

Petition from the Public

Submitted by: Ashford Gaming, LLC

- **Allowing a new type of wager for the card game Mini-Baccarat.**

January 2014 – Final Action

December 2013 – No Meeting

November 2013 – Held over until January at petitioner's request.

October 2013 – Up for Further Discussion

September 2013 – Up for Discussion and Possible Filing

August 2013 – Study Session

ITEM: 7

- a) **Amendatory Section WAC 230-15-040**
Requirements for authorized card games.



Proposed Amendment to
WAC 230-15-040 Requirements for authorized card games.

January 2014 – Final Action
December 2013 – No Meeting
November 2013 – Held over until January at petitioner’s request.
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ITEM 7(a) on the January 2014 Commission Meeting Agenda. Statutory Authority 9.46.070, 9.46.0282

Who proposed the rule change?

Ashford Kneitel, Ashford Gaming LLC, currently not a licensee.

Proposed Change

The petitioner is requesting in the game of Mini-Baccarat that a player be allowed to make an optional wager on either the player hand or banker hand winning the next three consecutive games. Under the current rule, a player’s win or loss must be determined during a *single* card game. Mini-Baccarat uses community cards where two shared hands are dealt to positions called the “bank” and the “player;” but, unlike other card games, players are not dealt their own individual hands. Players bet on one of the two shared hands dealt, rather than on their own hand.

The petitioner has not yet submitted this new card game for formal staff review. The petitioner informally discussed the concept of his game with a Special Agent, who advised him the game would not be authorized because the player’s win or loss must be determined during a single card game. Therefore, he is submitting this petition for a rule change.

Bold = Changes/additions made after the October 2013 Commission meeting.

Attachments:

- Proposed amendment to WAC 230-15-040.
- Letter dated July 18, 2013, and Petition for Rule Change from Ashford Kneitel.
- **Stakeholder letter dated October 15, 2013, which was e-mailed to manufacturers, distributors, service suppliers, and Tribal Gaming Agencies.**
- **E-mail dated October 15, 2013, from Mr. Stacy Friedman, Olympian Gaming, LLC, licensed distributor.**
- **Staff’s response dated November 26, 2013, to Mr. Friedman and Mr. Friedman’s response.**
- Standard Operating Procedures (game rules) for Mini-Baccarat.
- Game rules for “Baccarat World.”
- Letter dated March 5, 2013, from the Nevada Gaming Control Board granting approval to operate “Baccarat World” in Nevada.

History of Rule

This rule requires that a player’s win or loss be determined during the course of a *single* card game.

In July 2012, an exception to this requirement was adopted to allow carryover pots to accumulate for up to ten (10) games. A carryover pot is an optional pot that accumulates as a dealer and participating players contribute to the pot. The winner of the pot is not necessarily determined after one game and can be carried over to more than one game. Participants include at least one player and the dealer competing for the highest winning hand. Game rules determine how the pot is distributed.

Impact of the Proposed Change

House-banked card room operators would be allowed in the game of Mini-Baccarat to offer players an optional wager on the player or banker hand winning the next three consecutive games.

A Small Business Economic Impact Statement was not prepared because the rule change would not impose additional costs on any licensees because licensees are not required to offer Mini-Baccarat.

Regulatory Concerns

Staff is not aware of any complaints related to the 2012 change allowing carryover pots where the winner is not determined during a single game. Based on the experience with the 2012 change, staff doesn't anticipate significant regulatory concerns with the petitioner's proposal.

Nevada:

This game is authorized in Nevada (authorization letter attached). Staff spoke with an agent from the Nevada Gaming Control Board about this game. We were told Nevada does not track games after they are approved, so they did not know if the game is popular or how many casinos operate the game. The Nevada agent was not aware of any complaints regarding the game.

Resource Impacts

New card games may be submitted for review and approval to be played in Washington State. When new card games are submitted for formal staff review, agents from both Field and Licensing Operations review game rules for compliance with rules and laws. Agents' time spent to review new games is reimbursed by the individual that submits the game.

Policy Consideration

None.

Statements Regarding the Proposed Rule Change

- At the October 2013 Commission meeting, George Teeny, house-banked card room licensee (New Phoenix and Last Frontier, La Center), testified about the game Mini-Baccarat.
- **E-mail dated October 15, 2013, from Mr. Stacy Friedman, Olympian Gaming, licensed distributor.**
- **Staff's response to Mr. Friedman dated November 26, 2013.**
- **Excerpt from Mr. Friedman's response to staff dated November 26, 2013:**
"Thank you for your reply. I understand that my game is not approved or approvable under the current rules. My only comments were that (a) if multi-hand bets are to be approved, they should be approved for all games rather than just for baccarat, (b) the rules should be crafted more broadly to allow other types of multi-hand bets rather than to only specify "three wins in a row" as the only permissible multi-hand bet, and (c) to me, the appropriate place to implement those rules is in regulation rather than statute -- but I'm not a legislative expert so there may be better reasons behind one than the other.

Basically, if you're going to permit multi-hand bets, I would like my multi-hand bet to be approvable as well. I know it would still need to be actually approved via your procedures, but right now it's not approvable at all."

| |
|--|
| Statements Supporting the Proposed Rule Change |
| <ul style="list-style-type: none"> • At the September 2013 Commission meeting, the petitioner testified in support of his petition. • At the October 2013 Commission meeting, the petitioner presented a short video that explained the game of Baccarat and what his petition would do. |
| Statements Opposing the Proposed Rule Change |
| At the October 2013 Commission meeting, Martin J. (Jamie) Durkan, representing the Muckleshoot Tribe, testified he had concerns about whether the rule would increase cheating. |
| Stakeholders Directly Impacted By the Change |
| <ul style="list-style-type: none"> • House-banked card game licensees that offer the game Mini-Baccarat, manufacturers, distributors, and service suppliers. • If approved, Tribal casinos would also be able to offer this game. |
| Staff Recommendation |
| Final Action. |
| Proposed Effective Date for Rule Change |
| The petitioner requests an effective date of 31 days from filing the adopted rule, because operators have expressed to him their interest in offering the game now. Staff does not object to the petitioner's request for an earlier effective date. |

Amendatory Section:

WAC 230-15-040 Requirements for authorized card games.

(1) In order for a card game to be authorized, it must be approved by the director or the director's designee and must:

(a) Be played with standard playing cards or with electronic card facsimiles approved by the director or the director's designee; and

(b) Offer no more than four separate games with a single hand of cards. However, no more than three of the games may offer a wager that exceeds five dollars each. We consider bonus features and progressive jackpots separate games. If a player does not have to place a separate wager to participate, we do not consider it a separate game. An example of this is an "envy" or "share the wealth" pay out when another player achieves a specific hand; and

(c) Not allow side bets between players.

(2) Card game licensees may use more than one deck of cards for a specific game. They also may remove cards to comply with rules of a specific game, such as Pinochle or Spanish 21.

(3) Players must:

(a) Compete against all other players on an equal basis for nonhouse-banked games or against the house for house-banked games. All players must compete solely as a player in the card game; and

(b) Receive their own hand of cards and be responsible for decisions regarding such hand, such as whether to fold, discard, draw additional cards, or raise the wager; and

(c) Not place wagers on any other player's or the house's hand or make side wagers with other players, except for:

(i) An insurance wager placed in the game of Blackjack; or

(ii) An "envy" or "share the wealth" wager which allows a player to receive a prize if another player

(iii) A tip wager made on behalf of a dealer.

(4) Mini-Baccarat is authorized when operated in the manner explained for Baccarat in the most current version of *The New Complete Hoyle, Revised* or *Hoyle's Encyclopedia of Card Games*, or similar authoritative book on card games we have approved. However:

(a) Card game licensees may make immaterial modifications to the game; and

(b) Subsection (3) of this section does not apply; and

(c) The number of players is limited under WAC 230-15-055.

(5) A player's win or loss must be determined during the course of play of a single card game, except for:

(a) A carryover pot game. A carryover pot is an optional pot that accumulates as a dealer and participating players contribute to the pot. The winner of the pot is not necessarily determined after one game and the pot can be carried over to more than one game. Carryover pots must not carryover more than ten games. Participants must include at least one player and the dealer competing for the highest qualifying winning hand. Game rules must state how the pot is distributed. If the carryover pot has not been won by the tenth game, the dealer will divide it equally between the remaining players still participating in the pot and the house or, if allowed by game rules, only the players still participating in the pot; and ((-))

(b) In the game of Mini-Baccarat, a player may make an optional wager on the player hand winning the next three consecutive games, or the banker hand winning the next three consecutive games.

July 18, 2013

To: Washington State Gambling Commission

From: Ashford Kneitel, Manager
Ashford Gaming LLC
10620 Southern Highlands Pkwy
STE 110-138
Las Vegas, NV 89141

Email: Ashford@AshfordGaming.com
Phone: (310) 435-5865

I am submitting this form in order to propose a rule amendment to WAC 230-15-040. This change will allow me to market a new bonus bet for the game of mini-baccarat. The game is currently approved in Nevada, and I am including the approval letter from the Nevada Gaming Control Board. You will notice that my company name is different from my company name in the Nevada letter. This is due to a business name change in order to better reflect the product offering. The name of the game, "Baccarat World," remains the same and is still approved in Nevada. Thank you for your time and consideration!



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with RCW 34.05.030, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Ashford Kneitel

Name of Organization Ashford Gaming LLC

Mailing Address 10620 Southern Highlands Pkwy, STE 110-138

City Las Vegas State NV Zip Code 89141

Telephone (310) 435-5865 Email Ashford@AshfordGaming.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodaReviser/Documents/RClist.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington State Gambling Commission

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: 230-15-040

I am requesting the following change: To allow a player to wager on a streak of three consecutive games of mini-baccarat.

This change is needed because: This rule change is needed to market a new game in the State of Washington.

The effect of this rule change will be: Players will be able to wager on a streak of three consecutive games of mini-baccarat.

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____



STATE OF WASHINGTON
GAMBLING COMMISSION

"Protect the Public by Ensuring that Gambling is Legal and Honest"

October 15, 2013

To: House-banked card game, manufacturer, distributor and gambling service supplier licensees.

Subject: **NOTICE OF PROPOSED CHANGES TO CARD GAME RULES**
WAC 230-15-040 Requirements for authorized card games.

We have received a petition for rule change requesting a change to the card game Mini-Baccarat (See attachment #1 for proposed rule change):

- The petitioner is requesting in the game of Mini-Baccarat that a player be allowed to make an optional wager on either the player hand or banker hand winning the next three consecutive games. Under the current rule, a player's win or loss must be determined during a *single* card game. Mini-Baccarat uses community cards where two shared hands are dealt to positions called the "bank" and the "player;" but, unlike other card games, players are not dealt their own individual hands. Players bet on one of the two shared hands dealt, rather than on their own hand.

Additionally, staff is proposing the following changes to this rule (See attachment #2 for proposed rule change):

- Allowing more than one "bonus feature," including "envy" and "share the wealth" to be offered per card game.
- Adding definitions and clarifications to bring agency rules in-line with current practice.

Public Comment: Please submit your comments by **November 12, 2013**.

Mail:
Rules Coordinator
Gambling Commission
P.O. Box 42400
Olympia, WA 98504-2400

E-mail:
Susan.Newer@wsgc.wa.gov

FAX:
(360) 486-3625

For questions, please contact Susan Newer, Rules Coordinator, e-mail above or (360) 486-3466.

These proposed rule changes will be considered at the November 15, 2013, Commission meeting ([Click here for meeting dates and locations](#)). Visit our website about two weeks before each meeting to confirm meeting dates and start times. Commission meetings are open to the public and you are invited to attend.

If you can't attend the November Commission meeting, we will give your written comments to the Commissioners at that if you get your feedback to us by **November 12, 2013**.

Newer, Susan (GMB)

Subject: RE: Notice of Rule-Making - Card Game Rule

From: Newer, Susan (GMB)

Sent: Wednesday, October 16, 2013 7:59 AM

To: Stacy Friedman

Cc: Newer, Susan (GMB)

Subject: RE: Notice of Rule-Making - Card Game Rule

Good morning Stacy,

Thank you very much for taking the time to submit your comments. I am printing out your e-mail and will include it in the Commissioners' agenda packet for consideration at their November 15, 2013, Commission meeting. The meeting agenda and supporting documents will be posted on our website under Public Meetings by November 1st ([click here to go to the web page](#)). I will e-mail you after the meeting and give you an update. If you have any questions, please let me know.

