes. Any person or organization conducting a raffle in which merchandise prizes are to be awarded shall have paid for in full or otherwise become the owner, without lien or interest of others, of all such merchandise prior to the drawing at which the winners of such prizes are to be determined. If cash prizes totaling fifty dollars or more are to be awarded in any one raffle, the total amount of money to be awarded shall be placed in a trust account

for the benefit of the winners of the raffle in a bank or savings and loan association doing business in the state of Washington prior to the drawing at which the winners of such prizes are to be determined. [Order 5, § 230-20-300, filed 12/19/73, 1:25 p.m.]

WAC 230-20-325 Raffle tickets--Limitations and requirements for use. (1) All tickets for use in any raffle shall be consecutively numbered and each ticket shall be accounted for separately in accordance with WAC 230-08-070. The ticket stub or other detachable section(s) of the ticket must bear a duplicate number corresponding to the number on the ticket.

(2) No person shall be required to pay, directly or indirectly, more than \$1.00 in order to enter any raffle. Each raffle ticket must be sold for the same price as every other raffle ticket being used for that particular raffle. No free tickets, or any opportunity to participate in the drawing of any raffle, shall be awarded or given to a person as a prize or reward for selling raffle tickets or for purchasing a certain number of raffle tickets. No person shall be required to obtain more than one ticket or to pay for anything other than the ticket, in order to enter the raffle.

(3) If an entrant is required to be present at a raffle drawing in order to be eligible for the prize drawing, then a statement setting forth this condition shall be set forth conspicuously on each raffle ticket and on all promotional material concerning the raffle.

(4) In conducting a drawing in connection with any raffle, each ticket seller shall return to the licensee the stubs or other detachable section of all tickets sold. The licensee shall then place each stub or other detachable section of each ticket sold into a receptacle out of which the winning tickets are to be drawn. Such receptacle shall be designed so that each ticket placed therein has an equal opportunity with every other ticket to be the one withdrawn: *Provided*, That when the participant is not required to be present at the drawing the ticket stub or other detachable section(s) of the ticket shall contain the purchaser's name, complete address, and telephone number, and shall be maintained for a period of not less than three years from the end of the fiscal year in which the raffle was completed. [Statutory Authority: RCW 9.46.070 (8) and (11). 83-11-034 (Order 133), § 230-20-325, filed 5/16/83.]

WAC 230-20-350 Licensees may join together to conduct a raffle. Persons holding a license to conduct a raffle or raffles, may join together with any other person or persons holding such a license to jointly conduct a raffle only if the following conditions are met:

(1) Approval to do so is received by each licensee from the commission for that particular raffle prior to the sale of any tickets in connection therewith;

(2) The method by which the income, expenditures for prizes, and all other expenses, received and expended in connection with the raffle will be apportioned among the licensees conducting the raffle is disclosed in writing to the commission, together with the application for the commission's approval of the joint raffle;

(3) A separate bank account is established by one of the participating licensees, all of the proceeds from the raffle are deposited therein, and all of the expenses in connection with the raffle, including but not limited to, all payments for prizes, is made therefrom;

(4) Records are kept by each of the participating licensees which clearly disclose the amount of money received and expended by that licensee and by each other participating licensee in connection with the raffle. Records of expenses shall disclose for what purpose the money was spent.

The amount of net receipts from the raffle to each organization participating shall be used in making those computations required to determine the class of license required of the licensee under WAC 230-04-200. The amount of net receipts from the raffle to each organization shall be computed by subtracting only the amount spent or contributed by that organization for prizes in the raffle from the gross amount received only by that organization from the proceeds of the raffle. [Order 18, § 230-20-350, filed 5/21/74.]

WAC 230-20-360 Licensee for the conduct of bingo games at agricultural fairs shall not allow another to do so without a permit. An agricultural fair licensed for the operation of bingo shall not allow any other person to conduct bingo under the authority of the fair's license unless approval of that person, and a permit therefor, has been obtained from the commission under WAC 230-04-191, or 230-04-193. [Order 53, § 230-20-360, filed 5/25/76; Order 42, § 230-20-360, filed 9/18/75; Order 15, § 230-20-360, filed 4/17/74.]

WAC 230-20-370 Licensees may rent equipment to conduct amusement games. A bona fide charitable or nonprofit organization licensee, or any of its regular members, may rent or otherwise obtain equipment used by the organization to conduct bingo or amusement games from any person so long as any price paid for such equipment, or for use of such equipment, is reasonable, is a lump sum or hourly rate established in the competitive market, and is not based upon a percentage of the income or profit derived from the conduct of such activities. [Order 18, § 230-20-370, filed 5/21/74.]

WAC 230-20-380 Persons obtaining a special amusement game license to conduct activities only at limited locations. (1) Persons other than bona fide charitable or bona fide nonprofit organizations shall conduct amusement games only after obtaining a "special amusement game license" from the commission.

(2) Amusement games may be conducted under such a license only as a part of, and upon the site of:

(a) Any agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or

(b) A civic center of a county, city or town; or

(c) A world's fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(d) A community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held; or

(e) A commercial exposition organized and sponsored by an organization or association representing the retail sales and service operators conducting business in a shopping center or other commercial area developed and operating for retail sales and service, but only upon a parking lot or similar area located in said shopping center or commercial area for a period of no more than 12 consecutive days by any licensee during any calendar year.

(3) No amusement games shall be conducted in any location except in conformance with local zoning, fire, health and similar regulations.

In no event shall the licensee conduct any amusement games at any of the locations set out in (2) above without first having obtained the written permission to do so from the person or organization owning the premises or an authorized agent thereof, and from the persons sponsoring the fair, exhibition, commercial exhibition, or festival, or from the city or town operating the civic center, in connection with which the games are to be operated.

(4) In no event shall the licensee operate amusement games at any location not set forth on his application for licensure, or of which he has not given the commission at least ten day prior written notice, except that the director may shorten this time period if, in his sole discretion, good cause is shown.

(5) The holder of a Class A special amusement game license shall conduct the games only at the location, and during the event, for which the license is issued. [Order 51, § 230-20-380, filed 4/30/76.]

WAC 230-20-400 Certain lower volume licensees exempted from certain rules. Persons holding the licenses issued under the classes and circumstances set forth in WAC 230-04-065 or persons operating without a license under RCW 9.46.030(3) need not comply with the following rules of the commission, except as noted:

(1) WAC 230-04-280 requiring notification to local law enforcement of their activity, but nonlicensees must comply with RCW 9.46.030.

(2) WAC 230-08-080 requiring certain daily records: *Provided*, That all such persons in the alternative, must comply with WAC 230-08-015 (1), (2), and (3).

(3) WAC 230-08-010 concerning operator records: *Provided*, That all such persons must, in the alternative, comply with WAC 230-08-015 (1), (2), and (3).

(4) WAC 230-08-120 requiring quarterly reports: *Provided*, That holders of such classes of licenses must in the alternative, comply with WAC 230-08-015(4).

(5) With respect to volunteer operators only, i.e., those not compensated for their work by the licensee, WAC 230-20-220 prohibiting certain persons from playing in bingo games.

(6) WAC 230-20-120 concerning free food and beverages at bingo games.

(7) WAC 230-20-190 concerning bingo card prices.

(8) WAC 230-20-230 concerning free games for winners. [Order 80, § 230-20-400, filed 12/28/77; Order 53, § 230-20-400, filed 5/25/76; Order 29, § 230-20-400, filed 1/23/75; Order 14, § 230-20-400, filed 3/27/74.]

WAC 230-20-600 Amusement games—Licensee to give notice to local police jurisdiction prior to conducting—Inspection of equipment by police. No person licensed to conduct amusement games shall conduct any such games at any location within the state of Washington without having first given notice to the local police agency of the jurisdiction within which the amusement games are to be conducted. Such notice shall be in writing, addressed to the head of the local police agency, and shall be delivered no less than ten days in advance of the date upon which the amusement games are to be conducted: *Provided*, That this time may be reduced by the chief officer of the local law enforcement agency for good cause shown.

Such notice shall include the following information:

(1) The name and address of the licensee, and the name and local address of the person exercising managerial authority over the conduct of the games at that location;

(2) The date or dates the amusement games will be conducted;

(3) The location at which the amusement games will be conducted.

The licensee shall not utilize any equipment in the conduct of the amusement games unless the equipment has been available for inspection by the local police agency for a period of two hours immediately preceding such utilization. [Order 55, § 230-20-600, filed 6/25/76.]

WAC 230-20-605 Types of amusement games authorized. The commission hereby authorizes the following amusement games to be operated by persons possessing a special location amusement games license, or bonafide charitable or nonprofit organizations possessing a license issued by the gambling commission or when conducted as authorized by RCW 9.46.030(3) at an authorized location:

(1) **Fish pond (duck pond).** The player "catches" a fish or other object floating in a pond of water by using a pole, hand, net or string. All fish or objects are marked on the bottom indicating the size of prize the player wins. The player is awarded a prize every time and the player must be allowed to continue playing until a prize is won.

When played at school carnivals, the game may be played without the pond of water and the operator of the game may assist the player by attaching a prize to the pole, hand, net or string.

(2) **Hoop or ring toss.** The player must toss a hoop(s) or ring(s) over a target which may consist of bottles, pegs, blocks, or prizes. The operator must specifically advise the player as to the degree that the hoop(s) or ring(s) must go over the target. All hoops of the same color used at an individual stand must be the same size.

All targets used at an individual booth must be the same size or the operator must advise the player by posting signs or using color codes denoting the different sizes.

(3) **Dart games.** The target area for all dart games must be of a material capable of being penetrated and retaining a metal tip dart. The target area will be in the rear of the stand and will be at least three feet but not more than fifteen feet from the foul line. Target must be stationary at all times.

(a) **Balloon (poparoo) (balloon smash).** The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the dart(s), the player receives the prize indicated.

(b) **Dart throw.** The targets are various sizes and shapes located on the target area. The player must throw dart(s) individually at the target. The player must hit and the dart must stick in a predetermined target to win the prize as designated.

(c) **Tic tac toe dart.** The target is a tic tac toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row in the target. The darts may line up vertically, horizontally or diagonally to win.

(d) **Add um up darts.** The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. All darts stuck on lines will receive a rethrow. The player has the right to add up the score of the darts thrown.

(4) **Ball tosses.** In all ball toss games, the balls used at a specific stand must be of the same weight and size. Targets must be of the same weight and size or the operator must color code the targets and advise the player of the difference in targets by posting a sign or providing a duplicate of the target showing the limitations or restrictions readily visible to the player.

(a) **Milk bottle toss.** The player tosses or throws ball(s) at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles may be constructed of wood, metal or plastic or a combination of the above three. Operators may vary the number of bottles and balls used in each game. No floating or loose weights in bottles shall be allowed. The weight of individual bottles shall not exceed seven and one-half pounds.

(b) **Milk can (Mexican hat, cone).** The player tosses a ball(s) into the opening of a milk can or a fiber glassed Mexican hat turned upside down or through a cone to win.

(c) **Football toss (tire toss).** The player tosses or throws a football(s) through a stationary tire or hoop to win.

(d) **Basketball toss/throw.** The player tosses or throws a basketball(s) through a basketball type hoop to win.

(e) **Bushel baskets.** The player tosses a ball(s) into a bushel type basket mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the basket to win. All rim shots will be allowed except the operator may

designate the top 6 inches of the basket rim by color and disallow ball(s) striking this area as winning tosses.

(f) **Cat-ball-toss (star/diamond toss).** The player tosses a ball(s) into a simulated cat's mouth or a round, diamond or star shaped hole to win.

(g) **Ping pong toss.** The player tosses ping pong balls into dishes, saucers, cups or ashtrays floating in water. A predetermined number of balls must remain in the dishes, saucers, cups or ashtrays for the player to win. The dishes, saucers, cups or ashtrays must have water covering the bottom of the surface which is facing up.

(h) **Fish bowl game.** The player tosses ping pong balls into a water-filled fish bowl to win.

(i) **Volley ball toss (soccer ball).** The player tosses a volley or soccer ball(s) into a keg type container mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the keg to win a prize. Rim shots are authorized as stated in paragraph (e) above for bushel baskets.

(j) **Goblet ball (whiffle ball).** The player tosses a whiffle ball(s) into a target area of glass or plastic goblets. Located in the target area are colored goblets which determine the type of prize the player wins. At least 33 percent of the goblets in the target area must be winners. The ball(s) must stay in the goblet to win a prize.

(k) **Break the plate/bottle.** The player tosses or throws a ball(s) at a plate, phonograph record or bottle. The type of prize won is determined by the number of targets broken by the player.

(l) **Punk rack.** The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats must be filled with sawdust, styrofoam, cotton or other like material which provides a firm base for the ball to strike. The hair protruding from the side of the dolls or cats shall not exceed three inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge as posted by the operator.

(m) **Teeth game.** The target consists of a large face with wooden teeth. The prize is determined by how many teeth the player knocks down by throwing a ball(s).

(n) **Toilet game (doniker).** The player tosses or throws a ball or other object through a toilet seat, which is located at the rear of the stand, to win.

(o) **(Coke roll).** The player rolls a ball(s) down an alley with the object of knocking over two coke bottles standing at the end of the alley. The player must tip over both bottles to win. Bottles shall be placed on predetermined spots painted on the surface of the alley.

(p) **Rolldown.** The player rolls ball(s) down an alley with the object of putting the ball(s) in numbered slots at the end of the alley. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface shall at all times be smooth and free from defects.

(q) **Fascination (I got it).** A group game which involves competition among the players. The target area consists of twenty-five holes and the player tosses or rolls a ball into one of the holes. The object of the game

is to get five balls in a row either vertically, horizontally or diagonally. The first player to accomplish this is the winner. Prize size is determined by the number of players participating in each game.

(r) **Pokerno.** The target area consists of twenty-five squares with each square given the value of a poker card. The player rolls or tosses five balls to land in the squares. The operator has predetermined winning poker hands and the player wins when balls land in the squares that duplicate the operators selection.

(5) **Shooting games.** These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirement of the local city or county ordinances must be observed by the operator and player. The target may be stationary or mobile.

(a) **Short range (shooting gallery).**

(i) The player is given four rounds to shoot at a spot target 1/4 inches or less in diameter. The player wins when the spot target is completely shot out.

(ii) The player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. The prize is determined by the number of targets struck by the player.

(iii) The player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. Within each target is a bull's eye and the player must hit the bull's eye without touching outer surface of the target. The prize won is determined by the number of bull's eyes correctly hit.

(b) **Shoot-out-the-star (machine gun).** The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star shaped target. The player must shoot out all of the target to win. The star cannot be more than one and one quarter inch from point to point.

(c) **Water racer.** This group game involves competition with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water striking the target causes a balloon to inflate or advances an object to ring a bell. The player bursting the balloon or ringing the bell first is the winner.

(d) **Rapid fire.** This group game involves competition among players similar to the water racer described in (c) above. The player uses an electronic pistol to shoot at a target. Hits on the target give the player a score and the first player to reach a predetermined score is the winner.

(e) **Cork gallery.** The player uses a cork gun to shoot at targets located on a shelf. The player must knock the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf or by the number of targets knocked over or off the shelf. The base of each target shall be uniform front and rear.

(6) **Coin pitchers.** (a) **Spot pitch (lucky strike).** The player pitches a coin at colored spots located on a table in the center of the stand. The coin must touch or stay inside of a spot to win a prize.

(b) **Plate pitch.** The player pitches a coin onto a glass plate to win a prize as designated.

(c) **Glass pitch (bowl).** The player pitches a coin into or onto dishes, glasses, etc. If the coin remains in one of

the top "target" glass items then the player wins that item.

(7) **Coin-operated games.** (a) **Skill chute (bulldozer) (penny fall).** The player inserts a coin or token into a chute aiming the coin or token so that it will fall in front of a continuous sweeper, (bulldozer). If the coin or token is aimed correctly, the sweeper (bulldozer) will push additional tokens or prizes into a hole or chute which sends them to the player. Tokens are exchanged for prizes. If there is a hidden ledge, tip or similar obstruction which inhibits the passage of tokens or prizes into the hole or chute which sends them to the player, then the operator must post a sign to advise the players.

