

1 EXPEDITE
2 No Hearing Set
3 Hearing is set
4 Date: July 29, 2016
Time: 9:00 a.m.
Judge/Calendar: Honorable Anne Hirsch

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7 STATE OF WASHINGTON
8 THURSTON COUNTY SUPERIOR COURT

9 AMUSEMENT DEVICE
10 OPERATORS OF WASHINGTON, an
Association;

11 Petitioner,

12 v.

13 THE WASHINGTON STATE
14 GAMBLING COMMISSION,

15 Respondent.
16

NO. 16-2-02134-34

ORDER (PROPOSED) *EA*
DENYING PETITIONER'S
MOTION FOR SHOW CAUSE
AND ENJOINMENT OF
ENFORCEMENT

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17 This matter came on for hearing before this Court on July 29, 2016, and, after
18 briefing by both parties, the Court heard oral argument. Now, therefore, this matter having
19 been fully heard and considered, and based on the file herein, the Court ^{orders} ~~makes~~ the
20 following: *EA*

21 ~~I. FINDINGS OF FACT AND CONCLUSIONS OF LAW~~ *EA*

22 The Administrative Procedures Act is the exclusive means of review of agency
23 action. RCW 34.05.510. Petitioner's motion is reviewed as a stay of agency rulemaking
24 action pursuant to RCW 34.05.550 for the following rules:

25 WAC 230-13-005 (Amusement games)

26 ORDER (PROPOSED) REGARDING
PETITIONER'S MOTION FOR SHOW
CAUSE AND ENJOINMENT OF
ENFORCEMENT,

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- WAC 230-05-030(10) (Submission fees)
- WAC 230-05-030(11) (Identification stamps)
- WAC 230-13-010 (Lab submission)
- WAC 230-13-080(4) (Limits on games)
- WAC 230-13-135(2) (Wager limits)
- WAC 230-06-110 (Restriction on sale or lease)
- WAC 230-03-185(1)(c) (Manufacturers' licenses).

~~The Court finds:~~ *M*

1. Petitioners have failed to meet their burden of proof to grant a stay of agency action pursuant to RCW 34.05.550(3).
2. Petitioners have failed to show they are likely to prevail.
3. Petitioners have failed to demonstrate they will suffer irreparable injury.
4. Petitioners have failed to show that granting relief will not substantially harm other parties.
5. Petitioners have failed to show the threat to the public health, safety, or welfare is not sufficiently serious to justify the agency actions in the circumstances.

The oral ruling of the court is incorporated by reference.

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