Sincerely,

Susan Newer

Rules Coordinator & Public Information Officer
Washington State Gambling Commission

From: Stacy Friedman [<mailto:stacy@olympiangaming.com>]

Sent: Tuesday, October 15, 2013 2:15 PM

To: Newer, Susan (GMB)

Subject: Re: Notice of Rule-Making - Card Game Rule



Hi Susan,

If you're going to allow multi-hand bets, I think you should allow them for all games, not just baccarat. In other words, just remove requirement (5) altogether. It would be arbitrary to allow a game of mini-baccarat to have a "next three hands wins" bet but not blackjack or pai gow poker. Also, there are many other possible bets that span multiple hands. Two wins in a row, for example, or four wins in a row. And Olympian Gaming has a patented multi-hand bet that involves a sequence of increasing hand totals. I believe the appropriate place for those rules is in the Cardroom Game Rules section rather than the actual WAC.

Thanks,

Stacy Friedman

Olympian Gaming, LLC - The Advantage Is Yours

Casino Game Design, Mathematical Analysis, Expert Witness Testimony

<http://www.olympiangaming.com>

On 10/15/2013 2:00 PM, LicenseInfo@wsge.wa.gov wrote:

NOTICE OF PROPOSED CHANGES TO CARD GAME RULE - WAC 230-15-040

[Click here for notificaiton letter and to see the proposed changes to this rule.](#)

Please submit your comments by **Tuesday, November 12, 2013.**

We have received a petition for rule change requesting a change to the card game Mini-Baccarat ([See attachment #1 for proposed change](#)):

- The petitioner is requesting in the game of Mini-Baccarat that a player be allowed to make an optional wager on either the player hand or banker hand winning the next three consecutive games. Under the current rule, a player's win or loss must be determined during a single card game. Mini-Baccarat uses community cards where two shared hands are dealt to positions called the "bank" and the "player;" but, unlike other card games, players are not dealt their own individual hands. Players bet on one of the two shared hands dealt, rather than on their own hand.

Additionally, staff is proposing the following changes to this rule (See attachment #2 for proposed change):

- Allowing more than one "bonus feature," including "envy" and "share the wealth" to be offered per card game.
- Adding definitions and clarifications to bring agency rules in-line with current practice.

From: [Stacy Friedman](#)
To: [Saila, Lisa \(GMB\)](#)
Subject: Re: Card Game Rule
Date: Tuesday, November 26, 2013 1:46:11 PM

Hi Special Agent Saila,

Thank you for your reply. I understand that my game is not approved or approvable under the current rules. My only comments were that (a) if multi-hand bets are to be approved, they should be approved for all games rather than just for baccarat, (b) the rules should be crafted more broadly to allow other types of multi-hand bets rather than to only specify "three wins in a row" as the only permissible multi-hand bet, and (c) to me, the appropriate place to implement those rules is in regulation rather than statute -- but I'm not a legislative expert so there may be better reasons behind one than the other.

Basically, if you're going to permit multi-hand bets, I would like my multi-hand bet to be approvable as well. I know it would still need to be actually approved via your procedures, but right now it's not approvable at all.

Very truly yours,

Stacy Friedman
(503) 764-5614

On 11/26/2013 11:36 AM, Saila, Lisa (GMB) wrote:

Stacy:

I am the lead Agent on the proposed rule change for WAC 230-15-040. I received an email with your comments regarding this change and as Susan informed you your comments will be forwarded to the Commissioners.

In addition, the patented multi-hand bet you mentioned in your email is not currently authorized under our rules. The rules would have to be changed in order to allow this.

Thank you for your input. If you would like to discuss this further you can email me or contact me at (360)486-3582.

Sincerely,

Lisa Saila, Special Agent
SW Region

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Olympian Gaming, LLC - The Advantage Is Yours
Casino Game Design, Mathematical Analysis, Expert Witness Testimony
<http://www.olympiangaming.com>

WASHINGTON STATE GAMBLING COMMISSION

MINI- BACCARAT

STANDARD OPERATING PROCEDURES

Overview

1. Within the game of baccarat, there are two different games which can be played. The first game is to bet on either the Player or Banker hand winning and the second game is betting on a Tie hand.
2. There are three betting positions for each betting spot at the Mini-Baccarat table. They are **Player**, **Banker**, and **Tie**. Each of these positions represents the possible outcome of the hands. Players may wager on any one of these or a combination of Player/Tie or Banker/Tie before the hands are dealt.
3. To begin the play, two cards are dealt out to each side. These cards can be dealt face down, face up, or any combination of face down and face up. The first card is dealt to the Player. The second to the Banker, the third card is dealt to the Player and the fourth is dealt to the Banker. If applicable, the dealer will first turn up the Player hand and call out the total of the cards. If applicable, the dealer will then turn up the Banker hand and call out the total of the cards.
4. The highest possible total to any hand is 9. The lowest is 0. The hand (Player, Banker) closest to 9 wins. If both of the hands end up with the same total, it is called a Tie.
5. The total of the first two cards for each hand will determine if the hand will receive a third card or not. Tens and face cards count as 0 or what is referred to as "nothing". Any other cards count as their face value. When the dealer adds up the hand and the count is higher than 9, the count will then become 0 again instead of 10.
6. The rule that determines whether or not the Banker will get a third card is called the Third Card Rule. All winning hands on the Banker side may be charged up to a 5% commission. Any commissions charged on a winning Banker hand must be collected at the conclusion of each hand.
7. If both Player and Banker have the same total at the end of the hand it is called a Tie Hand and the bets do not win or lose.
8. Each of the hands (Player and Banker) will have either a "Stand Hand" or a "Draw Hand" on the first two cards dealt to them. The diagrams that follow explain the different types of hands, under the "Stand Rule" in the game of mini-baccarat.
9. Ghost hands: An operator may offer the "ghost hand" option to players. Customers may request the dealer to deal a ghost hand, which entails all cards in the hand being dealt face up but no wagers are placed on this hand. The maximum number of Ghost Hands allowed shall be determined by the house and included in their internal controls.

Mini -Baccarat

Mini-Baccarat consists of two hands dealt from a multiple deck shoe using up to 8 decks. One hand is called the Player's hand; the other is called the Banker's hand. Each hand consists of two cards each (minimum), or three cards each (maximum).

After the hands are dealt out and turned up in the designated areas, the cards are totaled and, using the last digit only, the hand closest to nine wins. In other words 16 becomes 6, 20 becomes 0, and 19 becomes 9. If the two

hands have the same total the hand is a Tie and neither hand wins or loses. If either hand has 8 or 9 it is called a "Natural" winner.

The cards are valued as follows:

Ace = 1
 2 – 9 = Face Value
 Tens and face cards = Zero or nothing

Rules: Player

| Player's first two cards total: | Action | Announce |
|---------------------------------|------------------------------|---|
| 0 – 5 | Draws a card | Based on licensees internal controls |
| 6 – 7 | Stands | Based on licensees internal controls |
| 8 – 9 | Natural – Neither Hand draws | Based on licensees internal controls |

Rules: Banker

When the **Player** stands on 6 or 7 the **Banker** will always draw on totals of 0 through 5, and stand on 6 through 9.

| Banker's first two cards total: | Draws when Player's Third card is: | Announce |
|---------------------------------|---------------------------------------|---|
| 0,1,2 | Always draws | Based on licensees internal controls |
| 3 | Draws unless Player's third card is 8 | Based on licensees internal controls |
| 4 | 2 – 7 | Based on licensees internal controls |
| 5 | 4 – 7 | Based on licensees internal controls |
| 6 | 6 – 7 | Based on licensees internal controls |

| | | |
|-------|------------------------------|---|
| 7 | Stands | Based on licensees internal controls |
| 8 – 9 | Natural – Neither hand draws | Based on licensees internal controls |

Procedure for dealing Mini-Baccarat

Before the dealer begins to deal:

1. Case the layout and make sure that all of the Player's bets are in the appropriate betting areas.
2. If applicable, make the necessary announcements documented in the casinos internal controls.

When the cards are in play:

1. Deliver the Banker and Player cards out of the shoe face down or face up. The first and third cards dealt will make up the Player hand and the second and fourth cards dealt make up the Banker hand. The Player cards are to be delivered to the designated Player area face down or face up. The Banker cards can be placed under the lip of the shoe face down or dealt directly to the designated Banker area face down or face up.
2. If applicable, spread the Player hand face up and make any applicable announcements as soon as you turn it face up.
3. If applicable, spread the Banker hand face up to the left of the Player hand and make any applicable announcements.
4. Announce if the Player draws, and deliver one card face up and sideways to the right of the Players hand.
5. Announce if the Banker draws and the total.
6. Draw 1 card for the Banker hand when applicable, and deliver it face up to the left of the Banker hand. Be sure to turn the Banker third card sideways also.
7. Announce the winner. Take all losing bets based on internal controls.
8. Pay all winning bets, collecting commission as you go, if applicable, based on internal controls.
9. If the outcome results in a Tie hand, the Player and Banker bets are considered pushes.

Mini-Baccarat Announcements

The purpose for announcing the action in a Mini-Baccarat game is to keep the customers involved in the game as well as informed as to what is taking place. If any announcements are made, they must be documented in the internal controls.

All of the Mini-Baccarat announcements are separated and arranged into 3 categories.

1. Before: Before the hands are dealt out
2. During: During the play of the hands.
3. After: After the decision.

Each announcement is designed to serve a defined purpose in the game.

1. Before: These announcements are to ask the participants to prepare for the next hand.
2. During: These announcements are in the form of commands and are the actual calling of the game.
3. After: These announcements are to tell the Players or the Floor Supervisor something specific concerning the game.

Below and on the following page are basic calls that may be used in the game as they come up in the three different categories. Whichever calls used by the casino must be documented in the internal controls.

Before: "Place your bets please".
"All bets set", or "bets please".

During: **Player**
"Player shows nothing"
"Player shows 1, 2, 3, 4, or 5"
"Player shows 6 or 7 and must stand"
"Player shows a Natural 8 or 9. There will be no draws."

Banker

"Bank has nothing or Baccarat"
"Bank has 1, 2, 3, 4, 5 or 6"
"Bank has 7 and must stand"
"Bank wins with a Natural 8 or 9"
"Bank ties it up 8 – 8 or 9 – 9"

General Call

Card for the player
Draw Bank and the number to beat.

Decision: **Player wins ... over...**
Bank wins ... over
We have a Tie hand ___ ___ **or Bank ties it up** ___ ___ (example 6 - 6 or 7 - 7)

Note: The dealer will always indicate to the players which hand won based on the procedures in their internal controls.

Shuffle: The game can be either shuffled by hand or with a shuffling machine. All shuffling procedures must be documented in the internal controls.

Burn

Procedure: All procedures relating to the card/cards burning must be documented in the internal controls.

Pay

Procedures: The hand closest to 9 wins.

All winning bets are paid even money.

Winning **Bank** bets may be charged up to a 5% commission.

Tie bets pay at least 8 to 1.

World™

A bonus bet for baccarat



Premise:

The player may bet on a streak of three Banker wins, or on a streak of three Player wins. The bet pays 9 to 1 (labeled 10 for 1 on the layout).

- Baccarat players are always looking for streaks, so let's give them a way to bet on it!
- Provides players a way to 'press' their desired winning side.
- Players can also use the bet as a way to 'hedge' their standard baccarat bet, although, of course there is no way to actually hedge the bet - it will only increase the house advantage.

House Advantage:

Player side = 11.14%. Banker side = 3.55%.

Contact us today:
(310) 435-5865
Ashford@AshfordGaming.com

Ashford Gaming™

Procedures for the baccarat World™ wager

1. The *World* consists of two betting opportunities: The guest can wager that the Banker side will win the next three hands in a row. Alternatively, the guest can wager that the Player side will win the next three hands in a row.
2. The payout for a winning *Banker World* wager is 9-to-1. The payout for a winning *Player World* wager is either 9-to-1 or 10-to-1 (casino's choice of which payout to offer).
3. The guest loses the *World* wager if there is a loss for the chosen side or a tie during the next three hands.
4. The guest can make a *World* wager on any round, including those rounds where the guest already has an unresolved *World* wager. The guest may also wager on both the *Player World* and *Banker World* at the same time.
5. It is the casino's discretion whether to make a guest wager on the standard baccarat game in order to place a *World* wager.
6. The guest may remove their unresolved *World* wager at any time prior to a new hand being dealt. This would be advantageous to the casino (similar to a guest removing their *don't pass* wager after a point is established in craps).
7. If the end of the shoe is reached, and an unresolved *World* wager remains, then the guest may either remove their wager, or continue the wager to the next shoe.