(b) **Skee ball.** The player rolls a ball(s) up the mechanical bowling alley into targets. A computer adds up the scores and predetermined scores win.

(c) **Diggers.** The player turns a crank on a mechanical crane to pick up a prize. If the player picks up a prize then the player wins that prize. There can be no stops on the digger or, if there are stops, all prizes must be the same. All prizes must be capable of being picked up by the crane.

(8) **Miscellaneous games.** (a) **Tip-em-up bottle.** The player is provided with a pole and a string which has a hoop or ring attached at the end. The player, using the pole with ring, must raise a bottle lying on its side to an upright position to win.

(b) **Hi-striker.** The player, using a wooden maul, must strike a lever target which causes a metal weight to rise on a guide line or track and ring a bell. The player must ring the bell a predetermined number of times to win a prize.

(c) **Rope ladder.** Player must climb up a rope ladder, which is anchored at both ends by a swivel and ring a bell or buzzer to win a prize.

(d) **Whac-a-mole.** A group game which has a target surface with 5 holes - animated "moles" pop up and down at random. Whac (hit) as many moles as possible with a mallet. First player to hit a predetermined number of moles wins.

(e) **Dip bowling game.** Player rolls a bowling type ball over hump in track. If ball stays on the back side of hump, the player wins.

(f) **Speedball radar game.** Player gets four balls. Player throws three balls through radar to establish speeds and to estimate at what speed fourth ball will pass through radar. Player wins prize if he accurately estimates speed of the fourth ball. Radar must be mounted and stationary.

(g) **Horse race derby.** A group game. Players advance their horse by shooting or rolling a ball in target area. The faster and more skillful one shoots or rolls his ball, the faster his horse will run. First horse to finish line wins.

(h) **Shuffleboard.** Player pushes a puck(s) down a shuffleboard alley to knock over poly pins at end of alley. Player wins by knocking down all the pins.

(i) **Bean bag.** The player tosses or throws a bean bag or a simulated bean bag at cans, bottles or other objects on a raised platform. The player wins a prize when he

either knocks the object(s) off the raised platform or tips the targets over.

(j) **Soccer kick.** The player kicks a soccer ball(s) through a hole(s) in the target area to win.

(9) Any additional games or modification of the games authorized above, must be submitted to the commission in writing. The director may temporarily approve any additional games or modification of the games subject to final approval by the commission.

(10) No other games or variations of games may be played. [Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11). 83-06-077 (Order 127), § 230-20-605, filed 3/2/83. Statutory Authority: RCW 9.46.070(11). 82-13-054 (Order 121), § 230-20-605, filed 6/14/82.]

WAC 230-20-610 Amusement games—Factors affecting skill to be readily visible to players. No person licensed to conduct amusement games shall conduct any amusement games within the state of Washington unless the outcome of said game depends in a material degree upon the skill of the contestant. No person licensed to conduct amusement games shall conduct any such game within the state of Washington wherein the physical limitations affecting the degree of skill necessary to win a prize are not readily visible to the player unless a duplicate thereof which does disclose any physical limitation is displayed at the game. For example, if any target, basket, hoop, can, or other similar device utilized in an amusement game, has any limiting features not readily visible to the player, a duplicate thereof showing the limitation or restriction shall be placed so as to be readily visible to the players. [Order 55, § 230-20-610, filed 6/25/76.]

WAC 230-20-620 Amusement games—Objects to be thrown to be uniform—Similar games not to use different objects unless designated. No person licensed to conduct amusement games shall conduct any such game within the the state of Washington wherein the winning of a prize depends upon the player's ability to throw or project an object unless all such objects available to any player in said game are uniform in size and weight. No licensee shall conduct more than one game of a similar type on the same premises utilizing similar objects of a different size or weight, unless the difference in such objects is readily apparent or designated by, for example, use of a color scheme. [Order 55, § 230-20-620, filed 6/25/76.]

WAC 230-20-630 Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or script—Prizes not to differ from those posted. (1) No person licensed to conduct amusement games shall conduct any game at a location within the state of Washington unless there is posted in a conspicuous place, readily visible to persons playing the game, a notification of the fees charged for playing, the rules by which the game is to be played, prizes to be won, and, any variation in the size or weight of objects utilized in the game which is not readily visible to the player. No

person licensed to conduct amusement games shall conduct any such game wherein the price charged for playing said game is paid other than in cash, or in an amount other than that posted upon the premises of said game. The term "cash" as used herein shall include checks. In addition, the operator may accept as consideration, script or tickets, but only under the following conditions:

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

(b) Said tickets or script are not redeemable for cash;

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

(2) No person licensed to conduct amusement games shall conduct any such game within the state of Washington wherein the prize to be given to a prospective winner is other than that posted upon the premises of said game: *Provided, however,* That after an individual player has won two or more prizes, a licensee may offer said player the opportunity to exchange said prizes for one or more other prizes, but only if the prize to be received by the player in exchange was available to be won during the play of the game. Persons licensed to conduct amusement games may utilize a scheme for distribution of prizes wherein the winners of individual prizes receive tickets, which are subsequently redeemable in combination with other tickets won for a merchandise prize. [Order 55, § 230-20-630, filed 6/25/76.]

WAC 230-20-640 Amusement games—Sample of prizes to be displayed. No person licensed to conduct amusement games shall conduct any such game within the state of Washington unless there is on display in a place readily visible to all persons playing such game a sample of each type of prize available to be won. [Order 55, § 230-20-640, filed 6/25/76.]

WAC 230-20-650 Amusement games—Coin toss games. No person licensed to conduct amusement games shall conduct any such game within the state of Washington wherein the ability of a player to win a prize depends upon causing a coin to land within the confines of a space unless the following conditions exist with respect to said game:

(1) There must exist an unobstructed air space, of at least thirty-six inches in height, above any surface upon which the landing of a coin will result in the awarding of a prize.

(2) Plates, spots, targets, etc. will not be inclined so as to give an advantage to the operator.

(3) If the area of an enclosed surface upon which the landing of a coin will result in the awarding of a prize is four square inches, or less, a prize must be awarded to any participant who causes a coin to land so that any part of said coin is within any part of said area. [Statutory Authority: RCW 9.46.030(5). 81-21-033 (Order 114), § 230-20-650, filed 10/15/81; Order 55, § 230-20-650, filed 6/25/76.]

WAC 230-20-660 Amusement games—Target shoot—Target to be brought to contestant on demand. No person licensed to conduct any games shall conduct any such game within the state of Washington wherein a person is required to shoot a firearm, air gun, pellet gun, BB gun or similar device at a target, and, as a condition of winning a prize, destroy or obliterate part or all of that target, unless the contestant is allowed to have the target brought to him for his inspection at his request, at any time and without limitation. [Order 55, § 230-20-660, filed 6/25/76.]

Chapter 230-25 WAC FUND RAISING EVENTS

WAC	
230-25-020	Fund raising event—Licensee to give notice to local police jurisdiction prior to conducting—Inspection of equipment by police.
230-25-030	Fund raising event—Five thousand dollars annual net receipt maximum.
230-25-033	Fund raising events on New Year's Eve extending past midnight.
230-25-040	Fund raising event—House rules to be developed and posted—Limitations on wagers.
230-25-050	Wagering among participants not permitted.
230-25-055	Use of chips, script or similar items at fund raising event.
230-25-060	Coin-operated gaming devices prohibited.
230-25-070	Fund raising events—Central accounting system required.
230-25-100	Fund raising events—Leasing of premises of retail business—Conditions.
230-25-110	Fund raising event—Use of equipment, lease or rental from licensee only.
230-25-120	Limits upon amount for rent, lease or similar payments for fund raising events.
230-25-200	Bingo at fund raising event.
230-25-220	Raffles or similar lotteries conducted at fund raising events.
230-25-230	Raffles or similar lotteries at fund raising events—Tickets to be sold and income to be accounted for separately.
230-25-235	Fund raising event—Rules for blackjack.
230-25-240	Prizes to be awarded only to persons who were present, and purchased tickets or made wagers, at fund raising event.
230-25-250	Operation of punchboards and pull tabs at a fund raising event prohibited.
230-25-260	Bona fide member of organization conducting fund raising event.
230-25-265	Fund raising event—Regular salary for licensee's employee not "payment" for work on fund raising event under certain conditions.
230-25-270	Certain incidental functions at fund raising event not part of management and operation of event.
230-25-310	Fund raising event—List of workers to be available on premises.
230-25-315	Workers to wear identification tabs.
230-25-320	Limits for operation and participation in fund raising events.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-25-035	Recreational fund raising event. [Statutory Authority: RCW 9.46.070(13). 79-12-057 (Order 94), § 230-25-035, filed 11/28/79.] Repealed by 81-19-072 (Order 111), filed 9/15/81. Statutory Authority: RCW 9.46.020(23) and 9.46.070(14).
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230-25-071 Fund raising event—Definitions of job titles. [Statutory Authority: RCW 9.46.070(13). 78-11-049 (Order 87), § 230-25-071, filed 10/20/78.] Repealed by 81-19-072 (Order 111), filed 9/15/81. Statutory Authority: RCW 9.46.020(23) and 9.46.070(14).

WAC 230-25-020 Fund raising event—Licensee to give notice to local police jurisdiction prior to conducting—Inspection of equipment by police. No person licensed to conduct fund raising events shall conduct any such events at any location within the state of Washington without having first given notice to the local police agency of the jurisdiction within which the fund raising events are to be conducted. Such notice shall be in writing, addressed to the head of the local police agency, and shall be delivered no less than ten days in advance of the date upon which the fund raising event is to be conducted: *Provided*, That this time may be reduced by the chief officer of the local law enforcement agency for good cause shown.

Such notice shall include the following information:

(1) The name and address of the licensee, and the name and local address of the person exercising managerial authority over the conduct of the event at that location;

(2) The date or dates the fund raising event will be conducted;

(3) The location at which the fund raising event will be conducted.

The licensee shall not utilize any equipment in the conduct of the fund raising event unless the equipment has been available for inspection by the local police agency for a period of two hours immediately preceding such utilization. [Order 78, § 230-25-020, filed 11/17/77.]

WAC 230-25-030 Fund raising event—Five thousand dollars annual net receipt maximum. (1) No licensee authorized to conduct one fund raising event for a period of seventy-two consecutive hours once during a calendar year shall conduct such an event in such a manner as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid or committed by the licensee as winnings, and for the purchase cost of prizes given as winnings, to exceed five thousand dollars at the conclusion of such fund raising event.

(2) No licensee authorized to conduct a fund raising event on two occasions during a calendar year for not more than twenty-four consecutive hours each shall conduct such event in any manner so as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid by the licensee as winnings and for the purchase cost of prizes given as winnings to exceed five thousand dollars either at the end of any twenty-four consecutive hours upon which such event is conducted, or during the calendar year in which such activity is authorized.

(3) The licensee shall develop and post conspicuously and in detail in the area in which the gambling is taking place a scheme for the distribution to the participants of any receipts beyond those permitted to the organization

by this rule, and shall offer all participants at the event an equal opportunity to participate in such scheme. The scheme must provide for such distribution to be money, payable to the winner by a check. The scheme may provide for such distribution to be of more money than is necessary to ensure [that] the licensee will not retain greater receipts than are permitted by law, but, at minimum, must ensure that the limit is not exceeded.

(4) Winners of all prizes shall be determined during the fund raising event. All cash prizes shall be paid by check, and merchandise prizes distributed to the winners not later than 30 calendar days following the conclusion of the event. [Statutory Authority: RCW 9.46.070(7), 82-15-009 (Order 124), § 230-25-030, filed 7/9/82. Statutory Authority: RCW 9.46.020(23) and 9.46.070(14), 81-19-072 (Order 111), § 230-25-030, filed 9/15/81. Statutory Authority: RCW 9.46.020(23) and 9.46.070(1), 80-06-038 (Order 102), § 230-25-030, filed 5/12/80. Statutory Authority: RCW 9.46.070(10), 78-11-049 (Order 87), § 230-25-030, filed 10/20/78; Order 78, § 230-25-030, filed 11/17/77.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 230-25-033 Fund raising events on New Year's Eve extending past midnight. For the purposes of computing and applying limitations in chapter 9.46 RCW and these rules upon income to the licensee and upon the number of events, or consecutive hours in such events, in a calendar year, a fund raising event which (1) includes any part of December 31, and (2) continues past midnight into the new calendar year, shall be treated as if each hour of the event had been held solely in the calendar year designated by the licensee upon the license application submitted to the commission for the event. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(14), 81-19-072 (Order 111), § 230-25-033, filed 9/15/81. Statutory Authority: RCW 9.46.070(13), 80-06-038 (Order 102), § 230-25-033, filed 5/12/80.]

WAC 230-25-040 Fund raising event--House rules to be developed and posted--Limitations on wagers. Prior to conducting a fund raising event, each licensee shall develop a set of house rules which will govern the type, scope and manner of all gambling activities to be conducted in conjunction with the fund raising event. Among other information, these rules shall establish the maximum amount of wagers which may be placed by persons participating in gambling activities which in any event shall not exceed ten dollars being wagered upon the outcome of any one operation of an element of chance.

In addition, the rules shall prohibit the giving of any thing of value to any person involved in the management or operation of the fund raising event, and prohibit any person involved in the management or operation of the fund raising event from accepting any thing of value.

A copy of the rules shall be posted conspicuously on the premises where the fund raising event is being conducted at all times during the fund raising event, and a copy thereof shall be made available, upon request, to any law enforcement officer or representative of the commission. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(14), 81-19-072 (Order 111), § 230-25-040, filed 9/15/81. Statutory Authority: RCW 9.46.070(10), 78-11-049 (Order 87), § 230-25-040, filed 10/20/78; Order 78, § 230-25-040, filed 11/17/77.]

WAC 230-25-050 Wagering among participants not permitted. No licensee to conduct a fund raising event shall permit, as a part of that fund raising event, a gambling activity which involves a wagering of money or other items of value by one participant against another participant. This rule shall not be construed to prohibit gambling activities wholly administered by the licensee wherein the licensee collects wagers from among the participants and determines the winners and amounts of prizes on a pari-mutuel basis. [Order 78, § 230-25-050, filed 11/17/77.]

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

No such chips, script or similar items shall be redeemed by any licensee after the event is concluded. [Order 80, § 230-25-055, filed 12/28/77.]

WAC 230-25-060 Coin-operated gaming devices prohibited. In no event shall coin-operated pull tab dispensing devices, or any other mechanical gambling or lottery device activated by insertion of a coin or other object be utilized at or in connection with the conduct of, the fund raising event. [Order 78, § 230-25-060, filed 11/17/77.]

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

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

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

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

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

(c) Pit bosses, each of whom shall supervise the operation of not more than six gambling stations and who

shall supervise the transfer of lock boxes and chips/change trays to the count room;

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

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

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

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

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

(4) All games shall be numbered and provided with lock boxes and money paddles. The money paddle shall remain in the lock box slot whenever it is not in use. The money slot of the lock box shall not exceed three and one-half inches in length and one-half inch in width.

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

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

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

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

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

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

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

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

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

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

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

These licensees need only comply with WAC 230-08-010 and record their net receipts in sufficient detail to verify these amounts. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(14). 81-19-072 (Order 111), § 230-25-070, filed 9/15/81. Statutory Authority: RCW 9.46.070(7), (8) and (10). 78-11-049 (Order 87), § 230-25-070, filed 10/20/78; Order 78, § 230-25-070, filed 11/17/77.]

WAC 230-25-100 Fund raising events--Leasing of premises of retail business--Conditions. Fund raising events shall not be operated upon a premises part of a retail sales or service business catering to the public except when:

(1) The room or other portion of the premises in which the fund raising event is being conducted is separate and apart from the portion being used for the retail sales or service business;

(2) the business is closed to the public at all times during which the fund raising event is conducted on the premises; or

(3) the fund raising event is being conducted upon the premises of a bona fide charitable or bona fide nonprofit organization which is not also being used for a profit seeking business.

No licensee shall conduct a fund raising event on or within any portion of a retail premise during the period any other fund raising event is being conducted on or within any portion of that retail premise.

