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You are receiving this notice because you commented on these proposed rule changes:

**Notice of Permanent Rules for Requiring Notice to Players of Group 12 Amusement Games.**

**This explanatory statement concerns the Washington State Gambling Commission's adoption of Amended Section:**

WAC 230-13-067 Group 12 Electronic Puzzle and Pattern Solving Game

The Administrative Procedure Act ([RCW 34.05.325\(6\)](#)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule-making.

Once persons who gave comment during this rule-making process have had an opportunity to receive this document, the Washington State Gambling Commission will file the amended rules with the Office of the Code Reviser.

The Washington State Gambling Commission appreciates your involvement in the rule-making process. If you have any questions, please contact Tina Griffin, Assistant Director, at [Tina.Griffin@wsgc.wa.gov](mailto:Tina.Griffin@wsgc.wa.gov) or at (360) 486-3546.

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**What are the agency's reasons for adopting this rule?**

In July 2015, the Commissioners authorized Group 12 amusement games to be played by persons 21 and over. At their February 2016 meeting, the Commissioners asked staff to explore regulating the appearance so the game does not look like a slot machine. The Commissioners also asked staff to revise the language to better explain the preview function.

This rule change requires Group 12 amusement games to prominently display on a sticker or on the screen, "This is not a slot machine. No cash prizes are allowed. You can preview the points to be awarded if the puzzle is correctly solved before each play of the game without the insertion of money or anything of value."

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**Summary of all public comments received on this rule proposal and consideration of the comments. The summaries below are from stakeholders who have commented either at Commission Meetings or emailed their**

**comments/concerns to the Commission. Please note, the spelling of these names have not all been verified.**

**Len Libin, Evergreen Gaming:** In regards to it looking like a slot machine, these go into adult areas. They could be positioned so they can't be seen from an entrance way.

**Dolores Chiechi, Recreational Gaming Association:** Our Association is taking a neutral position on this issue. We would support something that is more transparently gambling. As a gaming association, we're in the business of gambling and providing entertainment. We would like to see something that is brought forward that is very upfront and on the up-and-up with what the gaming industry would like to see. Not to say that this wasn't done that way, but it obviously has created some concern among legislators and other industry folks. The urgency for it to not look like a slot machine – that's what people want to play. They want to play something that gives it that feel.

**Kevin Morse from Banilla Games:** In regards to changing the symbols, it's a very expensive process, because you would then have to go through retesting and re-approval process. If you're going to say you can't have any themes or symbols that are used in slot machines, that would pretty much foreclose everything. You really can't come up with a theme or a picture of a symbol that is not used somewhere on some manufacturer's slot machine.

**Jay Gerow, ZDI Gaming:** Opposed and questioned the disparate treatment between Group 12 and Groups 1 through 11.

**Patrick Tompkins, Sound Amusements:** Feels the rule is discriminatory against Group 12 operators as they're not applied also to Groups 1 through 11 operators.

**Jesse Stiltner, Manager of Masters of Money, LLC:** Asked if more language was needed in WAC 230-13-067 because players can't get cash out of the games if they put more money in than what they want to play.

**WSGC Response:**

The Commissioners approved Group 12 amusement games, a new type of amusement game, in July 2015. On November 9, 2015, the Commission sent a "Notice of Rulemaking" to all Class B and above amusement game licensees to notify them of potential rule changes in the operation of Group 12 amusement games.

On December 21, 2015, a "Notice of Rulemaking" was sent to all non-profit and commercial amusement game licensees.

The proposed rule language was available on the Gambling Commission's website and it was discussed at the informal study sessions and formal Commission Meetings in March, April, May,

July and August 2016. The Commissioners took public testimony at all five Commission Meetings, which is incorporated above.

The Commissioners took into account all information through testimony and written comments received in making their decision to proceed with these rule changes.

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**If there are variances from the proposed rule and final adopted rule, state the reasons for the differences (RCW 34.05.325(6)(a)(ii)).**

Language was added to the originally filed rule to clarify the prize preview function. Specifically, language was changed in Sections (2) and (6) to clarify that players can preview the points to be awarded if the puzzle is correctly solved before each play of the game without the insertion of money or any other thing of value. The language change was discussed at the informal and formal Commission meetings in May, June, July and August. This rule option was also posted on our website at least one week prior to each of the Commission meetings listed above. Both the originally filed rule and this version of the rule were presented to the Commissioners for final action. The Commissioners filed this version of the rule change.