How to track the *World* wager: After the desired hand wins, the dealer moves the wager from the *World* betting area to the first tracking spot. After the second win, the dealer moves the wager to the second tracking spot. The wager is paid after the third consecutive win.



BRIAN SANDOVAL
Governor

STATE OF NEVADA

GAMING CONTROL BOARD

1919 College Parkway, P.O. Box 8003, Carson City, Nevada 89702
555 E. Washington Avenue, Suite 2600, Las Vegas, Nevada 89101
3650 S. Pointe Circle, Suite 203, P.O. Box 31109, Laughlin, Nevada 89028
557 W. Silver Street, Suite 207, Elko, Nevada 89801
9790 Gateway Drive, Suite 100, Reno, Nevada 89521
750 Pilot Road, Suite H, Las Vegas, Nevada 89119

A.G. BURNETT, *Chairman*
SHAWN R. REID, *Member*
TERRY JOHNSON, *Member*

March 5, 2013

Las Vegas
(702) 486-2020
Fax: (702) 486-2230

Mr. Ashford Kneitel
Manager
Accurate Chip Rack, LLC
10620 Southern Highlands Parkway, Suite 110-138
Las Vegas, Nevada 89141

Re: Case #2013-7201-LV
"Baccarat World"

Dear Mr. Kneitel:

The Gaming Control Board's Enforcement Division has reviewed your information regarding the game, "Baccarat World." "Baccarat World" is played using eight standard 52 card decks.

Your modification of the standard game of Baccarat offers an optional side wager that pays if the Player's hand or the Banker's hand wins three consecutive rounds. If the Player's hand or the Banker's hand does not win three consecutive rounds, the "Baccarat World" side wager loses. Tie hands lose. Players may bet on either the Player's hand or the Banker's hand to win. Also, players may make a "Baccarat World" side wager on any round, including those rounds where an unresolved side wager already exists.

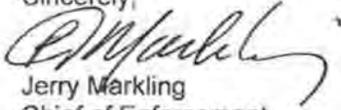
Note: It is the casino's discretion whether or not the player has to make the standard baccarat wager prior to any cards being dealt.

The Gaming Control Board's Technology Division reviewed the mathematical analysis certification from a Nevada Independent Test Laboratory. They determined that the mathematical percentages of the player payback and house advantage of the enclosed paytables are within the Board's required percentage hold.

Approval is granted to operate "Baccarat World." As "Baccarat World" is a modification of the statutorily approved game of Baccarat, a field trial will not be necessary.

Further questions regarding this matter should be directed to the Enforcement Division's Operations Unit, at 555 East Washington Avenue, Suite 2600, Las Vegas, Nevada 89101.

Sincerely,


Jerry Markling
Chief of Enforcement

JM/JB

cc: Enforcement (Las Vegas/Laughlin/Carson City/Reno/Elko)
Enclosure

"Baccarat World" – Paytables

| Outcome | Pays | House Edge |
|----------------|-------------|-------------------|
| Player Win | 9 to 1 | 11.14% |
| | 10 to 1 | 2.25% |

| Outcome | Pays | House Edge |
|----------------|-------------|-------------------|
| Banker Win | 9 to 1 | 3.55% |

Staff Proposed Rule Change

- **Allowing pull-tab prizes of \$20 or less to be added to cash cards used in electronic video pull-tab dispensers.**

January 2014 – Further Discussion

December 2013 – No Meeting

November 2013 – Up for Discussion and Possible Filing

ITEM: 8

a) Amendatory Section: WAC 230-14-047

Standards for electronic video pull-tab dispensers.



Proposed Amendment to
WAC 230-14-047 Standards for electronic video pull-tab dispensers.

January 2014 – Further Discussion
December 2013 – No Meeting
November 2013 – Up for Discussion and Possible Filing

ITEM 8 (a) on the January 2014 Commission Meeting. Statutory Authority 9.46.070 & 9.46.110

Who proposed the rule change?

Staff.

Proposed Change

This rule proposal is in response to a recent Thurston County Superior Court decision, where the court directed the Commission to allow a specific electronic video pull-tab dispenser, which permits the purchase of a pull-tab at the dispenser and allows pull-tab winnings of \$20 or less to be added onto a cash card at the dispenser.

This amendment adds language to WAC 230-14-047 to allow pull-tab prizes of \$20 or less to be added to cash cards used in electronic video pull-tab dispensers. Most prizes are below \$20.

Commission staff's review of this issue began in 2005 and has led to several court proceedings involving many different legal issues. The following is a brief summary of the Commission staff's, Commission's, Administrative Law Judge's (ALJ) and judicial decisions as they related specifically to cash cards used in electronic video pull-tab dispensers:

- In April 2005, the manufacturer requested Commission staff approve an electronic video pull-tab dispenser ("VIP") that would allow winnings of \$20 or less to be put on a cash card. Staff denied the request.
- In September 2005, the manufacturer submitted a request to Commission for a declaratory action authorizing the VIP.
- In October 2005, the Commissioners referred the matter to an ALJ for an Initial Order.
- In May 2006, the ALJ issued his Initial Order and concluded that the VIP was not a gambling device under RCW 9.46.0241, but that the pull-tab dispenser's cash card features violated the Commission's then-current regulations. Both the manufacturer and the Commission staff sought final review by the full Commission.
- In August 2006, the Commission upheld the ALJ's determination that the VIP violated the Commission's then-current regulations. The Commission "vacated and specifically disavowed" the ALJ's decision regarding whether the VIP was an illegal gambling device. The Commission, however, did not issue a final decision on this issue having determined that the device violated the regulations.
- In August 2007, the Thurston County Superior Court found that cash cards were equivalent to both cash and merchandise and, therefore, were lawful under the Commission's regulations. The Commission appealed this decision to the Court of Appeals.

- In August 2009, the Court of Appeals held that “substantial evidence did not support the Gambling Commission’s determination that the prepaid cards failed to satisfy the regulatory definition of cash.” The Commission appealed this decision to the Washington Supreme Court.
- In January 2012, the Washington Supreme Court affirmed the lower court’s decision, finding that ZDI met its burden of showing that the Gambling Commission “erred in concluding that the VIP machine violated then-in force regulations.” The Court remanded the matter back to the Commission for proceedings consistent with its opinion.
- In March 2013, the Commission issued a Final Order on Remand adopting the Washington State Supreme Court’s findings with respect to cash cards and determining that the VIP was a gambling device under RCW 9.46.0241. ZDI sought judicial review of this decision.
- In August 2013, the Thurston County Superior Court reversed the Commission’s Final Order on Remand. Among the superior court’s findings, the court concluded that the VIP was not a gambling device under RCW 9.46.0241 and should be allowed. The superior court’s order was entered on October 18, 2013.

Attachments:

- Proposed amendment to WAC 230-14-047 Standards for electronic video pull-tab dispensers.
- Thurston County Superior Court Order dated October 18, 2013 (Order on ZDI’s Second Petition for Judicial Review).
- Supreme Court of Washington Order (page 7 addresses cash cards and cash equivalents).

History of Rule

In 2008, the Commission adopted WAC 230-14-047, which sets out standards for electronic video pull-tab dispensers. At that time, the Commission decided not to adopt language to allow electronic video pull-tab dispensers to add prizes of \$20 or less onto cash cards.

Impact of the Proposed Change

The rule change would allow other manufacturers to develop similar electronic video pull-tab dispensers. It is difficult to predict whether other manufacturers will do so.

Resource Impacts

- Because the feature of allowing pull-tab winnings of \$20 or less to be added onto a cash card is new, we may receive an increased number of questions from the public and may experience an increase in complaints related to the electronic video pull-tab dispensers.
- We will need to incorporate this electronic video pull-tab dispenser into our regulatory program.

Policy Considerations

This rule proposal is consistent with the Thurston County Superior Court’s order, where the court directed the Commission to allow a specific electronic video pull-tab dispenser that allows pull-tab winnings of \$20 or less to be put onto a cash card at the dispenser.

Stakeholder Statements Supporting the Proposed Rule Change

None.

Stakeholder Statements Opposing the Proposed Rule Change

None.

Licensees Directly Impacted By the Change

Licensed manufacturers, distributors, and pull-tab operators.

Staff Recommendation

Further Discussion.

Effective Date

31 days from filing the adopted rule change.

Amendatory Section:

WAC 230-14-047 Standards for electronic video pull-tab dispensers.

Electronic video pull-tab dispensers must be approved by us prior to use, meet the requirements below, and may incorporate only the features below and not perform additional functions.

- (1) Electronic video pull-tab dispensers must dispense a paper pull-tab as defined in WAC 230-14-010 and follow the rules for:
 - (a) Pull-tabs; and
 - (b) Flares; and
 - (c) Authorized pull-tab dispensers.
- (2) Electronic video pull-tab dispensers that use a reading and displaying function must:
 - (a) Use a video monitor for entertainment purposes only; and
 - (b) Open all, or a portion of, the pull-tab in order to read encoded data that indicates the win or loss of the pull-tab if the dispenser is equipped to automatically open pull-tabs; and
 - (c) Dispense the pull-tab to the player and not retain any portion of the pull-tab; and
 - (d) Read the correct cash award from the pull-tab either when it is dispensed or when the pull-tab is reinserted into the dispenser; and
 - (e) Display the cash award from the pull-tab, one pull-tab at a time; and
 - (f) Provide:
 - (i) An electronic accounting of the number of pull-tabs dispensed; and
 - (ii) A way to identify the software version and name; and
 - (iii) A way to access and verify approved components; and
 - (iv) Security on the dispenser to prevent unauthorized access to graphic and prize amount displays.
- (3) ~~((Gift certificates or gift))~~ Cash cards used in electronic video pull-tab dispensers must:
 - (a) Be purchased with cash, check, gift certificates, gift cards or electronic point-of-sale bank transfer before use in the dispenser; and
 - (b) Be convertible to cash at any time during business hours; and
 - (c) Subtract the cash value for the purchase of the pull-tab one pull-tab at a time.
- (4) Electronic video pull-tab dispensers that accept cash cards may award any pull-tab cash prize of twenty dollars or less onto the cash card.

3

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2013 OCT 18 AM 8:49

BETTY J. GOULD, CLERK

1 EXPEDITE
2 No Hearing Set
3 Hearing is Set
4 The Honorable Gary Tabor

7
8 STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

9 ZDI GAMING, INC.,

10 Petitioner,

11 v.

12 THE STATE OF WASHINGTON, by
13 and through the WASHINGTON
STATE GAMBLING COMMISSION,

14 Respondent.

NO. 06-2-02283-9

ORDER ON ZDI'S SECOND
PETITION FOR JUDICIAL REVIEW

15 On August 16th, 2013, the above captioned matter came before the Court for hearing
16 on ZDI Gaming, Inc.'s Second Petition for Judicial Review. ZDI Gaming, Inc. appeared by
17 and through its attorney of record Joan K. Mell of III Branches Law, PLLC. The State of
18 Washington, by and through the Washington State Gambling Commission (the "Commission")
19 appeared by and through its attorneys of record the Attorney General of Washington Robert W.
20 Ferguson, and Assistant Attorney General Callie A. Castillo. The Court heard oral argument
21 and considered the administrative record, the opening and reply briefs of ZDI Gaming, Inc.,
22 and the responsive brief of the Commission.
23

24 The Court deeming itself fully advised enters the following order:

25 1.1 ZDI Gaming, Inc.'s second petition for judicial review is granted.
26

1 1.2 ZDI's electronic video pull-tab dispenser upgraded with cash card features that (1)
2 permit the purchase of a pull-tab at the dispenser and (2) allow for any pull-tab prize of \$20 or
3 less to be added to the cash card at the dispenser is allowed (hereinafter "ZDI's VIP").