As used in this rule, separate and apart means a permanent or temporary partition which provides a solid, distinct separation between the portion of the room or premises in which the fund raising event is being conducted and the portion of the room or premises being used for the retail sales or service business and which limits the flow between the fund raising event and the retail sales or service business to not more than two designated openings.

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

The owner, manager or any employee of the retail sales or service establishment may not be an officer of the fund raising event operator or participate in the operation of the fund raising event on that premises, and no gambling activities, nor any part or facet of the operation or play of any gambling activity, may be conducted by the retail sales or service establishment or allowed by the operators of the fund raising event in any portion of the premises which is being used for the fund

raising event. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(14). 81-19-072 (Order 111), § 230-25-100, filed 9/15/81. Statutory Authority: RCW 9.46.070(1) and (10). 80-03-060 (Order 99), § 230-25-100, filed 2/25/80; Order 78, § 230-25-100, filed 11/17/77.]

WAC 230-25-110 Fund raising event—Use of equipment, lease or rental from licensee only. Only those persons holding a valid license to sell or distribute punchboards, pull tabs, or pull tab dispensing devices shall be authorized to sell or lease gaming equipment to bona fide nonprofit or charitable organizations licensed to conduct fund raising events for use in connection with a licensed fund raising event. All rules and regulations of the commission relating to the sale or distribution of punchboards, pull tabs, or pull tab dispensing devices by such distributors, shall be likewise applicable to the sale or rental by them of gaming equipment for use in a licensed fund raising event, except to the extent such rules are inconsistent with the provisions of this section: *Provided*, That commission approval of such gaming equipment shall not be required, nor shall identification stamps be required for such equipment: *Provided further*, That a licensee to conduct fund raising events may sell, loan or rent equipment acquired for its own fund raising event to another such licensee without being licensed as a distributor.

No sale or rental of gaming equipment for use in a licensed fund raising event shall be transacted except on commercially reasonable terms established in the competitive market. All rentals shall be a lump sum or hourly rate, and shall not be based upon a percentage of the income or profit derived from the conduct of the fund raising event.

No licensee to conduct fund raising events shall purchase or rent gaming equipment except from another such licensee, or from a licensed distributor.

Any bona fide charitable or nonprofit organization licensed to conduct fund raising events may utilize such equipment, not otherwise prohibited by law or these regulations, as is owned or constructed by such licensee, or which is borrowed or leased from another bona fide charitable or nonprofit organization which has been licensed by the commission to conduct fund raising events.

No licensee to conduct fund raising events shall use, or permit the use of, equipment owned by it for any purpose other than the operation of licensed fund raising events, or other authorized gambling activities by the licensee: *Provided, however*, That the licensee may, within the twelve calendar month period following the conduct of the fund raising event for which it was licensed, loan or rent such equipment to another bona fide charitable or nonprofit organization for use in conjunction with a licensed fund raising event. [Statutory Authority: RCW 9.46.020(5) and § 1(5), chapter 326, Laws of 1977 ex. sess., and RCW 9.46.070(4). 78-03-061 (Order 81), § 230-25-110, filed 2/22/78; Order 80, § 230-25-110, filed 12/28/77.]

WAC 230-25-120 Limits upon amount for rent, lease or similar payments for fund raising events. No licensee shall expend for rent or lease (or similar arrangements) of premises in which to hold a fund raising event, or for any equipment or service in connection with the fund raising event, an amount that exceeds the local prevailing or market price for such premises, equipment or service.

Maximum rental limits shall be:

(1) Premises and other goods or services: Not more than two hundred dollars for all, or any portion, of any twenty-four hour period.

This maximum fee shall include in addition to the use of the premises themselves any and all goods or services of any kind furnished by the person renting the premises to the licensee, or furnished by anyone with a substantial interest in, or immediate family relationship with, that person: *Provided*, That the limit shall not include (a) fees for gambling equipment which are governed by the maximums set out in (2) below; or (b) charges for food or drink to the licensee or patrons of the fund raising event when the purchase of such food or drink is not, directly or indirectly, a condition of rental of the premises and the licensee may elect to bring in food and drink from an outside source.

(2) Gambling devices and equipment:

(a) Not more than three hundred and fifty dollars for all, or any portion of, the first twenty-four hour period for all gambling devices and related equipment to conduct the event, including, but not limited to, cards, dice, cash boxes, shoes, chips, delivery thereof and any schooling in its use.

(b) Not more than two hundred dollars for each succeeding twenty-four hour period, or any portion thereof, for the same kinds of items set out in (a) above.

(3) Individual gambling station:

(a) Not more than twenty-five dollars for all of the equipment needed to set up each single specific gambling station (such as a single twenty-one table), except for a craps table or a roulette wheel station which shall not exceed \$50 or for a station showing horse racing films with advance betting on the outcome of the races which shall not exceed \$250, for the first twenty-four hour period, or any portion thereof, including, but not limited to, the equipment, delivery and schooling in its use, to an overall maximum for all items of \$350, as set out in (2)(a) above.

(b) Not more than fifteen dollars for each successive twenty-four hour period or any portion thereof, for the equipment needed to establish each single specific gambling station as set out in (a) above, to an overall maximum of \$200 as set out in (2)(b) above.

(4) The maximum charges or limits set out in subsections (1) through (3) above include any amount paid to reserve the use of applicable premises, services or equipment.

No more than 50% of the total allowable fees or charges may be paid in advance of the event. Advance payment shall be made only by check which shall not be drawn or paid more than 90 days prior to the event.

The limits in subsections (2) and (3) above shall not apply to expenditures by the licensee for purchases outright, or construction by the licensee of, gambling equipment. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(14), 81-19-072 (Order 111), § 230-25-120, filed 9/15/81. Statutory Authority: RCW 9.46.170(15) [9.46.070(15)], 79-11-074 (Order 93), § 230-25-120, filed 10/19/79; 79-01-026 (Order 88), § 230-25-120, filed 12/18/78.]

WAC 230-25-200 Bingo at fund raising event. (1) Bingo games conducted solely at, and as a part of, a licensed fund raising event authorized under RCW 9.46.030(1) shall be treated as conducted solely pursuant to the license to conduct that fund raising event. All income, prizes awarded, and other expenses shall be accounted for, and reported to the commission, as required for fund raising events and need not be reported, or accounted for, as required for bingo games conducted under a bingo license issued by the commission, or under a different statutory authority: *Provided*, That the provisions of WAC 230-20-100 shall apply to bingo games conducted at such fund raising events.

Income from bingo games conducted at, and as a part of, such a fund raising event shall be applied only against the maximum income permitted for fund raising events and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission rules.

(2) All of the commission's rules applicable to the conduct of bingo games, whether general or specific, shall apply to the conduct of bingo games at, or as a part of, a fund raising event, except as provided in subsection (1) above and except the following rules which shall not be applicable:

- (a) WAC 230-20-070;
- (b) WAC 230-20-090;
- (c) WAC 230-20-150;
- (d) WAC 230-20-170;
- (e) WAC 230-20-190;
- (f) WAC 230-20-220;
- (g) WAC 230-20-251.

[Order 78, § 230-25-200, filed 11/17/77.]

WAC 230-25-220 Raffles or similar lotteries conducted at fund raising events. (1) No sales of tickets or drawing(s) in any raffle or similar lottery wherein the winner or winners are chosen by the drawing of a ticket or other card or device shall be done at, or in connection with, a licensed fund raising event unless all aspects of the raffle or similar lottery are done only at the fund raising event.

(2) If any ticket or card or device for a raffle or similar lottery is sold, or any drawing for a raffle or similar lottery held, other than at and during a licensed fund raising event then no portion of the raffle or similar lottery shall be conducted at or during any licensed fund raising event, nor shall the raffle or similar lottery be considered as being held under the license for any such fund raising event.

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(3) Raffles or other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or other card or device conducted at, or as a part of, a licensed fund raising event authorized under RCW 9.46.030(1) shall be treated as conducted solely pursuant to the license to conduct that fund raising event. All income, prizes awarded, and other expenses shall be accounted for, and reported to the commission, as required for fund raising events and shall not be reported, or accounted for, as required for raffles conducted under a raffle license issued by the commission, or under a different statutory authority: *Provided*, That the requirements of WAC 230-20-100 applicable to raffles shall be applicable to all such lotteries.

Income from raffles or other lotteries conducted at, or as a part of, such a fund raising event shall be applied only against the maximum income permitted for fund raising events and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission's rules.

(4) All of the commission's rules applicable to the conduct of raffles, whether general or specific, shall apply to the conduct of raffles and to the conduct of other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or similar card or device at, or as a part of, a fund raising event, except as provided in subsection (3) above and except the following rules which shall not be applicable:

- (a) WAC 230-20-340;
- (b) WAC 230-20-350;
- (c) WAC 230-20-150.

(5) Subsections (1) through (4) above shall not be applicable where a drawing is held during a fund raising event for a raffle conducted pursuant to a raffle license issued by the commission subject to all the commission's rules applicable to such raffles, and all tickets for said raffle are sold, and deposited into the drawing container prior to the beginning of the fund raising event. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(14), 81-19-072 (Order 111), § 230-25-220, filed 9/15/81. Statutory Authority: RCW 9.46.070(10), 78-04-032 (Order 83), § 230-25-220, filed 3/16/78; Order 78, § 230-25-220, filed 11/17/77.]

WAC 230-25-230 Raffles or similar lotteries at fund raising events—Tickets to be sold and income to be accounted for separately. (1) Tickets for entry into a raffle or similar lottery held at, and as a part of, a fund raising event, wherein the winner or winners are determined by the drawing of a ticket from among tickets sold or issued, shall be sold or issued separately and each shall constitute a separate and equal chance to win with all other tickets sold or issued. No person shall be required to obtain more than one ticket, or to pay for anything other than the ticket, in order to enter any such raffle or similar lottery.

(2) The provisions of WAC 230-20-100 respecting receipting for, and accounting for, sales of raffle tickets and prizes shall apply to all such raffles and similar lotteries, which together shall be treated as raffles for the purposes of this rule. Each such raffle or similar lottery

shall be accounted for separately from other activities in connection with the fund raising event. [Order 78, § 230-25-230, filed 11/17/77.]

WAC 230-25-235 Fund raising event--Rules for blackjack. The game of "21" (blackjack) when played as part of a licensed fund raising event shall be played in conformance with the following:

(1) Cards shall be dealt from a dealing shoe. The deal shall begin with the shoe containing four full decks of cards and proceed until, in the dealer's judgment, the cards should be reshuffled or the cards withdrawn for examination and/or replaced. The shoe shall then be refilled with four decks of cards and the process repeated.

(2) All cards shall be dealt to the players face up.

(3) Players are not to remove or pick up cards from the table and will not "shuffle" or "cut" the cards.

(4) Only "standard size" playing cards shall be used.

(5) Cards may be shuffled using a device, apparatus, or mechanism. No device, apparatus, mechanism or thing which may give a participant in a card game an advantage over any other participant in that game may be used by any organization or person. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(14). 81-19-072 (Order 111), § 230-25-235, filed 9/15/81. Statutory Authority: RCW 9.46.070(10). 78-11-049 (Order 87), § 230-25-235, filed 10/20/78.]

WAC 230-25-240 Prizes to be awarded only to persons who were present, and purchased tickets or made wagers, at fund raising event. No prize or wager shall be paid or awarded in connection with a fund raising event to any person who is, or was, not present at the event himself and personally there made the wager, or obtained the ticket or chance, resulting in such award or payment. [Order 80, § 230-25-240, filed 12/28/77.]

WAC 230-25-250 Operation of punchboards and pull tabs at a fund raising event prohibited. No licensee to conduct a fund raising event shall operate punchboards and pull tabs as a part of that event. [Order 80, § 230-25-250, filed 12/28/77.]

WAC 230-25-260 Bona fide member of organization conducting fund raising event. For the purposes of eligibility to participate in managing or otherwise assisting in the operation of a fund raising event, a person is a bona fide member of a bona fide charitable or bona fide nonprofit organization only when he or she:

(1) Has become a member prior to the commencement of the fund raising event and such membership was not dependent upon, or in any way related to the payment of consideration to participate in, any gambling activity; and

(2) Has (a) been admitted upon written application, only after investigation and ballot, with such action being recorded in the official minutes of a regular meeting, or (b) has held full and regular membership status in the organization for a period of not less than twelve consecutive months prior to the subject fund raising event; and

(3) Has paid reasonable initiation or admission fees for membership, and/or dues, consistent with the nature and purpose of the organization and with the type of membership obtained and is not in arrears in payment of such fees or dues; and

(4) Has met all other conditions required by the organization for membership and is in all respects a member in good standing at the time of the subject fund raising event.

A person may also be a bona fide member of a bona fide charitable or bona fide nonprofit organization affiliated with or auxiliary to his or her own organization, or to which his or her own organization is auxiliary, to the extent specifically provided for in RCW 9.46.020(15) defining "member," when he or she meets all of the standards set out above respecting his or her own organization. [Statutory Authority: RCW 9.46.070(18). 78-04-032 (Order 83), § 230-25-260, filed 3/16/78.]

WAC 230-25-265 Fund raising event--Regular salary for licensee's employee not "payment" for work on fund raising event under certain conditions. The salary of a regular and full time employee, or a regular but part time employee if the organization has employed a person in that part time position for the past three consecutive years, of an organization licensed to conduct fund raising events shall not be deemed "payment" (as the term "paid" is used in RCW 9.46.020(23)) for work performed by the employee in connection with a fund raising event conducted by that organization when all of the following conditions are met:

(1) The position held by the employee has been created for purposes unrelated to the conduct of fund raising events and requires the performance of duties unrelated to fund raising events year around. The employee's contribution to fund raising events must be an incidental part of his or her total duties, consisting of less than 1% of total time worked for the organization; and

(2) The employee is paid on a recurring basis on a regular and established rate throughout the calendar year, unrelated to the income produced by any fund raising event; and

(3) The employee does not operate any gambling game or lottery at any fund raising event conducted by the organization but confines his or her services in connection with the event to assisting the organization's other members with the overall planning and organization of the event and with supervision of the supporting services for the event. However, such an employee who is also a bona fide member of the organization or its bona fide auxiliary and is not otherwise scheduled for duty in his or her assigned employee duties at the time the fund raising event is to be held may participate in the conduct of the fund raising event as a bona fide member as set out in WAC 230-25-260. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(14). 81-19-072 (Order 111), § 230-25-265, filed 9/15/81. Statutory Authority: RCW 9.46.070(13). 79-01-026 (Order 88), § 230-25-265, filed 12/18/78.]

WAC 230-25-270 Certain incidental functions at fund raising event not part of management and operation of event. Persons who perform only the following incidental functions in connection with a fund raising event shall not be deemed to be participating in the "management or operation" of such an event for the purposes of that portion of RCW 9.46.020(23) requiring that persons participating in the management or operation of the event be members of the licensee organization:

(1) The serving of food and drink to participants in the event;

(2) The parking of cars;

(3) Acting as a police officer for the purposes of maintaining general crowd control and order at the event, or to detect persons cheating the participants or the house, when that person is a commissioned law enforcement officer with the power to make arrests in the jurisdiction in which the event is being held or is the employee of a commercial securities service firm licensed by the city, town, or county, in which the event is being conducted to provide such services;

(4) Providing janitorial functions;

(5) Persons whose participation is limited to supervising personnel carrying out the functions enumerated in (1), (2), (3) and (4).

Provided, That the payment to persons to perform these functions does not exceed the local prevailing level of payment for a similar function at other than fund raising events. [Statutory Authority: RCW 9.46.070(13), 79-01-026 (Order 88), § 230-25-270, filed 12/18/78.]

WAC 230-25-310 Fund raising event--List of workers to be available on premises. The licensee conducting a fund raising event shall prepare and have available on the premises a list of all persons taking part in the management or operation of the fund raising event. Such list shall contain the name, address, telephone number and a description of the type of membership in the organization of each person. The list shall be maintained as part of the licensee's records of the event and shall be made available to any law enforcement officer or representative of the commission upon request. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(7), 78-11-049 (Order 87), § 230-25-310, filed 10/20/78.]

