

Criminal Violations

RCW 9.46.153(3) Licensees Responsibilities Regarding Illegal Activities

Licensees, managers, and employees must notify the Gambling Commission if they suspect illegal gambling activity may be occurring on or off the premises. If a licensee, manager, or employee knows an illegal activity is being conducted and fails to notify the Commission and/or the appropriate law enforcement agency, the person risks losing his or her gambling license.

RCW 9.46.0269/9.46.220 Professional Gambling IS A FELONY

The solicitation of players for after-hours, illegal card games or allowing a bookmaking operation to be conducted on the premises is professional gambling. Licensees who allow any unauthorized or illegal activity to occur on their premises are aiding and abetting professional gambling. Operators, managers, and employees have an affirmative duty to ensure that their establishments are not used for the conduct of illegal activities or to solicit participants for illegal activities.

NOTE: In addition to the responsibilities cited above concerning information and/or involvement in illegal gambling activities, operators and licensed gambling employees are reminded that involvement in or knowledge of other types of illegal activity can also be grounds for suspension or revocation of a gambling license.

Bookmaking, after-hours card games, and cheating, are some of the more common illegal gambling activities that might be conducted on a card room premise. These activities are illegal because the people operating them are charging fees to participate or committing fraudulent acts.

RCW 9.46.0213 Bookmaking is defined as “accepting bets...as a business or in which the bettor is charged a fee or “vigorish” for the opportunity to place a bet.” Included in the back of this handout are some examples of the ways a bookmaker records bets and typical publications they use. If you see evidence of these types of documents within your business, it is an indication that a bookmaker may be conducting his business on your premises, and your license will be in jeopardy. In addition, as the owner, you and/or your employees may be subject to criminal prosecution for aiding in the illegal operation. Contact your local Gambling Commission Agent or our Special Investigations Unit if you need assistance in determining whether you are at risk.

RCW 9.46.196 Cheating Card Room Employees operating any scheme to defraud the public or the operator is guilty of cheating. This is most often done by dealers but is applicable to all employees. CRE's who overpay player hand(s) to increase tipping would be committing an act of fraud by cheating the operator and risk criminal prosecution as well as jeopardizing their gambling licenses.

Applicable RCWs

9.46.0213 "Bookmaking." "Bookmaking," as used in this chapter, means accepting bets, upon the outcome of future contingent events, as a business or in which the bettor is charged a fee or "vigorish" for the opportunity to place a bet. [1991 c 261 § 1; 1987 c 4 § 5. Formerly RCW 9.46.020(4).]

9.46.0265 "Player." "Player," as used in this chapter, means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants shall not be considered as rendering material assistance to the establishment, conduct or operation of the social game merely by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises for the game, or supplying cards or other equipment to be used in the games. A person who engages in "bookmaking" as defined in this chapter is not a "player." A person who pays a fee or "vigorish" enabling him or her to place a wager with a bookmaker, or pays a fee other than as authorized by this chapter to participate in a card game, contest of chance, lottery, or gambling activity, is not a player. [1997 c 118 § 2; 1991 c 261 § 2; 1987 c 4 § 17. Formerly RCW 9.46.020(16).]

9.46.153 Applicants and licensees — Responsibilities and duties — Waiver of liability — Investigation statement as privileged. (1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted;

(2) All applicants and licensees shall consent to inspections, searches and seizures and the supplying of handwriting examples as authorized by this chapter and rules adopted hereunder;

(3) All licensees, and persons having any interest in licensees, including but not limited to employees and agents of licensees, and other persons required to be qualified under this chapter or rules of the commission shall have a duty to

inform the commission or its staff of any action or omission which they believe would constitute a violation of this chapter or rules adopted pursuant thereto. No person who so informs the commission or the staff shall be discriminated against by an applicant or licensee because of the supplying of such information;

(4) All applicants, licensees, persons who are operators or directors thereof and persons who otherwise have a substantial interest therein shall have the continuing duty to provide any assistance or information required by the commission and to investigations conducted by the commission. If, upon issuance of a formal request to answer or produce information, evidence or testimony, any applicant, licensee or officer or director thereof or person with a substantial interest therein, refuses to comply, the applicant or licensee may be denied or revoked by the commission;

(5) All applicants and licensees shall waive any and all liability as to the state of Washington, its agencies, employees and agents for any damages resulting from any disclosure or publication in any manner, other than a wilfully unlawful disclosure or publication, of any information acquired by the commission during its licensing or other investigations or inquiries or hearings;

(6) Each applicant or licensee may be photographed for investigative and identification purposes in accordance with rules of the commission;

(7) An application to receive a license under this chapter or rules adopted pursuant thereto constitutes a request for determination of the applicant's and those person's with an interest in the applicant, general character, integrity and ability to engage or participate in, or be associated with, gambling or related activities impacting this state. Any written or oral statement made in the course of an official investigation, proceeding or process of the commission by any member, employee or agent thereof or by any witness, testifying under oath, which is relevant to the investigation, proceeding or process, is absolutely privileged and shall not impose any liability for slander, libel or defamation, or constitute any grounds for recovery in any civil action. [1981 c 139 § 14.]

Notes: Severability -- 1981 c 139: See note following RCW 9.46.070.

9.46.196 Cheating — Defined. "Cheating," as used in this chapter, means to:

(1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator;

(2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator;

(3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or

(4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section. [2002 c 253 § 1; 1991 c 261 § 8; 1977 ex.s. c 326 § 13.]

9.46.220 Professional gambling in the first degree. (1) A person is guilty of professional gambling in the first degree if he or she engages in, or knowingly causes, aids, abets, or conspires with another to engage in professional gambling as defined in this chapter, and:

(a) Acts in concert with or conspires with five or more people; or

(b) Personally accepts wagers exceeding five thousand dollars during any thirty-day period on future contingent events; or

(c) The operation for whom the person works, or with which the person is involved, accepts wagers exceeding five thousand dollars during any thirty-day period on future contingent events; or

(d) Operates, manages, or profits from the operation of a premises or location where persons are charged a fee to participate in card games, lotteries, or other gambling activities that are not authorized by this chapter or licensed by the commission.

(2) However, this section shall not apply to those activities enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules adopted pursuant to this chapter.

(3) Professional gambling in the first degree is a class B felony subject to the penalty set forth in RCW 9A.20.021. [1997 c 78 § 2; 1994 c 218 § 11; 1991 c 261 § 10; 1987 c 4 § 42; 1973 1st ex.s. c 218 § 22.]

Notes: Effective date -- 1994 c 218: See note following RCW 9.46.010.