4 1.3 The Commission did not comply with the Administrative Procedure Act ("APA"),
5 RCW 34.05.464(4) and .570(3)(f) when it did not decide all issues requiring resolution by the
6 agency upon ZDI's petition for declaratory relief. Specifically, the Commission erred as a
7 matter of law when it failed to decide the issue of whether ZDI's VIP was a gambling device in
8 its August 2006 Final Order.
9

10 1.4 The Commission engaged in unlawful procedure or decision-making process under the
11 APA, RCW 34.05.570(3)(c), when it considered the issue of whether ZDI's VIP was a
12 gambling device in 2012.
13

14 1.5 The Commission's determination in its 2012 Final Order on Remand that ZDI's VIP is
15 a gambling device under RCW 9.46.0241 is vacated as outside the statutory authority of the
16 agency under the APA, RCW 34.05.570(3)(b), and as an erroneous interpretation or
17 application of the law under the APA, RCW 34.05.570(3)(d). The portion of the
18 Administrative Law Judge's Initial Declaratory Order determining that ZDI's VIP is not a
19 gambling device is reinstated as the correct application of the law. ZDI's VIP is not a
20 gambling device under RCW 9.46.0241. ZDI's VIP is not prohibited under the Gambling Act,
21 RCW 9.46, or the Commission's regulations.
22

23 1.6 The Commission is ordered to allow ZDI's VIP for manufacturing, distribution, and use
24 in the State.

25 ///

26 ///

1 1.7 ZDI Gaming, Inc. shall be awarded its fees and costs incurred from the date of filing its
2 petition under the Equal Access to Justice Act in the amount of \$8,316.60.

3 Dated this 18 day of Oct, 2013.

4
5 
6 THE HONORABLE GARY TABOR
7

8 Presented by:

9 ROBERT W. FERGUSON
10 Attorney General

11 
12 CALLIE A. CASTILLO, WSBA #38214
13 Assistant Attorney General
14 Attorneys for Respondent

15 Approved as to form:

16 
17 JOAN K. MELL, WSBA #21319
18 III Branches Law, PLLC
19 Attorney for ZDI Gaming, Inc.
20
21
22
23
24
25
26

173 Wash.2d 608
Supreme Court of Washington,
En Banc.

ZDI GAMING, INC., Respondent,
v.
The STATE of Washington by and through the
WASHINGTON STATE GAMBLING
COMMISSION, Petitioner.

No. 83745-7. | Argued Nov. 16, 2010. | Decided Jan.
12, 2012. | As Corrected March 20, 2012. |
Reconsideration Denied March 21, 2012.

Synopsis

Background: Gaming supply distributor sought review of state Gambling Commission's denial of application for permission to distribute electronic pull-tab machine incorporating cash card technology. After the Superior Court, Pierce County, Bryan Chushcoff, J., transferred venue of case, the Superior Court, Thurston County, Christine A. Pomeroy, J., reversed and awarded attorney fees to distributor. Both parties appealed. The Court of Appeals, 151 Wash.App. 788, 214 P.3d 938, affirmed in part and remanded. Review was granted.

Holdings: The Supreme Court, en banc, Chambers, J., held that:

^[1] statute providing that court in single state county had jurisdiction over proceedings against state Gambling Commission did not limit subject matter jurisdiction to single state county in violation of state constitution, and

^[2] electronic pull-tab machine that allowed player to purchase pull-tabs from machine using prepaid card and that either credited player's pull-tab winnings on to card or directed player to an employee of gaming establishment to receive payment did not violate former regulation requiring that pull-tab player receive winnings in cash or merchandise.

Affirmed.

J.M. Johnson, J., filed dissenting opinion in which Barbara A. Madsen, C.J., Mary E. Fairhurst, J., and Gerry Alexander, Justice Pro Tem, joined.

West Headnotes (11)

^[1] Gaming

—Licenses and taxes

Statute providing that court in single state county had jurisdiction over proceedings against state Gambling Commission did not limit subject matter jurisdiction to single state county in violation of provision of state constitution precluding subject matter jurisdictional restrictions as among state superior courts, as statute related to venue rather than to subject matter jurisdiction. West's RCWA Const. Art. 4, § 6; West's RCWA 9.46.095.

^[2] Courts

—Washington

Provision of state constitution vesting superior court with original jurisdiction in all cases in which jurisdiction was not vested exclusively in some other court precludes any subject matter restrictions as among superior courts. West's RCWA Const. Art. 4, § 6.

2 Cases that cite this headnote

^[3] Courts

—Grounds and essentials of jurisdiction

"Jurisdiction" is the power and authority of the court to act.

1 Cases that cite this headnote

^[4] Courts

—Jurisdiction of Cause of Action

"Subject matter jurisdiction" is a particular type

of jurisdiction, and it critically turns on the type of controversy; if the type of controversy is within the subject matter jurisdiction, then all other defects or errors go to something other than subject matter jurisdiction.

1 Cases that cite this headnote

[5]

Venue

← Nature and necessity of venue in action

“Venue” denotes the setting, location, or place where the power to adjudicate is to be exercised, that is, the place where the suit may or should be heard.

[6]

Venue

← Nature and necessity of venue in action

If a court has jurisdiction over the subject matter of a controversy, it need not exercise that authority if venue lies elsewhere.

[7]

Venue

← Nature and necessity of venue in action

Court need not dismiss case for improper venue, even if the statute of limitations lapses before the defect in venue is discovered.

[8]

Constitutional Law

← Presumptions and Construction as to Constitutionality

Court interprets statutes as constitutional if possible.

1 Cases that cite this headnote

[9]

Courts

← Washington

Venue

← Constitutional and statutory provisions

Legislature may impose limitations on venue, but not upon subject matter or original jurisdiction, of individual superior courts. West’s RCWA Const. Art. 2, § 26, Art. 4, § 6.

1 Cases that cite this headnote

[10]

Gaming

← Prizes or premiums

Electronic pull-tab machine that allowed player to purchase pull-tabs from machine using prepaid card and that either credited player’s pull-tab winnings on to card or directed player to an employee of gaming establishment to receive payment did not violate former regulation requiring that pull-tab player receive winnings in cash or merchandise; card was functionally equivalent to cash in that card could be immediately converted into cash currency at establishment where player was playing. WAC 230-12-050 (2003).

[11]

Administrative Law and Procedure

← Scope

Administrative Law and Procedure

← Limitation of scope of review in general

In reviewing decision of administrative agency, Supreme Court reviews the agency record directly and shows all due deference to that agency.

Attorneys and Law Firms

****930** Jerry Alan Ackerman, Office of the Attorney General, Olympia, WA, for Petitioner.

Joan Kristine Mell, III Branches Law, PLLC, Fircrest, WA, for Respondent.

Opinion

****931** CHAMBERS, J.

***611** ¶ 1 This case was filed in a county other than where it was to be adjudicated. We are asked today to decide whether, as a consequence, the case will not be ***612** heard. We conclude that the proper forum is a question of venue, not the subject matter jurisdiction of superior courts. We affirm the Court of Appeals. *ZDI Gaming, Inc. v. Wash. State Gambling Comm'n*, 151 Wash.App. 788, 214 P.3d 938 (2009).

FACTS

¶ 2 For many years ZDI Gaming Inc., a family owned business, has provided “‘just about anything to do with the gambling industry in the state of Washington.’ ” Administrative Record (AR) at 410 (quoting Verbatim Report of Proceedings (VRP) at 88); Clerk’s Papers (CP) at 18. This includes distributing pull-tabs and pull-tab machines. A pull-tab machine is a fairly modern gaming device. A traditional pull-tab involves a paper ticket containing a series of windows that hide numbers or symbols. The player “‘opens one of the windows to reveal the symbols below to determine if the ticket is a winner.’ ” CP at 1026. If the ticket’s combination of numbers or symbols matches those listed on a sheet called a “‘flare’ ” as a winning ticket, the ticket’s purchaser is entitled to a prize. *Id.* Modern pull-tab machines can both dispense and read pull-tab tickets and can produce sounds and displays mimicking electronic slot machines.

¶ 3 In 1973, when gambling was legalized in Washington State, the legislature declared pull-tabs, along with certain other games of chance, would be authorized, but “‘closely controlled.’ ” Laws of 1973, ch. 218, § 1 (currently codified as RCW 9.46.010); AR at 410. Accordingly, the Washington State Gambling Commission (Gambling Commission) has heavily regulated pull-tabs and pull-tab machines. E.g., former WAC 230-02-412(2) (2001); former WAC 230-08-017 (2003), former WAC 230-12-050 (2003); former WAC 230-08-010(2) (2004).

¶ 4 Historically, and broadly in the context of games of chance, the commission prohibited giving gifts or extending ***613** credit to players for the purposes of gambling. Former WAC 230-12-050. Accordingly, players were required to pay the consideration “‘required to participate in the gambling activity ... in full by cash, check, or electronic point-of-sale bank transfer, prior to participation,’ ” with some exceptions not relevant here. Former WAC 230-12-050(2). The Gambling Commission also had required a pull-tab player to receive winnings “‘in cash or in merchandise.’ ” Former WAC 230-30-070(1) (2001).

¶ 5 ZDI Gaming distributes the VIP (video interactive display) machine, an electronic pull-tab machine featuring a video display screen, a currency bill acceptor, and (in later version) a cash card acceptor, all housed in a decorative cabinet. ZDI Gaming intentionally designed the current VIP machine to resemble a video slot machine and programmed it to use the same “‘attractor’ ” sounds used to lure players. Players see rows of spinning characters that ultimately line up and stop in winning or losing combinations. The version of the machine at issue allows a player to purchase pull-tabs from the machine itself using a prepaid card. The VIP machine credits pull-tab winnings of \$20 or less back to the card. If a player wins more than \$20, the VIP machine directs the player to an employee to receive payment. A player who stops playing the VIP machine with a balance on the card can use it to purchase food, drink, merchandise, or turn it in for cash at the establishment featuring the VIP machine.

¶ 6 An earlier version of the VIP machine was approved by the Gambling Commission in 2002. However, once the cash card acceptor was added to the machine, things became more complicated. While initially, it appears Gambling Commission employees were “‘optimistic’ ” that such technology would be approved, once they understood that a player’s winnings would be credited directly back onto the card itself, they became concerned. AR at 14. After working with Gambling Commission staff for some time, ZDI Gaming submitted a formal application to the Gambling Commission ***614** requesting permission to distribute the new VIP machine, with the cash card acceptor, in Washington. After the assistant director of licensing operations ****932** formally denied the application, ZDI Gaming filed a petition for declaratory relief with the Gaming Commission. An administrative law judge (ALJ) agreed with ZDI Gaming that the VIP machines did not violate gambling statutes. However, he found the machines extended credit and allowed gambling without prepayment by “‘cash, check, or electronic point-of-sale bank transfer,’ ” violating then-operative regulations. AR at 419, 423 (citing former WAC

230–12–050). ZDI Gaming strenuously contended the cash card utilized by its VIP machine was functionally equivalent to cash. The ALJ rejected the argument, reasoning that the “difficulty with a cash card is that it’s only valid at one location. It is impossible to take the cash card from the Buzz Inn to a local Harley Davidson dealer and purchase a new helmet.... [C]ash cards are not cash because they require an additional step on the part of the consumer to utilize in any other location.” AR at 420–21. The ALJ also found that the VIP machine violated a regulation that required that all prizes be in either cash or merchandise. AR at 422–23 (citing former WAC 230–30–070).¹ On August 10, 2006, the full Gambling Commission issued a final declaratory order upholding the ALJ’s decision that the VIP machine violated the regulations, though it disavowed the ALJ’s decision that the machine complied with the statutory requirements as superfluous. AR at 961–93.

¹ Perhaps presciently, the ALJ noted that “[t]he Commission was justified in denying approval for the equipment based on violation of the above regulations but has the inherent authority to revise the rules to better comport with the modern realities of the industry if it elects to do so.” AR at 423–24. Since then, many of these rules have been revised.