WAC 230-25-315 Workers to wear identification tabs. Each licensee conducting a fund raising event shall furnish to each person participating in the management or operation of the event an identification tag which at minimum shall contain that person's name and designation of licensee organization. The licensee shall cause each such person to wear this tag at all times when the person is working at the fund raising event. The tag shall be worn in plain view so as to be easily seen and read by persons participating in the event. The type and style of tag shall be the option of the licensee. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(14), 81-19-072 (Order 111), § 230-25-315, filed 9/15/81.]

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WAC 230-25-320 Limits for operation and participation in fund raising events. No person under the age of eighteen years of age, and no person intoxicated or under the influence of any drug or substance shall be allowed to participate in the operation or management, or participate as a player, at any fund raising event. [Statutory Authority: RCW 9.46.020(23) and 9.46.070(14), 81-19-072 (Order 111), § 230-25-320, filed 9/15/81.]

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PUNCH BOARDS AND PULL TABS

WAC

- 230-30-015 Identification stamps and substitute flares.
- 230-30-016 Replacement of commission identification stamps on pull tab dispensing devices.
- 230-30-018 Sellers of punchboards, pull tabs or pull tab dispensing devices to put commission stamp numbers on invoices.
- 230-30-030 Punch board and pull tab special inspection.
- 230-30-050 Punch board and pull tab operation.
- 230-30-060 Punch board restrictions.
- 230-30-065 Punchboard/pull tab price per play to be posted.
- 230-30-070 Control of prizes.
- 230-30-075 Minimum percentage of prizes for certain gambling activities.
- 230-30-080 Limitation on pull tab dispensing devices.
- 230-30-090 All devices must comply with rules.
- 230-30-095 Pull tab dispensing devices to be submitted to commission for approval prior to sale.
- 230-30-100 Punchboard and pull tab device to display name of its licensed manufacturer.
- 230-30-102 Pull tab series assembly and packaging.
- 230-30-103 Standards for construction of pull tabs.
- 230-30-104 Possession or sale of pull tab series in which winners or location of winners may be determined in advance—Prohibited.
- 230-30-105 Only one flare may be used with a punchboard or pull tab series.
- 230-30-106 Standards for flares.
- 230-30-110 Possession of duplicate numbered-color coded pull tab series prohibited.
- 230-30-130 Flare to display pull tab series number.
- 230-30-200 Punchboard and pull tab business restrictions.
- 230-30-210 Buying from and selling to only licensees required.
- 230-30-212 Punchboards, pull tabs and related equipment may be sold with sale of business.
- 230-30-213 Sale of punchboards, pull tabs and pull tab dispensing devices when license revoked, expired or voluntarily surrendered.
- 230-30-215 Trade-in of used pull tab dispensing devices permitted provided certain records are maintained.
- 230-30-220 Interest in separate business involving punchboards and pull tabs at a different marketing level prohibited.
- 230-30-500 Rules applicable to operators of punchboards and pull tabs applicable as well to operators of either activity.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 230-30-010 Prior inspection or approval of punch boards, pull tabs, or devices for the distribution of pull tabs by the commission—Alternatives. [Order 5, § 230-30-010, filed 12/19/73, 1:25 p.m.] Repealed by Order 9, filed 12/19/73, 1:26 p.m.
- 230-30-020 Approval by sample. [Order 5, § 230-30-020, filed 12/19/73, 1:25 p.m.] Repealed by Order 9, filed 12/19/73, 1:26 p.m.
- 230-30-091 Unapproved mechanical or electrical coin-operated pull tab dispensing devices prohibited. [Order 42, §

230-30-091, filed 9/18/75, effective 6/1/76.] Repealed by Order 55, filed 6/25/76.

015, filed 3/23/76; Order 21, § 230-30-015, filed 8/20/74; Order 9, § 230-30-015, filed 12/19/73.]

WAC 230-30-015 Identification stamps and substitute flares. (1) No punchboard, series of pull tabs or device for the dispensing of pull tabs shall be sold or purchased within this state or knowingly for use within this state or put out for play unless and until a stamp obtained from the commission containing an identifying number, symbol or combination thereof has been permanently and conspicuously affixed thereto. Once placed, such stamp shall not be removed or tampered with by any person.

With respect to punchboards, the stamp shall be placed so the complete number, together with any symbol appearing thereon, is plainly visible.

With respect to series of pull tabs, the stamps shall be placed upon the dispensing device sold together with, and for that specific series or upon a flare furnished by the manufacturer for that series.

(2) A substitute flare may be utilized on punchboards or pull tabs. Substitute flares shall have the Washington state identification stamp number assigned to the punchboard or pull tab series permanently recorded in ink on the face of the substitute flare. Such flare shall also show the series number assigned to that series by the manufacturer. If a different flare than the flare so stamped is used for display when the series of pull tabs is put out for play, then the manufacturer's flare, with the manufacturer's series number and with the identification stamp obtained from the commission thereon, shall be attached to the back of the substitute flare in such a manner as to be clearly visible to a person playing the device.

The responsibility for placing the Washington state identification stamp number on the substitute flare shall rest with the licensed operator.

(3) Stamps shall be placed only on items which conform to all requirements of this state's laws and the rules of this commission, and shall not be placed upon items not authorized for use within this state. Stamps shall be placed only upon those pull tab dispensing devices which have been approved by the commission pursuant to WAC 230-30-095.

(4) Identification stamps may be obtained only from the commission, by a licensed manufacturer only, for ten cents each. Such stamps shall be placed by the licensed manufacturer only on items which he, himself, sells or furnishes, and shall not be transferred or furnished to any other person unless already placed upon a punchboard, series of pull tabs or pull tab dispensing device.

(5) No person not a licensed manufacturer shall obtain such stamps from any source, nor shall he affix such a stamp to any punchboard, series of pull tabs or pull tab dispensing device, after November 1, 1974. [Statutory Authority: RCW 9.46.070 (6) and (11). 81-21-033 (Order 114), § 230-30-015, filed 10/15/81. Statutory Authority: RCW 9.46.070(5). 81-13-032 (Order 109), § 230-30-015, filed 6/15/81; 79-07-019 (Resolution 90), § 230-30-015, filed 6/14/79; Order 48, § 230-30-

WAC 230-30-016 Replacement of commission identification stamps on pull tab dispensing devices. (1) Notwithstanding any other provisions in these rules, a licensed operator or distributor of pull tab dispensing devices may obtain a commission identification stamp to replace an identification stamp affixed to a pull tab dispensing device that has become unidentifiable due to wear: *Provided*, That the operator or distributor furnish to the commission:

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

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

(2) The request for replacement of the commission identification stamp shall be submitted on a form provided by the commission. The fee for replacement of the commission identification stamps shall be ten dollars. [Order 48, § 230-30-016, filed 3/23/76.]

WAC 230-30-018 Sellers of punchboards, pull tabs or pull tab dispensing devices to put commission stamp numbers on invoices. Persons selling or otherwise furnishing punchboards, pull tabs or pull tab dispensing devices shall set out the commission stamp number of each item sold on each invoice and other document used in connection with the sale. [Order 23, § 230-30-018, filed 9/23/74.]

WAC 230-30-030 Punch board and pull tab special inspection. In addition to any other authority of the commission or its agents to conduct inspections, the commission or its agents, shall have the authority to select any punch board or pull tab series, whether held by an operator or not, and to examine the punch board or pull tab series in any manner, including punching out or pulling all chances remaining thereon: *Provided*, That if the punch board or pull tab series so inspected is thereby altered in any manner and no defect, alteration, deceptive condition or other violation is discovered, then the owner shall be reimbursed by the commission for his cost for the punch board or pull tab series, and the device shall become the property of the commission. [Order 5, § 230-30-030, filed 12/19/73.]

WAC 230-30-050 Punch board and pull tab operation. (1) No person under the age of eighteen years and no person visibly intoxicated or visibly under the influence of any narcotic, shall be allowed to play any punch board or pull tab device. It shall be the responsibility of the licensee and the responsibility of the person physically operating the punch board or pull tab device to determine that no unauthorized person is allowed to play.

(2) No operator shall permit the display or operation of any punch board or pull tab which may have in any

manner been marked, defaced, tampered with or otherwise placed in a condition, or operated in a manner, which may deceive the public or which affects the chances of winning or losing upon the taking of any chance thereon.

(3) All records, reports and receipts relating to a punchboard or pull tab series in play must be retained on the licensed premises so long as the series or punchboard is in play and be made available on demand to law enforcement officers and representatives of the commission. [Statutory Authority: RCW 9.46.070(8). 81-21-033 (Order 114), § 230-30-050, filed 10/15/81; Order 5, § 230-30-050, filed 12/19/73.]

WAC 230-30-060 Punch board restrictions. No operator shall display, and no manufacturer shall sell or furnish to any person, any punch board:

(1) To which any key to any winning number, or symbol, exists other than a key which is furnished to the operator, which key designates the color codes for all chances on that board without regard to whether or not such chances are designated winners.

(2) Which has taped sides, corners, or edges. [Order 5, § 230-30-060, filed 12/19/73.]

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

(2) Once placed out for public play, a punchboard or pull tab series flare may not be modified or otherwise changed, except for the deletion of those prizes valued at five dollars or more as required by WAC 230-30-070. [Statutory Authority: RCW 9.46.070(11). 82-13-054 (Order 121), § 230-30-065, filed 6/14/82.]

WAC 230-30-070 Control of prizes. (1) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. No punchboard which offers as a prize the opportunity to take another punch on that board shall be sold or placed out for play unless that particular style and type of step-up board has been approved in advance by the commission. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2)(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be displayed, but a coupon designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

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

(3) Upon a determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

Immediately upon determining the winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall conspicuously delete all references to that prize being available to players from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The prize shall then be paid or delivered to the winner forthwith. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

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

(5) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. [The record] of the win [shall be made] in a standard format prescribed by the commission and shall disclose at minimum the following information:

(a) The Washington state identification stamp number of the punchboard or pull tab series from which the prize was won;

(b) The series number of the pull tab series or punchboard from which the prize was won;

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

(d) The date the pull tab series or punchboard was placed out for play;

(e) The date the pull tab series or punchboard was removed from play;

(f) The month, day and year of the win;

(g) If the prize is cash, the amount of the prize won;

(h) If the prize is merchandise, a description of the prize won and its retail value;

(i) The printed full name of the winner;

(j) The current address of the winner which will include the street address, the city and the state.

It shall be the responsibility of the licensee to determine the identity of the winner and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be maintained in the [licensee] [license]'s record of the win.

(6) Every licensee shall keep the record of all prizes awarded in excess of twenty dollars, containing all of the information required in subsection (5) above, and all winning pull tabs or punchboard punches of five dollars or more for a period of six months and shall display the same to any member of the public, representative of the commission or law enforcement officials upon demand.

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

(8) Spindle-type pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts. [Statutory Authority: RCW 9.46.070 (8) and (11). 82-01-065 and 82-03-033 (Order 115 and 116), § 230-30-070, filed 12/18/81 and 1/18/82; 81-21-033 (Order 114), § 230-30-070, filed 10/15/81. Statutory Authority: RCW 9.46.070(10). 79-09-029 (Order 91), § 230-30-070, filed 8/14/79; Order 43, § 230-30-070, filed 11/28/75; Order 29, § 230-30-070, filed 1/23/75; Order 27, § 230-30-070, filed 11/15/74; Order 23, § 230-30-070, filed 9/23/74; Order 14, § 230-30-070, filed 3/27/74; Order 12, § 230-30-070, filed 2/14/74; Order 5, § 230-30-070, filed 12/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 230-30-075 Minimum percentage of prizes for certain gambling activities. No operator shall put out for play and no distributor or manufacturer of punchboards and pull tabs shall sell or otherwise provide to any person in this state or for use in this state any punchboard or pull tab series that does not contain the following minimum percentage in prizes:

(1) Punchboards - a minimum of 60 percent respecting each punchboard placed out for public play.

(2) Pull tabs - a minimum of 60 percent respecting each series of pull tabs placed out for public play.

(3) For the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series under this section, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(4) Single cash prizes on punchboards/pull tabs shall not exceed:

(a) One hundred (\$100) in cash[;][.] or

(b) A merchandise prize, or combination merchandise prize, for which the operator has expended more than one hundred dollars. [Statutory Authority: RCW 9.46.070(11). 82-06-007 (Order 119), § 230-30-075, filed 2/19/82. Statutory Authority: RCW 9.46.070(10). 79-09-029 (Order 91), § 230-30-075, filed 8/14/79; Order 70, § 230-30-075, filed 5/24/77; Order 43, § 230-30-075, filed 11/28/75.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 230-30-080 Limitation on pull tab dispensing devices. (1) No pull tabs shall be placed out for public play unless the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare advertising the prizes available from that series of pull tabs. The total number of pull tabs originally in the series will be placed upon the flare by the manufacturer prior to the series being sold to a distributor or operator.

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

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

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

(a) Those pull tabs actually played by consumers,

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

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

Excepting only tabs removed under (b) and (c) hereinabove, once a pull tab has been removed from public play it shall not again be put out for public play.

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

(6) No person shall sell or transfer to another person in this state, or for use within this state, or shall place out for public play any device for the dispensing of pull tabs not so constructed as to allow a consumer to clearly see each pull tab within, or if a spindle upon, the device prior to playing the device. However, a metal plate, not to exceed 3/4 inch in height, may be affixed across the

front at the bottom of the dispensing columns of a mechanical pull tab dispensing device.

(7) No person shall sell or transfer to any other person in this state, or for use within this state, or put out for public play any device for the dispensing of pull tabs without permanent lines or markings on the face of the device and clearly visible to the consumer which effectively divide the tabs remaining in the device into divisions of approximately 25 tabs so that the consumer can determine how many tabs remain within the device.

(8) No person shall put out for public play any device for the dispensing of pull tabs which is not so constructed as to provide for at least one selection position for every 400 pull tabs originally in the series in play in the machine.

The following schedule shall be followed in the enforcement of this subsection:

MINIMUM NUMBER OF TABS FROM WHICH SELECTION MUST BE AVAILABLE	THE NUMBER OF TABS ORIGINALLY IN SERIES OF PLAY
1	1 - 400
2	401 - 800
3	801 - 1200
4	1201 - 1600
5	1601 - 2000
6	2001 - 2400
7	2401 - 2800
8	2801 - 3200
9	3201 - 3600
10	3601 - 4000

(9) No person shall sell or transfer to another person in this state, or for use within this state, or put out for public play, any pull tab series which contains more than 4000 individual pull tabs. [Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14). 83-19-024 (Order 136), § 230-30-080, filed 9/13/83. Statutory Authority: RCW 9.46.070(14). 81-19-073 (Order 112), § 230-30-080, filed 9/15/81. Statutory Authority: RCW 9.46.070(10). 79-07-019 (Order 90), § 230-30-080, filed 6/14/79; Order 55, § 230-30-080, filed 6/25/76; Order 43, § 230-30-080, filed 11/28/75; Order 15, § 230-30-080, filed 4/17/74; Order 9, § 230-30-080, filed 12/19/73, 1:26 p.m.; Order 5, § 230-30-080, filed 12/19/73, 1:25 p.m.]

WAC 230-30-090 All devices must comply with rules. No operator shall display or put out for play, and no distributor or manufacturer or their representatives shall sell or otherwise furnish, any punchboard, series of pull tabs, or device for the dispensing of pull tabs unless such punchboards, pull tabs or devices for the dispensing of pull tabs conform to all requirements of this state's laws and the rules of this commission, as they now exist or are hereafter amended. [Order 18, § 230-30-090, filed 5/21/74.]

WAC 230-30-095 Pull tab dispensing devices to be submitted to commission for approval prior to sale. No

pull tab dispensing device shall be put out for public play, or sold or otherwise furnished to any person in this state, or for use within this state, after August 1, 1976 unless and until an identical prototype of that device has first been presented to the commission by its manufacturer and has been approved by the commission for use within this state.

Prototypes, or examples, of such devices shall be presented at the commission's office for staff review, together with an application for commission approval on a form obtained from the commission, not less than 60 calendar days prior to the date by which a commission decision is desired.

The commission shall retain the device actually submitted for approval, or a later production model thereof, at the discretion of the director or the commission. Approval, if granted, shall extend only to the specific device approved and devices exactly like it. If the device is modified in any way, excepting only in color and other like superficial appearance features, it must be resubmitted for commission approval of such modifications and shall be treated in all respects under this rule as if it were a new and different device.

The traditional single spindle device, and the clear glass or plastic traditional fishbowl device, for the dispensing of pull tabs are hereby approved and these devices need not be submitted to the commission for further approval notwithstanding the above provisions of this rule. [Order 55, § 230-30-095, filed 6/25/76; Order 45, § 230-30-095, filed 12/30/75.]

WAC 230-30-100 Punchboard and pull tab device to display name of its licensed manufacturer. (1) No operator shall put out for play, and no distributor or manufacturer shall sell or otherwise furnish, any punchboard, series of pull tabs or device for the dispensing of pull tabs unless each such board, series, or device shall have conspicuously set forth thereon a stamp, seal or label which identifies its manufacturer and the city and state of its manufacturer.

(2) Any coin-operated pull tab dispensing device manufactured or sold in this state, or for use in this state, and initially placed out for play on or after August 1, 1976, shall have the manufacturer's name, the city and state of its manufacturer, and the manufacturer's serial number for that device stamped or embossed into its case. The manufacturer shall keep a permanent record describing each such device sold, identifying the purchaser and setting out that serial number.

The manufacturer's serial number shall be set out on the sales invoice each time the device is sold or transferred.

(3) Each individual pull tab shall have conspicuously set forth thereon the name of the manufacturer or label or trademark which identifies its manufacturer. The label or trademark must be filed with the commission prior to the printing of the pull tab.

(4) No operator shall put out for play and no distributor shall sell or otherwise furnish, any punchboard, series of pull tabs or coin operated device for the dispensing of pull tabs, unless the manufacturer of

punchboards, series of pull tabs or coin operated device for the dispensing of pull tabs, identified on such device, has been licensed by the commission. [Statutory Authority: RCW 9.46.070(13). 79-07-019 (Order 90), § 230-30-100, filed 6/14/79; Order 55, § 230-30-100, filed 6/25/76; Order 43, § 230-30-100, filed 11/28/75; Order 27, § 230-30-100, filed 11/15/74; Order 23, § 230-30-100, filed 9/23/74; Order 18, § 230-30-100, filed 5/21/74; Order 12, § 230-30-100, filed 2/14/74.]

WAC 230-30-102 Pull tab series assembly and packaging. Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light.

Winning pull tabs shall be randomly distributed and mixed among all other pull tabs in the series. The series shall be assembled and packaged with special care so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined.

When the series is packaged in more than one package, box or other container, the entire series of individual pull tabs shall be mixed in such a manner that no person can determine the position or approximate location of any of the winning pull tabs or determine whether any one package or portion of a series contains a larger or smaller percentage of winning pull tabs than the balance of the series. The packages, boxes or other containers shall not be numbered as to distinguish one from the other and have no marking other than the series number. Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series. [Order 78, § 230-30-102, filed 11/17/77; Order 43, § 230-30-102, filed 11/28/75.]

WAC 230-30-103 Standards for construction of pull tabs. Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, or set of symbols, on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light. [Order 78, § 230-30-103, filed 11/17/77; Order 43, § 230-30-103, filed 11/28/75.]

WAC 230-30-104 Possession or sale of pull tab series in which winners or location of winners may be determined in advance--Prohibited. (1) No operator, distributor or manufacturer, or representative thereof, with knowledge or in circumstances whereunder he reasonably should have known, shall possess, display, put out for play, sell or otherwise furnish to any person any pull tab series or pull tab from any series:

(a) In which the winning tabs have not been completely and randomly distributed and mixed among all other tabs in the series; or

(b) In which the location, or approximate location, of any of the winning tabs can be determined in advance of opening the tabs in any manner or by any device, including but not limited to, any pattern in the manufacture, assembly or packaging of the tabs by the manufacturer, by any markings on the tabs or container, or by the use of a light; or

(c) Which does not conform in any other respect to the requirements of these rules as to manufacture, assembly, or packaging of pull tabs.

(2) No manufacturer or distributor or representative thereof shall use as a sales promotion any statement, demonstration, or implication that any certain portion of a series of pull tabs contains more winners than other portions of the series or that any series of pull tabs may be sold by the operator in a particular manner that would give the operator any advantage in selling more of the pull tabs before having to pay out winners. [Order 78, § 230-30-104, filed 11/17/77.]

WAC 230-30-105 Only one flare may be used with a punchboard or pull tab series. No person shall place or have out in public view more than one flare advertising the prizes available from the operation of any punchboard, or from any series of pull tabs. [Order 43, § 230-30-105, filed 11/28/75.]

WAC 230-30-106 Standards for flares. The flare advertising prizes available from the operation of any punchboard, or any series of pull tabs shall:

(1) Be placed only upon the upper face, or on the top, of any such punchboard or any device used to dispense the pull tabs; and

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

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

WAC 230-30-110 Possession of duplicate numbered-color coded pull tab series prohibited. (A) Each manufacturer of pull tabs shall assign a series number to each series of pull tabs he manufactures and place that series number on each pull tab in that series. A manufacturer may, in addition, assign a color trim to that series and if so, each pull tab in the series shall also reflect that color trim.

No manufacturer, manufacturer's representative, distributor or distributor's representative shall sell or furnish to any operator a series of pull tabs with the same

series number and color code combination as a series which that operator has previously purchased or obtained but upon which play has not been completed.

(B) No person licensed as an operator of punchboards or pull tabs shall ever obtain or possess, or shall ever allow upon the licensed premises, a series of pull tabs, or portion thereof, with the same series number, or series number or color code combination, as any other series of pull tabs or portion thereof in his possession, or on the licensed premises: *Provided*, That this rule shall not prevent a person from retaining upon the licensed premises pull tabs remaining from series removed from play for the purposes of complying with federal or state law or regulation if that person

(1) Has punched a hole through each such pull tab removed and retained with a standard hole punch not less than 1/8" in diameter immediately upon removal of the pull tabs from play, and

(2) Made a written record of the series number, color code if any, and the number of tabs remaining in that series, immediately upon removing that series from play, and

(3) The written record so made is maintained upon the licensed premises for a period of not less than three years after the series is removed. [Order 27, § 230-30-110, filed 11/15/74.]

WAC 230-30-130 Flare to display pull tab series number. Each flare describing the prizes and winning numbers or symbols for a series of pull tabs in play shall clearly set out the series number assigned to that pull tab series by the manufacturer. The series number will be placed upon the flare by the manufacturer prior to the series being sold to a distributor or operator. [Order 48, § 230-30-130, filed 3/23/76; Order 23, § 230-30-130, filed 9/23/74.]

WAC 230-30-200 Punchboard and pull tab business restrictions. (1) No operator shall buy, receive or otherwise obtain, nor shall any manufacturer or distributor, or anyone connected therewith, sell or deliver any punchboard, pull tab, pull tab dispensing device or related equipment, or merchandise for prizes to be awarded in connection with such activities, to any operator, except a cash [the] basis nor shall any operator permit any manufacturer or distributor or anyone connected therewith, to acquire any interest, including a security interest, in any such equipment or merchandise. A cash basis shall consist of payment in full, either by cash or by check, with payment made to the seller by the operator upon, or prior to, actual physical delivery of the merchandise to the operator: *Provided*, That when a check is used for payment to constitute a cash basis payment it shall be presented for payment into the banking system by the end of the tenth calendar day following the day the check is written. If an operator can demonstrate by a preponderance of evidence that it has properly made a payment by check, as required by this section, then it will not be held liable for a violation of this rule if the violation is caused solely by the failure of

the manufacturer or distributor to deposit the check into the banking system in a timely fashion.

(2) No operator shall accept a loan of money or any thing of value from any manufacturer or distributor, or from anyone connected therewith. [Statutory Authority: RCW 9.46.070(13). 81-13-033 (Order 110), § 230-30-200, filed 6/15/81; Order 18, § 230-30-200, filed 5/21/74; Order 5, § 230-30-200, filed 12/19/73.] See Reviser's Note.

Reviser's note: Permanent Order 30, filed by the Washington state gambling commission in the office of the code reviser on January 23, 1975, set an effective date of April 1, 1975, on the following section included in this chapter:

WAC 230-30-200 as a repealed section.

Emergency Order 34, filed April 1, 1975, deferred the effective date of Permanent Order 30, from April 1, 1975, to June 27, 1975.

Permanent Order 36, filed May 9, 1975, voided Orders 30 and 34 before the designated effective date of June 27, 1975, thereby returning the section to its former status as filed May 21, 1974. See later promulgation of this section by Order 110, filed June 15, 1981.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 230-30-210 Buying from and selling to only licensees required. No manufacturer, distributor or distributor's representative, shall sell or otherwise make available to any person any punch boards, pull tabs, pull tab dispensing devices or related equipment in this state unless it has first determined that such person has a valid license issued by the commission to sell or otherwise distribute such equipment within this state, or to operate such activity on a particular premise within this state.

No operator, distributor or distributor's representative, shall purchase or otherwise obtain from any person any punch board, pull tab, device for the dispensing of pull tabs or related equipment in this state until it has first determined that the person selling or otherwise offering such equipment has a valid license issued by the commission to sell the equipment in this state or has been registered with the commission as required. [Order 5, § 230-30-210, filed 12/19/73.]

WAC 230-30-212 Punchboards, pull tabs and related equipment may be sold with sale of business. Notwithstanding any other provision in these rules, a licensed operator who is selling the retail business in connection with which he is operating punchboards, pull tabs and pull tab dispensing devices may transfer such of those items as he has on hand to the buyer as a part of the transaction, provided:

(1) The buyer has been licensed by the commission to operate punchboards and pull tabs or has applied to the commission for such a license.

(2) Each such item sold together with the business is reported to the commission in writing by the seller. This report shall include a complete description of each item sold together with the number of the commission's stamp assigned to each item, and the number assigned by the manufacturer to each board, series of pull tabs or device. [Order 23, § 230-30-212, filed 9/23/74.]

WAC 230-30-213 Sale of punchboards, pull tabs and pull tab dispensing devices when license revoked, expired or voluntarily surrendered. (1) Notwithstanding any other provisions in these rules, a licensed operator or distributor of punchboards and pull tabs whose license has been revoked, expired or voluntarily surrendered may sell complete pull tab series, pull tab dispensing devices and unused punchboards in inventory to a licensed distributor or a licensed manufacturer of those devices: *Provided*, That the seller notifies the commission within ten days of the transaction in writing of the following:

(a) The date the license is revoked, expired or surrendered,

(b) A complete description of the items to be sold including commission identification stamp number,

(c) The name and license number of the distributor or manufacturer who will buy the equipment.

(2) Licensed distributors and manufacturers of punchboards and pull tabs may buy complete pull tab series, pull tab dispensing devices and unused punchboards from a licensed operator whose license has been revoked, expired or surrendered: *Provided*, That:

(a) The transaction is for cash only,

(b) The licensed operator has furnished the written notification to the commission of the transaction required above.

(3) The distributor or manufacturer will prepare an invoice for the transaction with a complete description of all equipment purchased together with the commission stamp number on each item. A copy of the notice given to the commission by the operator will be attached to the invoice. The records of these transactions shall be retained by each party for not less than three years following the transaction, unless released by the commission from this requirement as to any particular record. [Order 33, § 230-30-213, filed 2/21/75.]

WAC 230-30-215 Trade-in of used pull tab dispensing devices permitted provided certain records are maintained. "Trade-in" of pull tab dispensing devices by an operator is prohibited, except when all of the following conditions are satisfied:

(1) The trade-in is accomplished in connection with, and as a part of, an occasional transaction wherein a licensed operator is purchasing other pull tab dispensing devices from a licensed distributor or manufacturer.

(2) The portion of the purchase price of the devices purchased by the operator to be deducted as a credit for the devices traded in is the fair market price of such trade-in items, taking into account their age, condition and functional obsolescence. The trade-in credit shall be for value received and shall not be used by the distributor or manufacturer to grant a discount in the price of the devices sold to the operator when such discount is not available to all other customers of the distributor or manufacturer.

(3) A record shall be kept of each transaction by all parties to it which includes:

(a) A complete description of each device sold to the operator, its sales price and the identifying number of

the device set out on the stamp affixed thereto by the commission.

(b) A complete description of each device traded in to the distributor or manufacturer, the amount of money deducted from the sales price of the items purchased by the operator as a result of the device being traded in, and the identifying number of the device set out on the stamp affixed thereto issued by the commission. These records shall be in addition to those elsewhere required. The records of these transactions shall be retained by each party for not less than three years following the transaction. [Order 15, § 230-30-215, filed 4/17/74.]

WAC 230-30-220 Interest in separate business involving punchboards and pull tabs at a different marketing level prohibited. No manufacturer, distributor or operator of punchboards, pull tabs, pull tab dispensing devices or related equipment shall:

(1) Have any interest, directly or indirectly, in any other of these businesses operating in whole or in part at a different marketing level;

(2) Allow any of its officers, or any other person with a substantial interest in such business, to have any interest in any other of these businesses operating in whole or in part at a different marketing level;

(3) Shall employ any person in any capacity or allow any person to represent the business in any way if such person is also employed by, or represents any other of these businesses operating in whole or in part at a different marketing level;

(4) Shall allow any other of these businesses operating in whole or in part at a different marketing level, or any person with a substantial interest therein to have any interest directly or indirectly, in it;

(5) Have any interest, directly or indirectly, in any business of any kind in which any other of these businesses operating in whole or in part at a different marketing level, or any person having a substantial interest therein, also has a substantial interest;

(6) Allow any other business of any kind in which any other of these businesses, or any person having a substantial interest therein, to have any interest, directly or indirectly, in it;

(7) For the purposes of this rule, the different marketing levels shall be:

(a) Operator;

(b) Distributor;

(c) Manufacturer;

(8) This rule shall not prohibit the same person licensed and operating as a manufacturer from being also licensed and operating as a distributor. [Order 18, § 230-30-220, filed 5/21/74; Order 5, § 230-30-220, filed 12/19/73.]

WAC 230-30-500 Rules applicable to operators of punchboards and pull tabs applicable as well to operators of either activity. Each rule of the commission which applies to operators of both punchboards and pull tabs shall apply as well to operators of either one of these activities. [Order 25, § 230-30-500, filed 10/23/74.]

Chapter 230-40 WAC

CARD GAMES

WAC

230-40-010	Types of card games authorized.
230-40-015	Rules by which the authorized card games shall be played.
230-40-020	Portion of premises used for card playing limited.
230-40-030	Number of tables and players limited.
230-40-050	Fees for card playing.
230-40-060	Persons shall not share in winnings or charge additional fee for playing cards.
230-40-063	Charge for cutting cards.
230-40-070	Licensee to furnish all cards, chips and other services.
230-40-080	Person not to bring their own cards or chips.
230-40-090	Devices, mechanisms, giving advantage—Prohibited.
230-40-120	Limits on wagers in card games.
230-40-130	Wagers to be made with chips only.
230-40-140	Change in method of wagering prohibited.
230-40-150	Side bets prohibited.
230-40-160	Wagers by other than participants prohibited.
230-40-200	Participants to compete on equal terms—Deal to rotate among players.
230-40-225	House dealer allowed in "pan" games.
230-40-230	No person shall have someone play for him or assist another participant.
230-40-250	Licensee to prevent cheating in card games.
230-40-310	No free or discount food, beverage or merchandise to be offered at public card room.
230-40-315	No food or drink sales on time basis in card room.
230-40-320	Minors or intoxicated persons shall not play cards or provide services to the game.
230-40-331	Bona fide nonprofit or charitable organizations—Members only to play social card and dice games—Exception.
230-40-400	Hours limited for card games.
230-40-450	Pictures to be posted with employee licenses.
230-40-500	House rules to be developed and posted.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-40-062	No charge for cutting cards. [Order 25, § 230-40-062, filed 10/23/74.] Repealed by 83-11-034 (Order 133), filed 5/16/83. Statutory Authority: RCW 9.46-070 (8) and (11).
230-40-220	Owners and employees not to play cards on licensee's premises. [Order 33, § 230-40-220, filed 2/21/75; Order 23, § 230-40-220, filed 9/23/74.] Repealed by Order 67, filed 3/11/77.
230-40-300	Rules of card games and related house rules to be posted. [Order 23, § 230-40-300, filed 9/23/74.] Repealed by Order 40, filed 6/26/75.
230-40-330	Limitation on the number of guests. [Order 23, § 230-40-330, filed 9/23/74.] Repealed by Order 78, filed 11/17/77.