¶ 7 On September 11, 2006, ZDI Gaming filed a petition for judicial review in Pierce County Superior Court challenging the validity of the rules the ALJ and the Gambling Commission found it had violated. Ten days later, the State informed ZDI Gaming that, in its view, RCW 9.46.095 *615 granted exclusive jurisdiction of the matter to the Thurston County Superior Court and suggested that it may wish to withdraw its petition from Pierce County and file in Thurston County before the statute of limitations would run on October 4, 2006. The State told ZDI Gaming that it would otherwise move to dismiss the case for want of jurisdiction after October 4, 2006.² ZDI Gaming declined, and the State so moved. Noting that sometimes “when the Legislature uses the word ‘jurisdiction,’ it really mean[s] ‘venue.’ ” Judge Chushcoff denied the State’s motion to dismiss, but did transfer the case to the Thurston County Superior Court. VRP (Dec. 1, 2006) at 5; CP at 8, 17.³

² We are mindful of the fact that the State has acted forthrightly by bringing this issue to ZDI Gaming’s attention.

³ Judge Chushcoff also observed, with a great deal of insight, that “sometimes when the state Supreme Court uses the word ‘jurisdiction,’ they mean something else.” VRP (Dec. 1, 2006) at 5.

¶ 8 The Thurston County Superior Court reversed the Gambling Commission. It found that cash cards were the equivalent to both cash and merchandise and thus lawful under the regulations. The court denied the Gambling Commission’s motion for reconsideration, remanded the case to the Gambling Commission for action, and awarded ZDI Gaming \$18,185 in attorney fees under the equal access to justice act, RCW 4.84.350, which was less than ZDI Gaming had sought.

¶ 9 Both parties appealed. The Court of Appeals affirmed in part, holding that the Pierce County Superior Court had subject matter jurisdiction over the appeal under the Administrative Procedure Act, ch. 34.05 RCW, and that substantial evidence did not support the Gambling Commission’s determination that the prepaid cards failed to satisfy the regulatory definition of “cash.” *ZDI Gaming*, 151 Wash.App. at 795, 214 P.3d 938. The court remanded the case to the Thurston County Superior Court, directing it to reconsider its decision to exclude fees that ZDI Gaming spent responding to the Gambling Commission’s motion to dismiss. *Id.* at 812, 214 P.3d 938. *616 The State petitioned for review, contending that the use of the word “jurisdiction” in RCW 9.46.095 was unambiguous, that the courts below erred in concluding that “cash” included cash cards, and that the Court of Appeals shifted the burden of proof to the Gambling Commission. ZDI **933 Gaming answered the petition and sought review of the attorney fee award. We granted the State’s petition for review and denied ZDI Gaming’s request for review of the attorney fee issue. *ZDI Gaming, Inc. v. Wash. State Gambling Comm’n*, 168 Wash.2d 1010, 227 P.3d 853 (2010).

ANALYSIS

[1] [2] ¶ 10 Whether Pierce County Superior Court had subject matter jurisdiction over this case is controlled by *Shoop v. Kittitas County*, 149 Wash.2d 29, 37, 65 P.3d 1194 (2003). “[A]rticle IV, section 6 of the Washington Constitution ... states in relevant part: ‘The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court [.]’ That provision precludes any subject matter restrictions as among superior courts.” *Id.*

¶ 11 Among other things, jurisdiction is a fundamental building block of law. Our state constitution uses the term “jurisdiction” to describe the fundamental power of courts

to act. Our constitution defines the irreducible jurisdiction of the supreme and superior courts. It also defines and confines the power of the legislature to either create or limit jurisdiction. See WASH. CONST. art. IV, § 4 (defining the power of the supreme court), § 6 (defining the power of the superior courts), § 30(2) (explicitly giving the legislature the power to provide for jurisdiction of the court of appeals). Our constitution recognizes and vests jurisdiction over many types of cases in the various courts of this State. WASH. CONST. art. IV, §§ 1, 4, 6, 30. Superior courts have original jurisdiction in the categories of cases listed in the constitution, which the legislature cannot take away. *617 WASH. CONST. art. IV, § 6; *State v. Werner*, 129 Wash.2d 485, 496, 918 P.2d 916 (1996) (quoting *Blanchard v. Golden Age Brewing Co.*, 188 Wash. 396, 415, 63 P.2d 397 (1936)). As we ruled long ago, “Any legislation, therefore, the purpose or effect of which is to divest, in whole or in part, a constitutional court of its constitutional powers, is void as being an encroachment by the legislative department upon the judicial department.” *Blanchard*, 188 Wash. at 415, 63 P.2d 397. The legislature can, however, expand and shape jurisdiction, consistent with our constitution. WASH. CONST. art. IV, § 6; *Dougherty v. Dep’t of Labor & Indus.*, 150 Wash.2d 310, 316–17, 76 P.3d 1183 (2003). But *Dougherty*, *Shoop*, and *Young v. Clark*, 149 Wash.2d 130, 134, 65 P.3d 1192 (2003), all reject the principle that all procedural requirements of superior court review are jurisdictional. E.g., *Dougherty*, 150 Wash.2d at 316, 76 P.3d 1183. Simply put, the existence of subject matter jurisdiction is a matter of law and does not depend on procedural rules. 14 KARL B. TEGLAND, WASHINGTON PRACTICE: CIVIL PROCEDURE § 3.1, at 20 (2d ed.2009).

¶ 12 The term “jurisdiction” is often used to mean something other than the fundamental power of courts to act. The current edition of *Black’s Law Dictionary* devotes six pages to different types of jurisdiction, ranging from agency jurisdiction to voluntary jurisdiction, touching on equity jurisdiction, in rem jurisdiction, and spatial jurisdiction, along with many others. BLACK’S LAW DICTIONARY 927–32 (9th ed.2009). Sometimes “jurisdiction” means simply the place or location where a judicial proceeding shall occur. Where jurisdiction describes the forum or location of the hearing, it is generally understood to mean venue. See, e.g., *Werner*, 129 Wash.2d 485, 918 P.2d 916.

[3] [4] ¶ 13 In *Dougherty*, 150 Wash.2d 310, 76 P.3d 1183, we discussed the important distinction between jurisdiction and venue. “Jurisdiction ‘is the power and authority of the court to act.’ ” *Id.* at 315, 76 P.3d 1183 (citing 77 AM. JUR.2d *Venue* § 1, at 608 (1997)). Subject

matter jurisdiction is a particular type of jurisdiction, and it critically turns on “the ‘type of controversy.’ ” *618 *Id.* at 316, 76 P.3d 1183 (quoting *Marley v. Dep’t of Labor & Indus.*, 125 Wash.2d 533, 539, 886 P.2d 189 (1994)). “ ‘If the type of controversy is within the subject matter jurisdiction, then all other defects or errors go to something other than subject matter jurisdiction.’ ” *Marley* 125 Wash.2d at 539, 886 P.2d 189 (quoting Robert J. Martineau, *Subject Matter Jurisdiction as a New Issue on **934 Appeal: Reining in an Unruly Horse*, 1988 BYU L. REV. 1, 28 (1988)).

[5] [6] [7] ¶ 14 By contrast, as we explained in *Dougherty*, rather than touching on the power or authority of courts to act on certain subjects, venue denotes the setting, location, or place “ ‘where the power to adjudicate is to be exercised, that is, the place where the suit may or should be heard.’ ” *Dougherty*, 150 Wash.2d at 316, 76 P.3d 1183 (quoting 77 AM. JUR. 2d, *Venue* § 1, at 608). As we explained in *Dougherty*, if a court has jurisdiction over the subject matter of the controversy, it need not exercise that authority if venue lies elsewhere. *Id.* at 315, 76 P.3d 1183 (citing *Indus. Addition Ass’n v. Comm’r of Internal Revenue*, 323 U.S. 310, 315, 65 S.Ct. 289, 89 L.Ed. 260 (1945)). Nor need it dismiss the case even if the statute of limitations lapses before the defect is discovered. *Id.* (citing *Indus. Addition Ass’n*, 323 U.S. at 315, 65 S.Ct. 289 (noting that “[w]here petition timely filed in circuit court as required by statute but in wrong venue, case need not be dismissed but can be transferred to circuit court with proper venue”)).

¶ 15 With these principles in mind, we turn to the statute before us. It says:

No court of the state of Washington other than the superior court of Thurston county shall have jurisdiction over any action or proceeding against the commission or any member thereof for anything done or omitted to be done in or arising out of the performance of his or her duties under this title: PROVIDED, That an appeal from an adjudicative proceeding involving a final decision of the commission to deny, suspend, or revoke a license shall be governed by chapter 34.05 RCW, the Administrative Procedure Act.

*619 RCW 9.46.095. Read as the State would have us read it, this statute violates article IV, section 6 because it would limit the original jurisdiction of the superior court bench

county by county. *Contra Dougherty*, 150 Wash.2d at 317, 76 P.3d 1183; *Shoop*, 149 Wash.2d at 37, 65 P.3d 1194; *Young*, 149 Wash.2d at 134, 65 P.3d 1192 (finding that reading former RCW 4.12.020(3) (1941) to relate to jurisdiction rendered it unconstitutional). Just as our constitution does not allow the legislature to decree that only King County judges have subject matter jurisdiction to hear child dependency actions or that only Pend Oreille County judges have subject matter jurisdiction to hear shareholder derivative actions, our constitution does not allow the legislature to decree that only Thurston County judges have subject matter jurisdiction to hear cases involving the Gambling Commission. If RCW 9.46.095 restricts the original jurisdiction of the superior court to one county, it is unconstitutional.

¹⁸¹ ¶ 16 We interpret statutes as constitutional if we can, and here we can. The legislature wanted to have cases involving the Gambling Commission heard in Thurston County. By interpreting the word “shall” to be permissive, RCW 9.46.095 relates to venue, not jurisdiction. *Cf. In re Elliott*, 74 Wash.2d 600, 607, 446 P.2d 347 (1968) (interpreting the legislature’s use of the term “shall” as permissive to save the constitutionality of an otherwise unconstitutional statute).⁴ We therefore hold that the statute establishes the proper venue for judicial review of cases involving the Gaming Commission ruling in Thurston County.

⁴ Interpreting jurisdiction as venue is precisely what the Pierce County Superior Court and the Court of Appeals did below. *ZDI Gaming*, 151 Wash.App. at 801, 214 P.3d 938; VRP (Dec. 1, 2006) at 14 (“I do think that although the word ‘jurisdiction’ is used here, the effective meaning of this is as a venue matter.... I will order that the venue be changed to Thurston County.”).

¶ 17 We recognize that here, the superior court was sitting in its appellate capacity. Our constitution suggests, and our cases have from time to time assumed, that the legislature has greater power to sculpt the appellate jurisdiction of the individual superior courts. *See* *620 WASH. CONST. art. IV, § 6 (“The superior court.... shall have such appellate jurisdiction in cases arising in justices’ and other inferior courts in their respective counties as may be prescribed by law.”). But whether or not the appellate jurisdiction of the superior court can be limited county by county, the simple fact is, *original jurisdiction may not be*. *Werner*, 129 Wash.2d at 494, 918 P.2d 916; *Shoop*, 149 Wash.2d at 37, 65 P.3d 1194 (citing WASH. **935 CONST. art. IV, § 6). Again, as we held in *Shoop*, “[t]hat provision precludes any subject matter restrictions as among the superior courts.” 149 Wash.2d at 37, 65 P.3d 1194 (emphasis added).

ARTICLE II, § 26

¹⁹¹ ¶ 18 The State contends that under article II, section 26 of the Washington State Constitution, the legislature has the authority to limit trial court jurisdiction to consider suits against the State. That provision says that “[t]he legislature shall direct by law, in what manner, and in what courts, suits may be brought against the state.” CONST. art. II, § 26. It is true that prior to the general legislative abolition of sovereign immunity, we held that the legislature could limit which county could hear suits brought against the State under one of the more limited waivers, and often couched the legislature’s power in terms of the court’s jurisdiction. *See, e.g., State ex rel. Thielicke v. Superior Court*, 9 Wash.2d 309, 311–12, 114 P.2d 1001 (1941); *State ex rel. Shomaker v. Superior Court*, 193 Wash. 465, 469–70, 76 P.2d 306 (1938); *State ex rel. Pierce County v. Superior Court*, 86 Wash. 685, 688, 151 P. 108 (1915); *Nw. & Pac. Hypotheek Bank v. State*, 18 Wash. 73, 50 P. 586 (1897). The classic formulation appears in *Pierce County*:

the state being sovereign, its power to control and regulate the right of suit against it is plenary; it may grant the right or refuse it as it chooses, and when it grants it may annex such condition thereto as it deems wise, and no person has power to question or gainsay the conditions annexed.

Pierce County, 86 Wash. at 688, 151 P. 108; *see also Thielicke*, 9 Wash.2d at 311–12, 114 P.2d 1001 (“when a suit against the state is commenced in a *621 superior court outside Thurston county, such court does not have jurisdiction over the action”).

¶ 19 But in 1961, the Washington State Legislature abolished sovereign immunity. LAWS OF 1961, ch. 136, § 1, codified as RCW 4.92.090. We have recognized that in so doing, the State intended to repeal all vestiges of the shield it had at common law. *See Hunter v. N. Mason High Sch.*, 85 Wash.2d 810, 818, 539 P.2d 845 (1975); *Cook v. State*, 83 Wash.2d 599, 613–17, 521 P.2d 725 (1974) (Utter, J., concurring). We noted long ago that the waiver of sovereign immunity was “unequivocal” and abolished special procedural roadblocks placed in the way of claimants against the State. *Hunter*, 85 Wash.2d at 818, 539 P.2d 845 (striking a 120 day nonclaims statute that effectively operated as a statute of limitations). Simply put, the State may not create procedural barriers to access to the superior courts favorable to it based upon a claim of immunity it has unequivocally waived.

¶ 20 Article II, section 26 and article IV, section 6 may be harmonized. In order to give effect to both, we hold that the legislature can sculpt the venue, but not the subject matter or original jurisdiction, of the individual superior courts in this State.

CASH CARDS AND CASH EQUIVALENTS

¶ 21 We must decide whether the agency erred in concluding that the VIP machine violated these repealed regulations. We sit in much the same position as the trial court, reviewing the agency record directly and showing all due deference to that agency. *Ingram v. Dep't of Licensing*, 162 Wash.2d 514, 521–22, 173 P.3d 259 (2007). As the challenger, ZDI Gaming bears the burden of demonstrating that the agency erred. RCW 34.05.570(1)(a). We conclude it has met that burden.

¶ 22 ZDI Gaming argues that its cash card is the functional equivalent of cash and that “[d]efining cash to *622 exclude cash equivalents was an abuse of discretion because cash equivalents are commonly accepted forms of cash.” Suppl. Br. of Resp’t at 7. One can find several definitions of “cash” in dictionaries: *Black’s Law Dictionary* and *The American Edition of the Oxford Dictionary*. AR at **936 420. *Black’s* defines “cash” as “1. Money or its equivalent. 2. Currency or coins, negotiable checks, and balances in bank accounts.” *BLACK’S*, *supra*, at 245. According to the ALJ, “[t]he American Edition of the Oxford Dictionary defines cash as ‘money in coins or bills, as distinct from checks or orders.’ ” AR at 420 (quoting THE OXFORD DICTIONARY AND THESAURUS, AMERICAN EDITION (1996)).

¶ 23 If a player wins more than \$20 on a VIP machine, the machine directs the player to an employee of the establishment to receive cash, food, drink, or merchandise, and a player who stops playing can similarly immediately receive cash or the credits to make purchases from the gaming establishment. While we agree with the State that an extra step is required to convert the cash card to cash, the step is de minimis. Unlike gift certificates, coupons, or rebates, the player does not have to travel or wait to receive cash. Because the cash card can be immediately converted into cash currency at the establishment where the player is playing, the VIP cash card is functionally equivalent to cash.

¶ 24 ZDI Gaming’s request for attorney fees under RAP 18.1 is denied as untimely.

CONCLUSION

¶ 25 Despite its invocation of the word “jurisdiction,” we find that RCW 9.46.010 is a venue statute and that the courts below properly considered ZDI Gaming’s suit. We find that ZDI Gaming has met its burden of showing the Gambling Commission erred in concluding that the VIP *623 machine violated then-in force regulations. Accordingly, we affirm.

WE CONCUR: CHARLES W. JOHNSON, SUSAN OWENS, and DEBRA L. STEPHENS, Justices, RICHARD B. SANDERS, Justice Pro Tem.

J.M. JOHNSON, J. (dissenting).

¶ 26 In contrast to the majority’s view, the question in this case is whether the Washington State Constitution prohibits the legislature from adopting a statute granting exclusive jurisdiction to Thurston County Superior Court to review appeals of certain decisions of the Washington State Gambling Commission (Commission). RCW 9.46.095 limits the superior court’s appellate jurisdiction rather than its original jurisdiction. Additionally, sovereign immunity concerns attach where the state or one of its agencies is named as a party to the suit. I would hold that RCW 9.46.095 does not violate the grant of general jurisdiction to superior courts found in article IV, section 6 of the Washington Constitution, and thus dissent.

¶ 27 RCW 9.46.095 expressly grants Thurston County Superior Court exclusive jurisdiction to review the decisions of the Commission and provides that “[n]o court of the state of Washington other than the superior court of Thurston county shall have *jurisdiction* over any action or proceeding against the [C]ommission.” (Emphasis added.) The Commission denied the application of ZDI Gaming Inc. to distribute its VIP (video interactive display) electronic pull tab machine. ZDI Gaming filed in Pierce County Superior Court to seek review. I would hold that Pierce County Superior Court lacked subject matter jurisdiction and dismiss the case.

1. The History of Gambling in Washington

¶ 28 I begin my analysis by briefly noting the history of gambling in Washington State. In 1889, our state constitution *624 originally provided that “[t]he legislature

shall never authorize any *lottery*” WASH. CONST. art. II, § 24 (orig.text) (emphasis added), *amended by* WASH. CONST. amend. 56. In subsequent cases, we interpreted the term “lottery” broadly to encompass virtually any game involving “‘prize, chance and consideration’” so long as it did not involve “‘any substantial degree of skill or judgment ...’” *State ex rel. Evans v. Bhd. of Friends*, 41 Wash.2d 133, 150, 247 P.2d 787 (1952) (quoting *State v. Coats*, 158 Or. 122, 132, 74 P.2d 1102 (1938)).

¶ 29 In 1972, the people of the state of Washington amended the state constitution to remove this broad and absolute prohibition. WASH. CONST. amend. 56. The amended article II, section 24 permitted lotteries, but only where affirmatively approved by a supermajority (i.e., 60 percent) of the legislature. **937 Wash. Const. art. II, § 24. In light of this new constitutional authority, the legislature enacted the gambling act of 1973, chapter 9.46 RCW. Though the gambling act now authorizes some forms of gaming, it expressly recognizes the potential dangers presented by legalized gambling and requires that all such activities be “closely controlled....” RCW 9.46.010. Within this context, I turn to the issue presented.

2. Subject Matter Jurisdiction over Claims against the Commission

¶ 30 With respect to subject matter jurisdiction, the proper standard of review is *de novo*. “Whether a court has subject matter jurisdiction is a question of law reviewed *de novo*.” *Dougherty v. Dep’t of Labor & Indus.*, 150 Wash.2d 310, 314, 76 P.3d 1183 (2003) (citing *Crosby v. Spokane County*, 137 Wash.2d 296, 301, 971 P.2d 32 (1999)).

¶ 31 The term “subject matter jurisdiction” refers to the power of a court to hear a case. *Morrison v. Nat’l Austl. Bank Ltd.*, — U.S. —, 130 S.Ct. 2869, 2877, 177 L.Ed.2d 535 (2010). The subject matter jurisdiction of the superior courts comes from either the Washington Constitution or *625 the State’s legislature. WASH. CONST. art. IV, § 6 (establishing jurisdiction of superior courts and authorizing jurisdiction “as may be prescribed by law”); *see also Residents Opposed to Kittitas Turbines v. State Energy Facility Site Evaluation Council*, 165 Wash.2d 275, 295, 197 P.3d 1153 (2008) (stating that the legislature may confer limited appellate review of administrative decisions to the superior courts); *Dougherty*, 150 Wash.2d at 314, 76 P.3d 1183 (describing legislation that grants appellate jurisdiction to the superior courts); *Bellingham Bay Imp. Co. v. City of New Whatcom*, 20 Wash. 53, 63, 54 P. 774 (holding that an act conferring appellate review of administrative decisions to the superior courts did not violate the Washington Constitution), *aff’d*

on reh’g, 20 Wash. 231, 55 P. 630 (1898). The Washington Constitution distinguishes between two types of subject matter jurisdiction: “original jurisdiction” and “appellate jurisdiction.” *See* WASH. CONST. art. IV, § 6. An appeal from an administrative agency invokes a superior court’s appellate jurisdiction. *Skinner v. Civil Serv. Comm’n*, 168 Wash.2d 845, 850, 232 P.3d 558 (2010). “Because an appeal from an administrative body invokes the superior court’s appellate jurisdiction, ‘all statutory requirements must be met before jurisdiction is properly invoked.’” *Id.* at 850, 232 P.3d 558 (internal quotation omitted) (quoting *Fay v. Nw. Airlines, Inc.*, 115 Wash.2d 194, 197, 796 P.2d 412 (1990)).

¶ 32 In addition to these broad jurisdictional considerations, special sovereign immunity concerns attach where the state or one of its agencies is named as a party to the suit as well. The state constitution provides that “[t]he legislature shall direct by law, in what manner, and in what courts, suits may be brought against the state.” WASH. CONST. art. II, § 26. “It may be said without question that an action cannot be maintained against the state without its consent.... Since the state, as sovereign, must give the right to sue, it follows that it can prescribe the limitations upon that right.” *O’Donoghue v. State*, 66 Wash.2d 787, 789, 405 P.2d 258 (1965). As we said regarding article II, section 26:

*626 “the state being sovereign, its power to control and regulate the right of suit against it is plenary; it may grant the right or refuse it as it chooses, and when it grants it may annex such condition thereto as it deems wise, and no person has power to question or gainsay the conditions annexed.”

State ex rel. Shomaker v. Superior Court, 193 Wash. 465, 469–70, 76 P.2d 306 (1938) (quoting *State ex rel. Pierce County v. Superior Court*, 86 Wash. 685, 688, 151 P. 108 (1915)). For these reasons, if the State chooses to subject itself to suit exclusively in Thurston County, then “when a suit against the state is commenced in a superior court outside of Thurston [C]ounty, such court does not have jurisdiction over the action.” *State ex rel. Thielicke v. Superior Court*, 9 Wash.2d 309, 311–12, 114 P.2d 1001 (1941).

¶ 33 Thurston County Superior Court possesses exclusive appellate jurisdiction over challenges to the decisions of the Commission. The Washington State gambling act provides:

**938 *No court of the state of Washington other than the superior court of Thurston county shall have jurisdiction over any action or proceeding against the commission or any member thereof for anything done or*

omitted to be done in or arising out of the performance of his or her duties under this title: PROVIDED, That an appeal from an adjudicative proceeding involving a final decision of the commission to deny, suspend, or revoke a license shall be governed by chapter 34.05 RCW, the Administrative Procedure Act.

RCW 9.46.095 (emphasis added).¹ ZDI Gaming challenged the Commission's action in Pierce County Superior Court. *627 Due to the legislature's exclusive grant of jurisdiction to the superior court of Thurston County, the Pierce County Superior Court lacked subject matter jurisdiction over ZDI Gaming's appeal of the Commission's decision. "When a court lacks subject matter jurisdiction, dismissal is the only permissible action the court may take." *Shoop v. Kittitas County*, 149 Wash.2d 29, 35, 65 P.3d 1194 (2003). Because the court lacked jurisdiction, dismissal is the appropriate remedy.

¹ ZDI Gaming also argues that RCW 9.46.095 provides an exception to the Thurston County jurisdictional requirement for licensing decisions. This argument fails. First, the Commission licenses gaming *businesses*; it does not license gaming *equipment*. See WAC 230-14-001 (defining "licensees" as "the business holding the punch board and pull-tab license."); see also WAC 230-14-045(1) (defining the requirements for "[a]uthorized pull-tab dispensers"). Second, both the superior court and the Court of Appeals applied the jurisdictional provision and treated it as a venue provision with respect to ZDI Gaming's appeal. The determination of the lower courts also warrants our review of this provision.