WAC 230-40-010 Types of card games authorized.

The commission hereby authorizes the following card games to be played in public card rooms and social card rooms licensed by the commission:

(1) Poker.

Any poker game described in *Hoyle's Modern Encyclopedia of Card Games*, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974, 1st Edition, pages 219 through 277 provided that only a maximum of five betting rounds per hand are permitted.

(2) Hearts.

(3) Bridge.

(4) Pinochle.

(5) Cribbage.

(6) Rummy.

(7) Mah-jongg (tiles).

(8) Coon-Can.

(9) Pan.

(10) Pitch.

Card games not herein authorized are prohibited. [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 230-40-015 Rules by which the authorized card games shall be played. (1) Card games authorized by the commission shall be played only in the manner set out for that game in *Hoyle's Modern Encyclopedia of Card Games*, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974 1st Edition: *Provided*, That each licensee may make immaterial modifications to the rules of each authorized game set out in that publication.

Each such immaterial modification, or rule of conduct, shall be conspicuously posted on the premises where it can be clearly seen by the players in the card game.

(2) Each licensee may establish rules of conduct for the card players on its premises.

(3) Where other of the commission's rules are inconsistent in any respect with the above-referenced publication, or with any modification or rule of conduct of the licensee, the commission's rule shall prevail over such inconsistent requirement. [Statutory Authority: RCW 9.46.070(11). 82-23-050 (Order 125), § 230-40-015, filed 11/15/82. Statutory Authority: RCW 9.46.070(10) (see RCW 9.46.020(20)). 80-09-067 (Order 103), § 230-40-015, filed 7/17/80; Order 67, § 230-40-015, filed 3/11/77; Order 40, § 230-40-015, filed 6/26/75; Order 29, § 230-40-015, filed 1/23/75.]

WAC 230-40-020 Portion of premises used for card playing limited. Only those specific parts or portions of licensed premises which have been approved by the commission for licensed card games shall be used for that purpose. Card playing operating under the authority of a license issued by the commission involving wagers shall not take place upon any other portion or part of the premises. Social card games authorized by RCW 9.46.030(9) shall not be allowed by the organization in the same room or rooms with the licensed card games. [Statutory Authority: RCW 9.46.070(20). 82-23-050 (Order 125), § 230-40-020, filed 11/15/82; Order 78, § 230-40-020, filed 11/17/77; Order 23, § 230-40-020, filed 9/23/74.]

WAC 230-40-030 Number of tables and players limited. (1) No licensee to allow a public card room on its premises shall allow more than five separate tables at which card games are played, nor shall allow more than eight players to participate at any one table at any given time.

(2) No licensee to allow a social card room on its premises shall allow more than eight players to participate at any one table at any given time.

(3) The commission may permit a licensee to exceed these limits on specific occasions for good cause shown. Requests to exceed the limit shall be submitted to the commission in writing not less than 30 days preceding the date upon which the licensee wishes to exceed the limit. The request shall indicate the date(s) involved, the reasons why the request is made, and the number of games and players in the games which the licensee desires to allow on that occasion. [Order 23, § 230-40-030, filed 9/23/74.]

WAC 230-40-050 Fees for card playing. No fee shall be charged a person, directly or indirectly, to play in a card game in excess of those fees set forth below:

(1) For all card games, except as provided in (2) below, the fee shall not exceed \$1.00 per half hour, or portion thereof, per player.

The fee charged shall be collected by the licensee in cash, or in wagering chips, directly from the player upon each half hour only. No player shall be required to pay for or purchase any other goods or services as a condition of playing cards beyond the \$1.00 per half hour per player except under section (3) below. The fee schedule applicable to the type of games and number of tables in the card room shall be conspicuously posted on the premises where it can be clearly seen by the players in the card games.

(2) The fee for entry into a tournament for prizes shall not exceed \$25.00, including all separate fees which might be paid by a player for various phases or events of the tournament. The licensee shall maintain a record of all such fees collected, by date of collection, for each such tournament held.

(3) A person requesting a new deck of cards beyond those regularly furnished by the operator as required by WAC 230-40-070(2) may be charged a fee not to exceed the actual cost to the licensee of the deck. Further, Class D licensees may charge a fee not to exceed actual cost to the licensee per deck for each deck of playing cards furnished to a table as required by these rules, or as requested by any player at the table. The fee shall be collected in cash directly from the players, or the player requesting the deck, at the time the deck is introduced into the game.

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

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

The amount collected each half hour shall be recorded by the licensee immediately following the collection of the fees on a standard card room format prescribed and supplied by the commission to the licensee. All records

required by this rule shall be maintained for a period of three years from the end of the licensee's fiscal year for which the record is kept. [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 230-40-060 Persons shall not share in winnings or charge additional fee for playing cards. No organization, corporation or person shall collect or obtain or charge any percentage of, or shall collect or obtain any portion of the money wagered or won by any of the players, except that a player may collect his winnings. No organization, corporation or person shall collect or obtain any money or thing of value from, nor shall charge or impose any fee upon, any person which either enables him to play or results from his playing card games, except the fee or fees specifically allowed by RCW 9.46.020 (20)(d) or these rules: *Provided*, That this rule shall not prevent an organization which has been established and operated for purposes other than card playing from charging its usual membership fee to belong to the operation. [Order 72, § 230-40-060, filed 7/26/77; Order 29, § 230-40-060, filed 1/23/75; Order 23, § 230-40-060, filed 9/23/74.]

WAC 230-40-063 Charge for cutting cards. After the shuffle, the dealer will offer the cards for a cut. Following this initial offer of a cut, the licensee may require that a player pay not more than one dollar for the privilege of cutting the cards, provided that the cards may not be cut more than twice during each hand or game and that any and all such fees be placed into the pot for that hand or game. [Statutory Authority: RCW 9.46.070 (8) and (11). 83-11-034 (Order 133), § 230-40-063, filed 5/16/83.]

WAC 230-40-070 Licensee to furnish all cards, chips and other services. Each licensee shall furnish the following items and services in connection with all card games conducted on its premises at no additional charge to the players:

(1) Chips. Chips for use in wagering shall be of generally conventional size and design. Chips furnished by a licensee shall be so designed that they are readily identifiable as having been furnished by that particular licensee.

(2) Cards or mah-jongg tiles. The deck, or decks of cards being used at a given table where any poker game is being played shall be changed at a minimum every half hour by the licensee.

Playing cards or mah-jongg tiles furnished shall be of generally conventional size and design. Playing cards or tiles that have been shaved, sanded, cut, carved, or

otherwise marked in any manner which may make certain cards or tiles identifiable to players other than as allowed by the rules of the particular game are prohibited.

(3) Bank services. The licensee shall sell its chips to all players desiring to buy them not in excess of any limits set by the commission and redeem all chips at the value for which they were sold. The value at which the various types of chips are sold and redeemed shall be conspicuously posted and visible to each person prior to that person purchasing chips. Money taken in on chips sold shall be kept separate and apart from all other money received by the licensee.

Chips may be sold for cash only and no credit of any nature shall be extended by an operator to a person purchasing chips: *Provided*, That an operator may accept a personal check written on an account of a person purchasing chips in lieu of cash, but only when the check is complete and in an amount equal to the value of the chips being purchased at that time. Each receipt by a person of a quantity of chips from the operator shall be a separate transaction for the purpose of this rule. (Personal checks received for chips retained by the operator after close of business shall be deposited by the operator not later than the second day following receipt upon which the operator's bank is open for business.)

No licensee shall allow any cards or chips not furnished by the licensee on that business day to be used in any card game conducted upon its premises. No licensee shall allow any other person to buy or sell chips for use in card games upon its premises nor provide any other item or service for use in connection with the game. [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 230-40-080 Person not to bring their own cards or chips. No person shall bring onto a premises licensed to allow the playing of card games, nor introduce into any card game, any playing card or cards, or any poker chip or chips for use in wagering, other than those obtained from the licensee on that business day. [Order 40, § 230-40-080, filed 6/26/75; Order 23, § 230-40-080, filed 9/23/74.]

WAC 230-40-090 Devices, mechanisms, giving advantage--Prohibited. No device, apparatus, mechanism, or thing which may give a participant in a card game an advantage over any other participant in that game may be used by any person. [Order 23, § 230-40-090, filed 9/23/74.]

WAC 230-40-120 Limits on wagers in card games. The following limits shall not be exceeded in making wagers on any card game. For games in which the following method of wagering is allowed:

(1) Multiple wagers per player per hand during each round, each wager or raise shall not exceed \$5.00. There shall be no more than a total of two raises per round irrespective of the number of players.

(2) Single wagers per player per hand during each round (no raises), each wager shall not exceed \$5.00.

(3) Single wager per player per game, each wager shall not exceed \$5.00.

(4) Amount per point, each point shall not equal more than five cents in value.

(5) An ante, except for panguingue (pan), shall not be more than twenty-five cents per person per hand to be played, contributed by each player, or the dealer of each hand, subject to house rules, may ante for all players before dealing in an amount not to exceed \$2.00.

(6) Forced wagers or raises in poker are prohibited except as an ante. In other authorized games, forced wagers and raises are prohibited except as they may be expressly included within the basic definition of the particular card game in *Hoyle's Modern Encyclopedia of Card Games*, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974 1st Edition, pages 219-277.

(7) Panguingue (pan) - maximum value of a chip for payoff will not exceed \$2.00. Ante will not exceed one chip. No doubling of conditions. Players going out, may collect not more than two chips from each participating player.

No licensee shall allow these wagering limits to be exceeded in a card game on his premises. [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 230-40-130 Wagers to be made with chips only. All wagers made in connection with a card game shall be made with chips furnished by the licensed premises. No money, nor other thing of value, shall be used directly in the game itself. [Order 23, § 230-40-130, filed 9/23/74.]

WAC 230-40-140 Change in method of wagering prohibited. Once a method of betting is chosen for a particular hand or game, that method must be used until the hand or game is completed. [Order 23, § 230-40-140, filed 9/23/74.]

WAC 230-40-150 Side bets prohibited. Side bets among the participants are prohibited. [Order 23, § 230-40-150, filed 9/23/74.]

WAC 230-40-160 Wagers by other than participants prohibited. Only persons actually playing in the card game may wager upon the outcome of the game. Wagers by persons other than those playing which in

any way involves the outcome of the game, or of any aspect of the game, are prohibited. [Order 23, § 230-40-160, filed 9/23/74.]

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

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

Licensees shall take all necessary measures to insure that card games played upon their premises are played in this manner. [Order 40, § 230-40-200, filed 6/26/75; Order 23, § 230-40-200, filed 9/23/74.]

WAC 230-40-225 House dealer allowed in "pan" games. Notwithstanding the provisions of WAC 230-40-200, any licensee may furnish a dealer or "mucker" in any pan game played on the licensed premises, who shall have no financial interest, directly or indirectly, in the outcome of such game and who shall not otherwise participate or play in the game. [Order 29, § 230-40-225, filed 1/23/75.]

WAC 230-40-230 No person shall have someone play for him or assist another participant. No persons shall allow a representative to sit in on a card game on his behalf for any purpose, or to render assistance to any participant in the game in a manner which gives that participant an advantage over other participants. No person shall act as such a representative. [Order 23, § 230-40-230, filed 9/23/74.]

WAC 230-40-250 Licensee to prevent cheating in card games. A licensee to allow certain premises to be used to play cards and his employees or agents shall not allow any player to play in such a manner as to cheat the persons with whom he is playing. The licensee shall take all necessary steps to prevent this and shall be responsible to insure that the games played upon the licensed premises are fairly played.

Any incident wherein a person is found cheating shall be reported immediately to the applicable local police or sheriff's office. [Statutory Authority: RCW 9.46.070(10), 78-06-066 (Order 85), § 230-40-250, filed 5/25/78; Order 23, § 230-40-250, filed 9/23/74.]

WAC 230-40-310 No free or discount food, beverage or merchandise to be offered at public card room. No licensee for the operation of a public card room shall provide food, beverage or other merchandise, except cups of coffee, to card players, or prospective card players, for a price or other consideration which is less than the price or other consideration at which such food, beverage or other merchandise is available to all persons

patronizing the business which is stimulated by the card room.

No advertising which is inconsistent with this rule shall be permitted. [Order 45, § 230-40-310, filed 12/30/75.]

WAC 230-40-315 No food or drink sales on time basis in card room. All sales of food or drink in the licensed card room must be charged for and collected at the time the food or drink is delivered to the customer. No licensee may charge a person playing cards in a licensed card room for food or drink on a time basis. For the purpose of determining whether a card room operator is operating the licensed card room as a commercial stimulant, the calculation of gross sales of food and drink shall not include any sale of food or drink on a time basis to a person playing cards in the licensed card room.

For purposes of this rule, a "time basis" means a charge for the consumption or opportunity to consume food or drink over a period of time. [Statutory Authority: RCW 9.46.020(5) and 9.46.070(14), 82-06-007 (Order 119), § 230-40-315, filed 2/19/82.]

WAC 230-40-320 Minors or intoxicated persons shall not play cards or provide services to the game. (1) No person who is visibly under the influence of liquor or any narcotic or other such substance shall be allowed to play, or continue to play, in any card game or to participate in providing any services to the game.

(2) No person who is under the age of 18 years shall be allowed to play in any card game or to participate in providing any services to the game.

(3) It shall be the responsibility of the licensee, and of those persons physically operating the card games, to determine that no unauthorized person is allowed to participate in any manner in the playing of, or providing services to, any card game. [Order 23, § 230-40-320, filed 9/23/74.]

WAC 230-40-331 Bona fide nonprofit or charitable organizations--Members only to play social card and dice games--Exception. No bona fide charitable or nonprofit organization shall permit any person other than its members to play social card games or social dice games on its premises: *Provided*, That such organizations, when licensed to allow a social card room on its premises may permit no more than twenty-five percent of the persons playing in the licensed card room at any one time to be guests of members. [Order 78, § 230-40-331, filed 11/17/77.]

WAC 230-40-400 Hours limited for card games. Licensees shall not allow the use of their premises for card playing between the hours of 2:00 a.m. and 6:00 a.m.

No card games shall be allowed in any public card room at any time the profit seeking retail business to be stimulated thereby is not open to the public for business.

At all times during the hours of operation of a Class E card room, the operator or a licensed card room employee must be on duty and in the licensed card room area. [Statutory Authority: RCW 9.46.070(11). 82-04-010 (Order 118), § 230-40-400, filed 1/22/82; Order 58, § 230-40-400, filed 8/17/76; Order 40, § 230-40-400, filed 6/26/75; Order 23, § 230-40-400, filed 9/23/74.]

WAC 230-40-450 Pictures to be posted with employee licenses. The operator of a licensed public card room shall post together with each of the licenses of employees for which licenses are required a picture of that employee. Such picture shall be of a passport type not less than 2" x 3" and clearly showing a full front facial view of that employee. [Statutory Authority: RCW 9.46.070 (4), (7), (8) and (11). 83-06-077 (Order 127), § 230-40-450, filed 3/2/83.]

WAC 230-40-500 House rules to be developed and posted. Each bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400 who allows the use of the premises, furnishings, and other facilities to be used by its members to participate in social card games and social dice games as authorized by RCW 9.46.030(7) without a license by the commission shall develop, adopt and post rules of conduct for the members participating in the activities, including but not limited to general rules of play, portions of premises to be used, hours of play allowed, and the organization's restriction on members authorized to participate. [Order 78, § 230-40-500, filed 11/17/77.]

Chapter 230-42 WAC

TAX ON COIN-OPERATED GAMING DEVICES

WAC

230-42-010 Tax on coin operated gambling device.