¶ 34 The Court of Appeals reached the opposite conclusion. It incorrectly rewrote the legislature's term "jurisdiction" in RCW 9.46.095 to read "venue." *ZDI Gaming, Inc. v. Wash. State Gambling Comm'n*, 151 Wash.App. 788, 801, 214 P.3d 938 (2009). In arriving at this conclusion, the Court of Appeals relied heavily on this court's decisions in *Dougherty* and *Shoop*. *Id.* at 801-03, 214 P.3d 938. The Court of Appeals interpreted *Shoop* to preclude "any subject matter [jurisdiction] restrictions as among superior courts" under article IV, section 6 of the Washington Constitution. *Id.* at 803, 214 P.3d 938 (alteration in original) (quoting *Shoop*, 149 Wash.2d at 37, 65 P.3d 1194). Based on this principle, the court concluded that a "constitutional reading" of RCW 9.46.095 "suggests that the statute was intended to govern venue...." *Id.* at 804, 214 P.3d 938.

¶ 35 The Court of Appeals misapplied the case law. In *Dougherty*, we held that the filing requirements of a different statute, RCW 51.52.110, referred to venue and not to subject matter jurisdiction. *Dougherty*, 150 Wash.2d

at 320, 76 P.3d 1183. Dougherty was an injured worker who filed an industrial insurance claim for worker's compensation. *Id.* at 313, 76 P.3d 1183. The Department of Labor and Industries (Department) denied the claim. *Id.* The statute² at issue in *Dougherty* directed the claimant to file his appeal in his county of residence, the *628 county where the injury occurred, or Thurston County. *Id.* at 315, 76 P.3d 1183. Dougherty appealed the Department's decision to Skagit County Superior Court, but he did not live in Skagit County, and the injury did not occur in Skagit County. *Id.* at 313, 76 P.3d 1183. The superior court granted the Department's motion to dismiss and the Court of Appeals affirmed, holding that Skagit County Superior Court lacked subject matter jurisdiction. *Id.* at 313-14, 76 P.3d 1183. We reversed the Court of Appeals, holding that RCW 51.52.110 referred to venue and that Skagit County Superior Court did not lack subject matter jurisdiction over **939 Dougherty's appeal. *Id.* at 320, 76 P.3d 1183.

² The text of the statute at issue in *Dougherty* reads as follows:

"In cases involving injured workers, an appeal to the superior court shall be to the superior court of the county of residence of the worker or beneficiary, as shown by the [Department of Labor and Industries'] records, or to the superior court of the county wherein the injury occurred or where neither the county of residence nor the county wherein the injury occurred are in the state of Washington then the appeal may be directed to the superior court for Thurston county."

Dougherty, 150 Wash.2d at 315, 76 P.3d 1183 (quoting RCW 51.52.110).

¶ 36 The statute at issue in *Dougherty* did not use either the term "jurisdiction" or "venue." *Id.* at 315, 76 P.3d 1183. After engaging in a conceptual analysis of the doctrines of jurisdiction and venue, we announced a general canon of statutory interpretation that "[u]nless mandated by the clear language of the statute, we generally decline to interpret a statute's procedural requirements regarding location of filing as jurisdictional." *Id.* at 317, 76 P.3d 1183 (emphasis added). In the case at bar, the statute is very different. The statute expressly reserves all "jurisdiction" over actions against the Commission to Thurston County Superior Court. RCW 9.46.095 ("No court of the state of Washington other than the superior court of Thurston county shall have *jurisdiction* over any action or proceeding against the commission" (emphasis added)). Because the clear language of the statute addresses jurisdiction, the interpretive canon announced in *Dougherty* does not apply.

¶ 37 Only a few months prior to the decision in *Dougherty*, we decided *Shoop*. In *Shoop*, we held that the requirements

of the statute there at issue, former RCW 36.01.050 (1997),³ *629 related only to venue and not to subject matter jurisdiction. *Shoop*, 149 Wash.2d at 37, 65 P.3d 1194. Shoop brought a personal injury claim against several unnamed defendants and Kittitas County. *Id.* at 32, 65 P.3d 1194. The statute at issue in *Shoop* directed the plaintiff to commence her action against Kittitas County in either Kittitas County or one of the two nearest counties. *Id.* at 35, 65 P.3d 1194. The two nearest counties were Yakima County and Grant County. *Id.* at 32, 65 P.3d 1194. Shoop brought her suit in King County. *Id.* Kittitas County moved to dismiss for lack of subject matter jurisdiction. *Id.* The superior court granted the motion and the Court of Appeals reversed. *Id.* at 32–33, 65 P.3d 1194. We affirmed the Court of Appeals, holding that the requirements of former RCW 36.01.050 (1997) relate to venue rather than subject matter jurisdiction. *Id.* at 37–38, 65 P.3d 1194.

³ The text of the statute at issue in *Shoop* reads as follows:

“(1) All actions against any county may be commenced in the superior court of such county, or in the superior court of either of the two nearest counties....

“(2) The determination of the nearest counties is measured by the travel time between county seats using major surface routes, as determined by the office of the administrator for the courts.”

Shoop, 149 Wash.2d at 35, 65 P.3d 1194 (alteration in original) (quoting former RCW 36.01.050 (1997)).

¶ 38 The primary issue in *Shoop* was our previous holding in *Cossel v. Skagit County*, 119 Wash.2d 434, 834 P.2d 609 (1992), *overruled by Shoop v. Kittitas County*, 149 Wash.2d 29, 65 P.3d 1194 (2003). In *Cossel*, we held that a predecessor statute, former RCW 36.01.050 (1963), restricted the subject matter jurisdiction of the superior courts. *Shoop*, 149 Wash.2d at 34, 65 P.3d 1194. In *Shoop*’s case, the Court of Appeals distinguished *Cossel* on grounds that the 1997 legislative amendments transformed former RCW 36.01.050 (1997) into a venue rather than a jurisdictional statute. *Id.* at 35, 65 P.3d 1194. We disagreed with the Court of Appeals’ conclusion that the 1997 legislative amendments transformed the statute. *Id.* at 36–37, 65 P.3d 1194. Nonetheless, we affirmed the Court of Appeals. *Id.* at 37, 65 P.3d 1194. Though *Cossel*’s jurisdictional reading of RCW 36.01.050 (1997) still controlled, such a reading would violate article IV, section 6 of the Washington Constitution. *Id.* To avoid this constitutional problem, we overruled *Cossel* and construed the statute as a restriction on venue *630 rather than jurisdiction. *Id.* In short, *Shoop* overruled *Cossel*, determined that a jurisdictional reading of former RCW 36.01.050 (1997) violated the state constitution, and, for that reason, construed the statute as a restriction on venue rather than a limit on subject matter jurisdiction. *Id.*

¶ 39 This case does not raise the constitutional issues at stake in *Shoop*. *Shoop* involved constitutional original jurisdiction of a superior court. *Id.* at 32, 65 P.3d 1194. So long as the amount in controversy surpasses the jurisdictional threshold, a superior court’s original jurisdiction comes directly from the state constitution. **940 WASH. CONST. art. IV, § 6 (“The superior court shall have original jurisdiction in all cases at law ... and in all other cases in which the demand or the value of the property in controversy amounts to three thousand dollars or as otherwise determined by law....”). While the legislature can restrict the superior court’s jurisdiction by changing the amount-in-controversy requirement or abolishing the substantive law for a particular type of common law tort claim (see *Dougherty*, 150 Wash.2d at 314, 76 P.3d 1183), the legislature cannot otherwise restrict the type of tort controversy that a superior court may adjudicate.⁴

⁴ See I WILFRED J. AIREY, A HISTORY OF THE CONSTITUTION AND GOVERNMENT OF WASHINGTON TERRITORY 466 (June 5, 1945) (unpublished Ph.D. dissertation, University of Washington) (on file with Washington State Law Library) (stating that the Constitutional Convention of 1889 fixed the jurisdiction of the Washington courts and that “[t]he superior courts were always to be open and to have original jurisdiction in practically all types of criminal, civil, and probate cases if the amount in civil actions exceeded \$100”).

¶ 40 In contrast to *Shoop*, the present case involves legislatively created appellate jurisdiction of a superior court to review an administrative agency decision. Appellate jurisdiction over administrative decisions is a creature of statute. *Residents Opposed to Kittitas Turbines*, 165 Wash.2d at 295, 197 P.3d 1153. “This court has consistently held that a right of direct review in superior court of an administrative decision invokes the limited appellate jurisdiction of the court.” *Id.* at 294, 197 P.3d 1153. The state constitution does not expressly provide for this type of appellate jurisdiction; however, “[a]llowing only limited appellate *631 review over administrative decisions, rather than original or appellate jurisdiction as a matter of right, ‘serves an important policy purpose in protecting the integrity of administrative decisionmaking.’” *Id.* at 295, 197 P.3d 1153 (quoting *King County v. Wash. State Boundary Review Bd.*, 122 Wash.2d 648, 668, 860 P.2d 1024 (1993)). “The legislature may confer such limited appellate review by statute.” *Id.*

¶ 41 With respect to the Commission, the legislature clearly determined that Thurston County Superior Court possesses exclusive jurisdiction. Thus, Pierce County

Superior Court lacked subject matter jurisdiction. *Shoop* has defined the remedy: "When a court lacks subject matter jurisdiction, dismissal is the only permissible action the court may take." 149 Wash.2d at 35, 65 P.3d 1194.

WE CONCUR: MARY E. FAIRHURST, Justice, GERRY L. ALEXANDER, Justice Pro Tem. and BARBARA A. MADSEN, Chief Justice.

CONCLUSION

¶ 42 I would hold that, under RCW 9.46.095 as written by the legislature, the Thurston County Superior Court possesses exclusive subject matter jurisdiction to review Commission orders. Because the Pierce County Superior Court lacked subject matter jurisdiction, I would dismiss the case.

Parallel Citations

268 P.3d 929

Petition from the Public

Submitted by: Steve Berven, Pull-Tab Licensee.

- **Increase the threshold for recording identification information for punch board/pull-tab winners from \$20 to \$50.**

January 2014 – Up for Discussion and Possible Filing

ITEM: 9

- Amendatory Section WAC 230-14-110**
Recording winners.
- Amendatory Section WAC 230-14-265**
Retention requirements for punch boards and pull-tab series.



Proposed Amendment to
WAC 230-14-110 Recording winners.
WAC 230-14-265 Retention requirements for punch boards and pull-tab series.

January 2014 - Rules Up For Discussion and Possible Filing

ITEM 9 (a) on the January 2014 Commission Meeting Agenda. Statutory Authority 9.46.070, 9.46.110

Who proposed the rule change?

Steve Berven, owner and operator of four commercial businesses operating pull-tabs:
Parkade Bar & Grill, Kennewick (Class F); Uptown Bar & Grill, Richland (Class F);
Ty's Bar & Grill, West Richland (Class G); and Dax's Bar & Grill, Richland (Class D).

Proposed Change

This rule requires operators to record winner information (the winner's name, date of birth, employee's initials and date) when punch board or pull-tab players win more than \$20 in cash or win a merchandise prize with a retail value over \$20. The petitioner is requesting to increase the threshold for recording winner identification information from more than \$20 to more than \$50 and to increase the threshold for retaining winning tickets from over \$20 to over \$50.

Attachments:

- WAC 230-14-110 Recording winners.
- WAC 230-14-265 Retention requirements for punch boards and pull-tab series.
- Petition for rule change date stamped November 26, 2013.
- E-mail dated December 18, 2013, from the petitioner amending his petition to increase the threshold for recording winner information from over \$150 to over \$50, adding WAC 230-14-265 for amendment, and stating his requested effective date of July 1, 2014.
- Notification letter dated December 23, 2013, e-mailed to pull-tab operators and pull-tab distributors.
- Four e-mails supporting the petition and a letter by Mr. Berven with 10 signatures of support.
- One e-mail opposing the petition.

History of Rule

WAC 230-14-110: The threshold for recording winner information was initially set at over \$5 in 1974. Between 1981 and 1984, the threshold was increased from over \$5 to over \$20.

WAC 230-14-265: This rule requires licensees to retain winning tickets over \$20 for three months.

Impact of the Proposed Change

Licensees would no longer have to record information for winners of prizes valued between \$20 and \$50. For consistency, WAC 230-14-265 also needs to be amended so that licensees must retain winning tickets over \$50 for the extended time requirement.

The petitioner states in his petition that the rule was adopted when all games were \$.25 tickets and the top tier winners were smaller and there was no casino gambling. The petitioner also states in his petition "it would save operators a lot of time and increase customer service and satisfaction."

A Small Business Economic Impact Statement was not prepared because the rule change would not impose additional costs on any licensees. Changing this requirement would reduce the expense of regulatory requirements on licensees.

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|--|
| Regulatory Concerns |
| Staff uses pull-tab winner information in criminal theft or fraud investigations. For example, winner information is being utilized in a current pull-tab theft case. Because we require player information for winners of prizes valued at more than \$20, the agent was able to identify \$2,265 of fraudulently obtained pull-tab cash prizes. Increasing the threshold from more than \$20 to more than \$50 would decrease evidence available for use in such investigations. However, the regulatory risk is low enough that staff believes the benefits to licensees may outweigh the regulatory risk. |
| Resource Impacts |
| If this rule change is made, it may decrease the amount of time staff spends in determining regulatory compliance. However, it may decrease the amount of evidence available to staff to forward to prosecutors on criminal cases. |
| Policy Consideration |
| None. |
| Statements Supporting the Proposed Rule Change |
| <ul style="list-style-type: none"> • E-mail dated December 23, 2013, from John McSweeney, former gambling manager at Ballard Elks. • E-mail dated December 23, 2013, from Steve Manning, The Rock Bar and Lounge. • E-mail dated December 24, 2013, from Don Ryan, Ryan Resources & Distribution, Inc. • E-mail dated December 30, 2013, from Mike Van Voorst, Oak Harbor Elks Lodge #2362. • Letter by Mr. Berven with 10 signatures in support of the petition. • Two pull-tab operators verbally stated to staff that the dollar amount of the threshold has not kept up with inflation. According to the operators, the value of a \$20 prize in 1984 is about equal to the value of a \$40 prize today. |
| Statements Opposing the Proposed Rule Change |
| E-mail dated December 27, 2013, from Jerry Morris, F.O.E. Snohomish 195. |
| Licensees Directly Impacted By the Change |
| Commercial and charitable/nonprofit punch board and pull-tab licensees and possibly distributors of pull-tab games. |
| Options Available to the Commission Regarding the Petition |
| Under the requirements of the Administrative Procedure Act, the Commission must take action on a Petition within 60 days of receiving it. At the January 2014 meeting, the Commission must: <ol style="list-style-type: none"> 1) Initiate rule-making proceedings (file the rule for further discussion); 2) Deny the petition in writing, stating the reasons for the denial and specifically address the concerns stated in the petition. If appropriate, the Commission must indicate alternative means by which the agency will address the concerns raised in the petition; or 3) Propose an alternative version of the rule. |
| Staff Recommendation |
| File for further discussion. |
| Proposed Effective Date for Rule Change |
| July 1, 2014. |

Amendatory Sections:

WAC 230-14-110 Recording winners.

When punch board or pull-tab players win more than ~~((twenty))~~ fifty dollars or merchandise prizes with a retail value over ~~((twenty))~~ fifty dollars, operators must make a record by:

- (1) Having winners print their name and date of birth, in ink, on the side of the winning punch or tab opposite the winning symbol(s) and verifying the winner's identity and recording the current date and initialing the winning punch or tab; or
- (2) Recording the required information on a sheet of paper at least three inches by five inches and stapling the winning tab or punch to the paper if the pull-tab or punch is constructed or printed so that recording the information required in a legible manner is not possible.

WAC 230-14-265 Retention requirements for punch boards and pull-tab series.

(1) Punch board and pull-tab operators must keep all punch boards or pull-tab series removed from play, including, at least:

- (a) All prize flares; and
- (b) All unplayed tabs; and
- (c) All winning punches or tabs.

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

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

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

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

(b) **Commercial operators** -

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

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

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

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

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



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with RCW 34.05.330, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at http://apps.leg.wa.gov/wac/default.aspx?cite=82-05.

CONTACT INFORMATION (please type or print)

Petitioner's Name STEVEN BERVEN
Name of Organization BERVEN INC DBA UPTOWN BAR & BRILL
Mailing Address 3880 W VAN GIESEN
City West Richland State WA Zip Code 99353
Telephone 509-366-4657 Email STEVENBERVEN@GMAIL.COM

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
• Provide relevant examples.
• Include suggested language for a rule, if possible.
• Attach additional pages, if needed.
• Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: http://www.leg.wa.gov/CodeReviser/Documents/RCList.htm.

RECEIVED NOV 25 2013 GAMBLING/LICENSING
Received NOV 26 2013 Gambling Commission Comm. & Legal Division

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington State Gambling Comm

- 1. NEW RULE - I am requesting the agency to adopt a new rule.
The subject (or purpose) of this rule is:
The rule is needed because:
The new rule would affect the following people or groups:

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

- I am requesting the following change: change Requirement to Fill out Winner Registers
for winners over 800 to over 150
- This change is needed because: The over 800 rule was adopted when all game were
125 tickets and top 200 winners were smaller and no casino gambling
- The effect of this rule change will be: it would save operators a lot of time and
increase customer service and satisfaction
- The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

- It does not do what it was intended to do.
- It is no longer needed because: _____
- It imposes unreasonable costs: _____
- The agency has no authority to make this rule: _____
- It is applied differently to public and private parties: _____
- It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____
- It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____
- Other (please explain): _____

RECEIVED

NOV 25 2013

GAMBLING/LICENSING

From: Steven Berven [<mailto:stevenberven@gmail.com>]

Sent: Thursday, December 19, 2013 8:35 PM

To: Richart, Mark (GMB)

Subject: Re: Rule change

As per our conversation I would like to amend my rule change proposal to filling out a winner register for over \$50 instead of over \$150

I would like to amend my rule change proposal to include changing rule 230-14-265 to "over \$50" and request an effective date of July 2014.

Thank you

Steven Berven



STATE OF WASHINGTON
GAMBLING COMMISSION

"Protect the Public by Ensuring that Gambling is Legal and Honest"

December 18, 2013

To: Commercial and non-profit pull-tab operators and distributors

Subject: **NOTICE OF PROPOSED RULE CHANGE**
Recording Pull-Tab Winner Information and Records Retention

Currently, when punch board or pull-tab players win more than \$20 cash or merchandise prize, operators must record the winner's name, date of birth, current date and the employees initials (WAC 230-14-110). Operators must also retain winning punches or pull-tabs over \$20 for three months (WAC 230-14-265(4)(b)(ii)).

We have received a petition for a rule change from a licensed pull-tab operator requesting to increase the threshold for:

- **Recording winner information from more than \$20 to more than \$50; and**
- **For storing winning punches or pull-tabs from over \$20 to over \$50 dollars.**

The proposed rule change will be Up for Discussion and Possible Filing at the January 16, 2014, Commission meeting. The Commission meeting will be held at the Comfort Inn, 1620 74th Avenue SW, Tumwater, WA 985012 (360) 352-0691.

Commission meetings are open to the public and you are invited to attend. Please visit our website about one week before the meeting to confirm the date and time.

If you are unable to attend the meeting please send your written comments by **January 14, 2014** to:

E-mail: Susan.Newer@wsgc.wa.gov

FAX: (360) 486-3625

Phone: (360) 486-3466

Mail: Susan Newer, Gambling Commission.

P.O. Box 42400, Olympia, WA 98504-2400

Newer, Susan (GMB)

From: John W. McSweeney [mcsweeneyjw@yahoo.com]
Sent: Monday, December 23, 2013 4:56 PM
To: Newer, Susan (GMB)
Subject: Fwd: Notice of Rule-Making - Recording Pull-Tab Winner Information

Yes, please pass this proposal or even increase the threshold to \$100. To me it's about the drag on employee efficiency.

Sent from John McSweeney's iPhone

Newer, Susan (GMB)

From: Steve Manning [sdmann1@gmail.com]
Sent: Monday, December 23, 2013 6:28 PM
To: Newer, Susan (GMB)
Subject: pull tab proposed rule change

Concerning the proposed rule change for pull tabs to move from over \$20 to over \$50 for marking off. I agree with the proposed change and support moving it to over \$50.

Steve Manning
The Rock Bar and Lounge
Spokane Valley, WA

Newer, Susan (GMB)

From: Don Ryan [donmryan@gmail.com]
Sent: Tuesday, December 24, 2013 7:26 AM
To: Newer, Susan (GMB)
Subject: Pull tab increase?

I read through the threshold increase of the min 20 to 50 on winners and storage. Although I do not think it will have much impact on us I still would support this change.

--

Don M. Ryan

Ryan Resources & Distribution, Inc.

Office (360) 876-6354

Cell (360) 340-1073

Fax (360) 876-9301

Newer, Susan (GMB)

From: Oak Harbor Elks Lodge #2362 [ohelks@gmail.com]
Sent: Monday, December 30, 2013 11:40 AM
To: Newer, Susan (GMB)
Subject: Pull tabs

We will not be attending however it sounds good to us
Mike Van Voorst
Lodge Secretary

Steve Berven
3880 W Van Giesen Ave
West Richland, WA 99353
509-366-4651

Washington State Gambling Commission

I support the proposed rule change that would raise the requirement to fill out a winner register from over \$20 to over \$150.

The over \$20 limit was put into effect when pull tab gambling was limited to .25 cent tickets and top tier winners were \$25 and \$50. Stopping to have the customer fill out the winner register is time consuming and costs small business owners money. As you all know, while an employee is filling out extra paper work, they are not selling pull tabs or serving food and drinks.

With the addition of casino gambling, our customers can go elsewhere and wager and win up to \$300 per hand, and in Spanish 21 can play up to 3 hands totally \$900, with no requirement to fill out paper work.

I think this would be a reasonable rule change.

Sincerely

Steve Berven, owner & operator
Uptown Bar & Grill
Dax's Bar & Grill
Ty's Bar & Grill
Parkade Bar & Grill



Newer, Susan (GMB)

From: Newer, Susan (GMB)
Sent: Friday, December 27, 2013 3:52 PM
To: 'jbmorris9@comcast.net'
Subject: RE: Recording Pull Tab Winner Information

Hi Jerry,

Thank you for your thoughtful comments, which I will forward to the Commissioners for their consideration.

I will contact the petitioner so see if he has heard of tab wizard. Another licensee mentioned that program to me today, also.

The change to retention requirements is not to lengthen the time period to keep winning tabs. Currently, winning tabs over \$20 must be retained for 3 months. The change is to require only winning tabs over \$50 to be kept for 3 months.

Yes, you could opt to continue to print receipts for winners over \$20 and keep only those over \$50, rather than reprogram tab wizard.

Sincerely,

Susan Newer

Rules Coordinator & Public Information Officer

Washington State Gambling Commission

(360) 486-3466

Susan.Newer@wsgc.wa.gov

Website: wsgc.wa.gov

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Twitter: [WAGambling](#)

From: jbmorris9@comcast.net [mailto:jbmorris9@comcast.net]

Sent: Friday, December 27, 2013 3:11 PM

To: Newer, Susan (GMB)

Cc: jbmorris9@comcast.net

Subject: Recording Pull Tab Winner Information

I'm Jerry Morris (61-03995) with the Snohomish Eagles (00-00054) with my comments on the proposed rule change for pull tab winners. It appeared to me that the proposer may not have a machine such as a tab wizard. With a tab wizard the receipts are printed automatically and without you have to do the receipts by hand. I understand doing them by hand can be time consuming (time is money) and takes away from time for additional sales.

For those of us who have the machines, this may require a program change by a manufacture tech that could cost several hundred dollars. Our calls are port port with minimum cost. Travel mileage of 100 miles plus service call.

Or we could opt to continue printing receipt for \$21.00 and over and keep only the one needed.

I'm not quite sure about the second part of the proposal. Are they asking for a retention change. We currently retain all tabs plus games for 3 months regardless of winning amounts. If they are proposing longer storage time, this may overburden small operations who may have limited storage area available.

Then there is the cost to reprint the changes in the manuals and distribute those changes.

Bottomline, without more information to justify the need for the change, I don't support the need for the change.

Jerry Morris
F.O.E Snohomish 195

Newer, Susan (GMB)

From: jbmorris9@comcast.net
Sent: Friday, December 27, 2013 3:11 PM
To: Newer, Susan (GMB)
Cc: jbmorris9@comcast.net
Subject: Recording Pull Tab Winner Information

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