WAC 230-42-010 Tax on coin operated gambling device. (1) In addition to any other fees and taxes imposed by statute or by commission rule, a special tax has been imposed by RCW 9.46.115 to be paid by any person who maintains for use or permits the use of, a coin-operated gambling device as defined by RCW 9.46.115(2) on any place or premises occupied by the person.

(2) The tax applies to each such gambling device so maintained or permitted at any time during the tax year. No such device shall be placed out for public play unless and until the tax due respecting it has first been paid: *Provided*, That a replacement for such [a] device removed from play shall not be deemed an additional device for that year.

The tax referred to in subsection (1) is payable to the commission on or before June 20 of each year in advance of the following taxable year, July 1 through June 30. The operator shall submit this tax with the Washington coin-operated gambling device tax return

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obtained from the commission. Payment shall be made in the form of cash, check, or money order.

The tax does not apply for any month during the tax year in which the device is not in use when such month is prior to the month in which the device is initially put out for play. The commission has been authorized to adopt a schedule, prorated by month, setting out the tax due for the rest of the year for devices put out for use after the beginning of the year.

(3) The following proration schedule shall apply for each coin-operated gambling device:

MACHINES IN OPERATION DURING THE MONTH OF -	AMOUNT DUE FOR EACH MACHINE
July	\$ 350.00
August	320.83
September	291.67
October	262.49
November	233.33
December	204.16
January	175.00
February	145.83
March	116.66
April	87.50
May	58.33
June	29.17

(4) The licensee shall post the validated receipt showing proof of payment of this tax with the license issued by the Washington state gambling commission to operate punchboards or pull tabs prior to placing any coin-operated gambling device for which the tax has been paid, out for public play.

(5) Payment of any tax due is a condition precedent to the issuance or renewal of any license issued by this commission to the taxpayer.

(6) The tax imposed by subsection (1) shall be in addition to any tax imposed upon such coin-operated gambling devices, or the income therefrom, by any municipal corporation or political subdivision of the state. [Statutory Authority: RCW 9.46.115. 81-13-032 (Order 109), § 230-42-010, filed 6/15/81; Order 74, § 230-42-010, filed 8/17/77; Order 58, § 230-42-010, filed 8/17/76; Order 51, § 230-42-010, filed 4/30/76.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 230-50 WAC

HEARINGS—PRACTICE AND PROCEDURE

WAC

230-50-010 Hearings.
230-50-012 Director may temporarily suspend license pending a hearing.
230-50-020 Hearing examiners.
230-50-030 Hearings—Methods.
230-50-060 Appearance and practice before the commission—Who may appear.

- 230-50-070 Appearance in certain proceedings may be limited to attorneys.
- 230-50-080 Solicitation of business unethical.
- 230-50-090 Standards of ethical conduct.
- 230-50-100 Appearance by former employee of commission or former member of attorney general's staff.
- 230-50-110 Computation of time.
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WAC 230-50-010 Hearings. (1) The commission will afford an applicant for a license an opportunity for a hearing prior to final commission action denying such application, and shall afford a licensee the opportunity for a hearing prior to taking final action suspending, terminating or revoking a license: *Provided*, That the commission or the director may summarily temporarily suspend licenses in those cases where such action is deemed appropriate by the commission or the director. In cases where a license is suspended prior to hearing, an opportunity for a hearing shall be provided promptly.

(2) The commission will afford a person applying to the commission to exceed the limit on gross receipts in bingo games under WAC 230-20-251 an opportunity for a hearing prior to taking any final action denying that application.

(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 a hearing prior to final commission action denying approval of such device.

(4) No hearing will be held with respect to such agency action unless it is timely demanded in writing by the applicant or licensee. A demand for hearing must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received in the offices of the commission within 15 days following service upon the party affected by the commission or the director of a summary of the charges or complaints against the party being made or considered together with a statement of any action which may be taken in the event no hearing is demanded.

If demand for hearing is not timely filed, then the party shall have waived the right to hearing. The director and the commission may take the action set out in the statement previously served, or some action of lesser degree, which action shall be final. [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.]

WAC 230-50-012 Director may temporarily suspend license pending a hearing. The director may temporarily suspend a license or permit issued pursuant to these rules pending a hearing upon suspension or revocation of the license, or issuance of a renewal thereof, for a period not to exceed 90 days when in the opinion of the commission or the director:

(1) The licensee or permittee has obtained the license or permit by fraud, trick, misrepresentation, concealment, or through inadvertence or mistake; or

(2) The licensee or permittee has engaged in any act, practice or course of operation as would operate as a fraud or deceit on any person, or has employed any device, scheme or artifice to defraud any person; or

(3) The licensee or permittee has again violated, failed, or refused to comply with any of the provisions, requirements, limitations, or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, after having been previously notified by the commission, its authorized representatives, or by local law enforcement personnel, that a violation or violations of the same or similar provisions had been, or were being, committed by the licensee or permittee; or

(4) Immediate cessation of the licensed or permitted activities by the licensee or permittee is necessary for the protection or preservation of the welfare of the community within which these activities are being conducted.

When a license or permit has been temporarily suspended by the director prior to a hearing pursuant hereto, the licensee or permittee shall be afforded an opportunity for a hearing before the commission, or a hearing officer, upon the question of suspension or revocation of the license or permit, or upon renewal of the license or permit if it would expire within the period of temporary suspension. If a hearing is demanded by the licensee or permittee, it shall be held within 90 days from the effective date of the temporary suspension by the director. [Order 29, § 230-50-012, filed 1/23/75.]

WAC 230-50-020 Hearing examiners. The commission may appoint a hearing officer to conduct hearings with respect to the denial of licenses and the suspension, termination or revocation of licenses in cases where it deems it appropriate. The hearings shall be conducted in compliance with these rules.

After a hearing is concluded by a hearing officer, the hearing officer shall prepare and distribute to the parties findings of fact, conclusions of law and a decision of the matter. Each party shall have twenty days from the date of service upon that party to file written exceptions to these findings, conclusions and decision of the hearing officer with the commission. If such exceptions, together with any written argument in support thereof, are not timely filed with the commission, then the findings, conclusions and decision of the hearing officer shall be adopted by the commission and shall be final.

If written exceptions and any written argument are timely filed with the commission, then a majority of the commissioners shall consider the exceptions and any written argument, and the record of the hearing, or such part of the record as is cited as material by the parties. The commission, in its discretion, may allow the parties to present oral arguments. [Order 9, § 230-50-020, filed 12/19/73.]

WAC 230-50-030 Hearings—Methods. Hearings provided for in WAC 230-50-010 shall be called and conducted in the following manner:

(1) The chairman of the commission or some member of the commission acting in his absence or the director,

shall give written approval to the holding of any hearing. When it has been determined that a hearing shall be held, the entire commission file record of the premises and licensee(s) involved shall be given to the assistant attorney general assigned to the commission, who will hereinafter be referred to as the attorney.

(2) The attorney shall prepare a written complaint which shall fully advise the licensee(s) of all charges which will be considered at the hearing. The complaint shall be signed by the chairman of the commission or some member of the commission acting in his absence or the director, after which the attorney shall deliver the original and such copies as may be necessary to any hearing officer appointed by the commission pursuant to WAC 230-50-020.

(3) The commission, a commissioner, or a hearing officer designated by the commission shall conduct the hearing, which shall be held as soon as feasible. Each licensee charged shall be served with a copy of the complaint together with written notice of the time and place of the hearing and the issues involved. Such notice and complaint shall be served not less than 20 days prior to the hearing unless the licensee consents to shorter notice.

(4) Subpoenas may be issued by the officer, the director, or a commissioner, who shall issue them when requested by the attorney, a licensee or a licensee's attorney, and he may issue them on his own motion. Subpoenas may be issued by the attorney general and any of his assistants, and may also be issued by any attorney of record of a party.

(5) Nothing herein contained shall prevent the director of the commission, as authorized by the commission, to temporarily suspend licenses, subject to final action by the commission, as authorized by RCW 9.46.070(1). [Order 45, § 230-50-030, filed 12/30/75; Order 42, § 230-50-030, filed 9/18/75; Order 9, § 230-50-030, filed 12/19/73.]

WAC 230-50-060 Appearance and practice before the commission—Who may appear. No person may appear in a representative capacity before the Washington state gambling commission, hereinafter referred to as the commission, or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A bona fide officer, authorized manager, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership or corporation.

(4) An individual representing himself, pro se.

(5) Such other persons as may be permitted by the commission upon a showing by a party to the hearing of such a necessity or such a hardship as would make it

unduly burdensome upon him to have a representative as set forth under subsections (1), (2) and (3) above. [Order 9, § 230-50-060, filed 12/19/73.]

WAC 230-50-070 Appearance in certain proceedings may be limited to attorneys. In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the commission or its designated hearing officer determines that representative activity in such hearing requires a high degree of legal training, experience, and skill, the commission or its designated hearing officer may limit those who may appear in a representative capacity to attorneys at law. [Order 9, § 230-50-070, filed 12/19/73.]

WAC 230-50-080 Solicitation of business unethical. It shall be unethical for persons acting in a representative capacity before the commission to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations: *Provided*, That such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind. [Order 9, § 230-50-080, filed 12/19/73.]

WAC 230-50-090 Standards of ethical conduct. All persons appearing in proceedings before the commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the commission may decline to permit such person to appear in a representative capacity in any proceeding before the commission. [Order 9, § 230-50-090, filed 12/19/73.]

WAC 230-50-100 Appearance by former employee of commission or former member of attorney general's staff. No former commissioner, employee of the commission or member of the attorney general's staff may at any time within two years after severing his relationship or employment with the commission or the attorney general appear, except with the written permission of the commission, in a representative capacity on behalf of any party in a formal proceeding wherein he previously took an active part on behalf of the commission. [Order 9, § 230-50-100, filed 12/19/73.]

WAC 230-50-110 Computation of time. In computing any period of time prescribed or allowed by the commission rules, by order of the commission or by an applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. This section shall not apply to periods

of license suspension. [Order 9, § 230-50-110, filed 12/19/73.]

WAC 230-50-140 Waiver of hearing. In any case involving violations of the gambling laws, rules or regulations, where the commission deems it appropriate, the commission may afford the licensee an opportunity to waive a formal hearing which he has timely requested. If the licensee so elects to waive formal hearing, he may then state in writing on the waiver form furnished by the commission any matter in explanation or mitigation of the violations which he desires the commission to consider in making its decision. The licensee, at the time he submits the waiver, may also request to be present when the commission meets to consider its decision in the matter. In the event the licensee elects to waive formal hearing he shall thereafter be bound by such election and may not thereafter request formal hearing. [Order 9, § 230-50-140, filed 12/19/73.]

WAC 230-50-150 Notice and opportunity for hearing in contested cases. In any contested case, all parties shall be served with a notice at least twenty days before the date set for the hearing unless all parties consent to a shorter period. The notice shall state the time, place and issues involved, as required by RCW 34.04.090(1). [Order 9, § 230-50-150, filed 12/19/73.]

WAC 230-50-160 Service of process—By whom served. The commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it. [Order 9, § 230-50-160, filed 12/19/73.]

WAC 230-50-170 Service of process—Upon whom served. All papers served by either the commission or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact. [Order 9, § 230-50-170, filed 12/19/73.]

WAC 230-50-180 Service of process—Service upon parties. The final order and any other paper required to be served by the commission upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record. [Order 9, § 230-50-180, filed 12/19/73.]

WAC 230-50-190 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first class, registered, or certified mail; or by telegraph. [Order 9, § 230-50-190, filed 12/19/73.]

WAC 230-50-200 Service of process--When service complete. Service upon parties shall be regarded as complete: By mail, the third day following deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid. [Order 9, § 230-50-200, filed 12/19/73.]

WAC 230-50-210 Service of process--Filing with agency. Papers required to be filed with the commission shall be deemed filed upon actual receipt by the commission at the place specified in its rules accompanied by proof of service upon parties required to be served. [Order 9, § 230-50-210, filed 12/19/73.]

WAC 230-50-220 Subpoenas--Form. Every subpoena shall state the name of the commission and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place. [Order 9, § 230-50-220, filed 12/19/73.]

WAC 230-50-230 Subpoenas--Issuance to parties. Upon application of counsel or other representative appearing before the commission pursuant to WAC 230-08-101 (3) and (4) of these rules, for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The commission may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought. [Order 9, § 230-50-230, filed 12/19/73.]

WAC 230-50-240 Subpoenas--Service of. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person. [Order 9, § 230-50-240, filed 12/19/73.]

WAC 230-50-250 Subpoenas--Fees. Witnesses summoned before the commission shall be paid by the party at whose instance they appear, the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington. [Order 9, § 230-50-250, filed 12/19/73.]

WAC 230-50-260 Subpoenas--Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgement of service with the commission or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the commission, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service. [Order 9, § 230-50-260, filed 12/19/73.]

WAC 230-50-270 Subpoenas--Quashing. Upon motion made promptly and in any event at or before the

time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the commission or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions. [Order 9, § 230-50-270, filed 12/19/73.]

WAC 230-50-280 Subpoenas--Enforcement. Upon application and for good cause shown, the commission will seek judicial enforcement of subpoenas issued to parties and which have not been quashed. [Order 9, § 230-50-280, filed 12/19/73.]

WAC 230-50-290 Subpoenas--Geographical scope. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing. [Order 9, § 230-50-290, filed 12/19/73.]

WAC 230-50-300 Depositions and interrogatories in contested cases--Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas. [Order 9, § 230-50-300, filed 12/19/73.]

WAC 230-50-310 Depositions and interrogatories in contested cases--Scope. Unless otherwise ordered, the deponent may be examined regarding any matter to the same extent permitted by the Washington civil rules for superior court with respect to depositions and interrogatories. [Order 9, § 230-50-310, filed 12/19/73.]

WAC 230-50-320 Depositions and interrogatories in contested cases--Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the commission or agreed upon by the parties by stipulation in writing filed with the commission. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding. [Order 9, § 230-50-320, filed 12/19/73.]

WAC 230-50-330 Depositions and interrogatories in contested cases--Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in

writing to the commission and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the commission or its hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. [Order 9, § 230-50-330, filed 12/19/73.]

WAC 230-50-340 Depositions and interrogatories in contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the commission or its designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the commission, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the commission, or the commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the commission or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. [Order 9, § 230-50-340, filed 12/19/73.]

WAC 230-50-350 Depositions and interrogatories in contested cases—Oral examination and cross examination. Examination and cross examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer, who, without first disclosing them to any

person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim. [Order 9, § 230-50-350, filed 12/19/73.]

WAC 230-50-360 Depositions and interrogatories in contested cases—Recording. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Order 9, § 230-50-360, filed 12/19/73.]

WAC 230-50-370 Depositions and interrogatories in contested cases—Signing attestation and return. (1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless, following a motion to suppress, the commission or its hearing officer holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the commission, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Order 9, § 230-50-370, filed 12/19/73.]

WAC 230-50-380 Depositions and interrogatories in contested cases—Use and effect. Subject to rulings by the commission, a commissioner or a hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the

proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the commission or the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party. [Order 9, § 230-50-380, filed 12/19/73.]

WAC 230-50-390 Depositions and interrogatories in contested cases—Fees of deponents—Costs of deposition. Deponents whose depositions are taken shall be entitled to the same fees as are allowed by WAC 230-50-250: *Provided*, That all costs incidental thereto shall be paid by the party desiring such deposition. [Order 9, § 230-50-390, filed 12/19/73.]

WAC 230-50-400 Depositions upon interrogatories—Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories. Failure by a licensee to comply shall result in automatic forfeiture of any license issued by the commission. [Order 9, § 230-50-400, filed 12/19/73.]

WAC 230-50-410 Depositions upon interrogatories—Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 230-50-320 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Order 9, § 230-50-410, filed 12/19/73.]

WAC 230-50-420 Depositions upon interrogatories—Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the

original copy of the deposition and exhibits with his attestation to the commission, or its designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Order 9, § 230-50-420, filed 12/19/73.]

WAC 230-50-430 Depositions upon interrogatories—Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Order 9, § 230-50-430, filed 12/19/73.]

WAC 230-50-500 Official notice—Matters of law. The commission or its hearing officer, upon request made before or during a hearing, or upon its own motion, will officially notice:

(1) **Federal law.** The constitution; congressional acts, resolutions, records, journals and committee reports, decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the federal register;

(2) **State law.** The constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser;

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Agency organization.** The commission's organization administration, officers, personnel, official publications, and practitioners before its bar. [Order 9, § 230-50-500, filed 12/19/73.]

WAC 230-50-510 Official notice—Material facts. In the absence of controverting evidence, the commission and its hearing officers, upon request made before or during a hearing, or upon its own motion, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the commission;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the commission as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the commission may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the commission rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer or the commission may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or non-existence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the commission or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them. [Order 9, § 230-50-510, filed 12/19/73.]

WAC 230-50-520 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the commission, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matters, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, removed, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact. [Order 9, § 230-50-520, filed 12/19/73.]

WAC 230-50-530 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the commission that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding. [Order 9, § 230-50-530, filed 12/19/73.]

WAC 230-50-550 Form and content of decisions in contested cases and proposed orders. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, include the reason or reasons for the particular order or remedy afforded;

(6) Whenever practical, be referenced to specific provisions of the law and/or regulations appropriate thereto;

(7) Whenever the commission considers that any matter or proceeding will be best handled by the issuance of a proposed order by the commission or by the examiner conducting the hearing, such an order shall be issued and the parties so notified. Upon receipt of such notice and proposed order, any party may file exceptions to the same within twenty days after the date of the service of the proposed order, unless a greater or lesser time for filing exceptions is designated by the commission at the time of issuance of the proposed order. Exceptions shall be filed in triplicate and a copy thereof shall be served upon all other parties who have appeared in the cause, or their attorneys of record together with proof of such service in accordance with the rules governing service of process. Any party may answer the exceptions so filed and served within ten days after service of said exceptions upon him. Briefs may accompany the exceptions or answers thereto and shall be filed and served in the same manner. After a full consideration of the proposed order, the exceptions and the answers to exceptions so filed and briefs, the commission may affirm its proposed order by service of an order of affirmance upon the parties, or, if it deems the exception well taken, may revise the proposed order and issue a final order differing from the proposed order. [Order 9, § 230-50-550, filed 12/19/73.]

WAC 230-50-600 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearings on relevant and material matter only. [Order 9, § 230-50-600, filed 12/19/73.]

WAC 230-50-610 Prehearing conference rule—Authorized. In any proceeding the commission or its designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding. [Order 9, § 230-50-610, filed 12/19/73.]

WAC 230-50-620 Prehearing conference rule—Record of conference action. The commission or its designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless

modified for good cause by subsequent order. [Order 9, § 230-50-620, filed 12/19/73.]

WAC 230-50-630 Submission of documentary in advance. Where practicable the commission or its designated hearing officer may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing officer and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subsection (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection. [Order 9, § 230-50-630, filed 12/19/73.]

WAC 230-50-640 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding. [Order 9, § 230-50-640, filed 12/19/73.]

WAC 230-50-650 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. The commission or hearing officer or other appropriate officer in all classes of cases where practicable shall make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications. [Order 9, § 230-50-650, filed 12/19/73.]

WAC 230-50-660 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. The commission, the hearing officer or other appropriate officer, in all classes of cases

in which it is practicable and permissible, shall require, and when not so permissible, shall make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to it or him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses. [Order 9, § 230-50-660, filed 12/19/73.]

WAC 230-50-670 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. The hearing officer or other appropriate officer, in his discretion but consistent with the rights of the parties, shall cause the parties to make available for inspection in advance of the hearing, and for purposes of cross examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 230-50-660, but, wherever practicable he shall restrict to a minimum the placing of such data in the record. [Order 9, § 230-50-670, filed 12/19/73.]

WAC 230-50-680 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 230-50-650 or 230-50-660. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 230-50-650 or 230-50-660, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements. [Order 9, § 230-50-680, filed 12/19/73.]

WAC 230-50-700 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the commission or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The commission or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the commission or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the commission, hearing officer or other officer conducting the hearing

may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Order 9, § 230-50-700, filed 12/19/73.]

WAC 230-50-750 Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the commission or the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the commission or the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury in the superior courts of the state of Washington. [Order 9, § 230-50-750, filed 12/19/73.]

WAC 230-50-760 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The commission or the officer conducting the hearing may, in its or his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. [Order 9, § 230-50-760, filed 12/19/73.]

WAC 230-50-800 Petitions for rule making, amendments or repeal—Who may petition. Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule. [Order 9, § 230-50-800, filed 12/19/73.]

WAC 230-50-810 Petitions for rule making, amendments or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. [Order 9, § 230-50-810, filed 12/19/73.]

WAC 230-50-820 Petitions for rule making, amendments or repeal—Agency must consider. All petitions shall be considered by the commission and the commission may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule. [Order 9, § 230-50-820, filed 12/19/73.]

WAC 230-50-830 Petitions for rule making, amendments or repeal—Notice of disposition. The commission shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. [Order 9, § 230-50-830, filed 12/19/73.]

WAC 230-50-850 Declaratory rulings. (1) As prescribed by RCW 34.04.080, any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within a reasonable time shall:

- (a) Issue a nonbinding declaratory ruling; or
 - (b) Notify the person that no declaratory ruling is to be issued; or
 - (c) Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.
- (2) If a hearing as provided in subsection (1)(c) is conducted, the commission shall within a reasonable time:
- (a) Issue a binding declaratory rule; or
 - (b) Issue a nonbinding declaratory ruling; or
 - (c) Notify the person that no declaratory ruling is to be issued. [Order 9, § 230-50-850, filed 12/19/73.]

WAC 230-50-950 Forms. (1) Any interested person petitioning the commission for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

(2) At the top of the page shall appear the wording "before the Washington state gambling commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

(3) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(4) The original and two legible copies shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" X 11" or 8-1/2" X 13" in size.

(5) Any interested person petitioning the commission requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose:

(a) At the top of the page shall appear the wording "before the Washington state gambling commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether

promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" X 11" or 8-1/2" X 13" in size. [Order 9, § 230-50-950, filed 12/19/73.]

Chapter 230-60 WAC

PUBLIC RECORDS--DISCLOSURE

WAC

230-60-005	Purpose.
230-60-010	Definitions.
230-60-015	Description of central and field organization of the gambling commission.
230-60-020	Operations and procedures.
230-60-025	Public records available.
230-60-030	Public records officers.
230-60-035	Office hours.
230-60-040	Requests for public records.
230-60-045	Copying.
230-60-050	Exemptions.
230-60-055	Review of denials of public records requests.
230-60-060	Protection of public records.
230-60-065	Records index.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-60-070	Communications with commission. [Statutory Authority: RCW 42.17.250, 81-11-039 (Order 108), § 230-60-070, filed 5/19/81; Order 75, § 230-60-070, filed 9/16/77.] Repealed by 83-19-024 (Order 136), filed 9/13/83. Statutory Authority: RCW 9.46.030 (2) and (3) and 9.46.070 (11) and (14).
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WAC 230-60-005 Purpose. The purpose of this chapter shall be to ensure compliance by the Washington state gambling commission with the provisions of chapter 1, Laws of 1973 (Initiative 276), sections 25-32, RCW 42.17.250-42.17.320, dealing with public records. [Order 75, § 230-60-005, filed 9/16/77.]

WAC 230-60-010 Definitions. (1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.

(2) The "Washington state gambling commission" is the agency created pursuant to chapter 9.46 RCW, which shall hereinafter be referred to as the commission. Where appropriate, the term commission also refers to the staff and employees of the Washington state gambling commission.

(3) "Director" means the director of the commission as appointed by the commission pursuant to RCW 9.46.080.

(4) "Deputy director" means the chief administrator appointed by the director to assist him in performing his duties for the commission.

(5) "Raw data" means facts, symbols, or observations which have all of the following characteristics:

(a) They have not been processed, edited or interpreted.

(b) They are unevaluated and unorganized.

(c) The fact, symbol, or observation does not, of itself, impart meaning to a potential user or fulfill a recognized need.

(d) To be useable the fact, symbol, or observation must go through some transformation process.

(6) "Information" means raw data that are organized, evaluative and interpreted to impart meaning to potential users and fulfill a recognized need.

(7) "Listing (list)" means a series of items of any kind including names, words or numbers no matter what the arrangement or purpose. When applied to the release of commission record information it means the names of two or more individuals contained in:

- Data processing magnetic tapes
- Data processing print-outs 1, 2, 3, or 4 part utility paper or copies of such print-outs
- Data processing print-outs in the form of labels
- Any form of writing.

(8) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.

(9) "Individual" means a natural person.

(10) "Commercial purpose" means the using of information obtained, or intending to use the information obtained, to contact or in some way personally affect an individual identified on the list when the purpose of the contact would be to facilitate that person's (the requestor's) profit expecting business activity. [Statutory Authority: RCW 42.17.250. 81-01-063 (Order 104), § 230-60-010, filed 12/15/80; Order 75, § 230-60-010, filed 9/16/77.]

WAC 230-60-015 Description of central and field organization of the gambling commission. The administrative office of the commission and its staff is located in the capital plaza building, Olympia, 98504. Commission offices located in other cities are as follows:

CITY	ENFORCEMENT SERVICES (See Notes)
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Eastern Region

Spokane 99205 123 East Indiana	1,2
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Moses Lake 98337 Ahlers Building, Suite A 310 S. Balsam	1
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Yakima 98901 1106 A West Lincoln	1
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Northwest Region

Seattle 98115 444 N.E. Ravenna Blvd.	1,2
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Southwest Region

Tacoma 98405 The Pettibon Office Bldg. 1201 S. Proctor	1,2
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Vancouver 98663 Suite 5, Angelo Plaza 1801 D Street	1
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NOTES

1 - Information, inspection, investigation, training, and intergovernmental liaison.

2 - Audit.

All records of the commission are maintained in the administrative office in Olympia.

[Statutory Authority: RCW 42.17.250. 81-11-039 (Order 108), § 230-60-015, filed 5/19/81. Statutory Authority: RCW 42.17.250 and 42.17.260. 79-07-019 (Order 90), § 230-60-015, filed 6/14/79; Order 75, § 230-60-015, filed 9/16/77.]

WAC 230-60-020 Operations and procedures. The commission is a part time commission of citizens created by RCW 9.46.040. Its members are appointed by the governor with the consent of the state senate. The commission implements many of the provisions of chapter 9.46 RCW by rule making. It meets on a regular basis not less than four times a year, together with such additional meetings as necessary to carry on its business. The commission staff is organized under a director, a deputy director and two assistant directors pursuant to RCW 9.46.080.

The director is the administrator for the commission in carrying out its powers and duties. The gambling director issues rules and regulations adopted by the commission governing authorized activities and supervises assigned commission employees. The director also furnishes the administrative services and staff that are necessary to carry out the purposes and provisions of the law. Matters pertaining to public relations, research, contracts, agreements and legal problems are directly under the director's authority. [Statutory Authority: RCW 42.17.250. 81-01-063 (Order 104), § 230-60-

020, filed 12/15/80; Order 75, § 230-60-020, filed 9/16/77.]

WAC 230-60-025 Public records available. All public records of the commission are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.17 RCW, and WAC 230-60-050. [Order 75, § 230-60-025, filed 9/16/77.]

WAC 230-60-030 Public records officers. The commission's public records shall be in the charge of the public records officers as designated by the director. The persons so designated shall be located in the main administrative offices of the commission. The public records officers shall be responsible for the following: The implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, maintaining, keeping current, and publishing an index of all agency records as required by RCW 42.17.260 and WAC 230-60-065, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW. [Order 75, § 230-60-030, filed 9/16/77.]

WAC 230-60-035 Office hours. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. [Order 75, § 230-60-035, filed 9/16/77.]

WAC 230-60-040 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the commission which shall be available at its administrative office. The form shall be presented to any member of the commission staff designated by the responsible public records officer to receive requests, at the administrative office of the commission during customary office hours or by mail. The request shall include the following information:

- (a) The name of the person requesting the record.
- (b) The time of day and calendar date on which the request was made.
- (c) The nature of the request.
- (d) A reference to the requested record as it is described in the current commission record index.

NOTE: If the material is not identifiable by reference to the commission's current index, an accurate description of the record is requested.

(e) The signature and other identifying information of the requestor.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

(3) Persons not specifically authorized by law to obtain lists of names of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes. [Order 75, § 230-60-040, filed 9/16/77.]

WAC 230-60-045 Copying. A fee, determined by actual cost for time and services rendered, for inspection of public records, may be charged. The commission shall charge a fee in the amount necessary to reimburse the commission for its actual costs incidental to providing copies of public records, except as noted in the following schedule of fees: *Provided, however,* That at the discretion of the director, or his designee, governmental agencies may be excluded from the payment of the fee for such service. The schedule of charges is:

ITEM	FEE
Copy of license application, supporting documents, correspondence, minutes of commission meetings, licenses approval list, list of commission licensees, reports required to be filed by the licensees on a periodic basis concerning the operation of licensed activity, commission legislative reports, and other similar material	\$.25 cents per page for first 10 pages, \$.10 cents per page for any pages thereafter
Application for license(s) and/or supporting forms	No fee
Letter of certification to accompany copy of record or document. (Governmental agencies - no fee)	\$2.00
Specially produced listing, magnetic tapes, or labels	Cost of services, including overhead
Record look up	No charge for requests taking five minutes or less, actual cost including overhead, for single requests or a combination of multiple requests taking longer than five minutes to complete

ITEM	FEE
Postal charges	Actual cost

[Statutory Authority: RCW 42.17.290, 42.17.300 and 9.46.070(14), 82-13-070 (Order 122), § 230-60-045, filed 6/17/82. Statutory Authority: RCW 42.17.300, 79-11-074 (Order 93), § 230-60-045, filed 10/19/79; Order 75, § 230-60-045, filed 9/16/77.]

WAC 230-60-050 Exemptions. (1) The commission will not release for public inspection or copying any public record it has determined to be exempt under the provisions of chapter 42.17 RCW.

(2) In addition, pursuant to RCW 42.17.260, the commission will delete identifying details when it makes available or publishes any public record to the extent required to prevent an unreasonable invasion of personal privacy, protected by chapter 42.17 RCW. The public records officer shall set out his reasons for such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 75, § 230-60-050, filed 9/16/77.]

WAC 230-60-055 Review of denials of public records requests. (1) Upon any denial of a request for a public record, the public records officer or staff member who denied the record shall initiate a prompt review of the decision by referring the request and denial to the director or his designee. The director or his designee shall immediately consider the matter and either affirm or reverse such denial or call a specific meeting of the commission, or appropriate staff, as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision as soon as possible following the original denial.

(2) Administrative remedies shall not be considered exhausted until the commission has returned the review of a denial with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 75, § 230-60-055, filed 9/16/77.]

WAC 230-60-060 Protection of public records. The commission is both a law enforcement and regulatory agency and a licensing agency. The records consist mainly of operational or investigative files that are subject to high usage. In order to insure that essential functions of the agency are continually carried out, and the public records are not damaged, altered, disorganized, or lost, access to the record storage areas is restricted. Public records will be inspected in the administrative offices in which they are filed and maintained. Inspection shall be in the presence of the authorized commission

staff employee. Inspection shall be denied and the records will be withdrawn if the individual inspecting the records is doing so in a manner to damage, alter, or substantially disorganize them. Inspection shall be denied and records withdrawn if the individual inspecting the records attempts to remove them from the prescribed location or is excessively interfering or will unduly interfere with other essential functions of the commission. [Order 75, § 230-60-060, filed 9/16/77.]

WAC 230-60-065 Records index. (1) Index. The commission has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, declaratory rulings, as well as orders, made in the adjudication of cases.

(b) Those statements of policy and interpretations of policy, statute, and constitution which have been adopted by the agency.

(c) Administrative staff manuals and instructions to staff that affect a member of the public.

(d) Planning policies and goals, and interim and final planning decisions.

(e) Factual staff reports and studies.

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 75, § 230-60-065, filed 9/16/77.]