



STATE OF WASHINGTON  
GAMBLING COMMISSION

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

December Special Gambling Commission Meeting Minutes  
Virtual Meeting  
\*December 7, 2021

**Commissioners Present:**

**Bud Sizemore, Chair (Lacey HQ)**  
**Julia Patterson (Via Teams)**  
**Alicia Levy (Via Teams)**  
**Sarah E. Lawson (Via Teams)**

**Ex Officio Members Present:**

**Senator Steve Conway (Via Teams)**  
**Senator Holy (Via Teams)**  
**Representative Shelley Kloba (Via Teams)**

**Staff Present – Virtually:**

Tina Griffin, Interim Director (ID); Kriscinda Hansen, Chief Financial Officer (CFO); Lisa Benavidez, HR Director (HRD); Julie Lies, Tribal Liaison (TL); Oakes, Interim Legislative Liaison; Tony Hughes, Special Agent Supervisor; Ashlie Laydon, Rules Coordinator (RC); Julie Anderson and Suzanne Becker, Assistant Attorney General (AAG).

**Executive Session**

**Chair Sizemore** called the public meeting to order at 9:02AM. Interim Director Griffin called the roll to ensure a quorum for Executive Session. Chair Sizemore, Vice Chair Patterson and Commissioners Levy and Lawson joined Senator Conway, Senator Holy and Representative Kloba for executive session to discuss potential agency litigation with legal counsel, including tribal negotiations. Executive Session adjourned at 12:00 PM.

**Public Meeting**

**Chair Sizemore** reconvened the public meeting at 12:36 PM. He asked ID Griffin to call the roll to ensure a quorum. He asked for a moment of silence to acknowledge any law enforcement officers that have been lost since the last time the commission met.

**Tab 1**

**Consent Agenda**

*Commissioner Levy moved to approve the consent agenda as presented by staff.*

*Commissioner Patterson seconded the motion.*

*The motion passed. 4:0*

**Interim Director's Report**

**Interim Director Tina Griffin** provided a brief update on the latest Tribal casinos to open sports books within their facilities. Stillaguamish and Kalispel opened their retail counters and kiosks are currently on site and should be functioning soon.

\* Governor Inslee issued [Proclamation 20-28.4](#) et al that suspended certain Open Public Meeting requirements, including in-person public meetings requirements for this Commission Meeting.

**Tab 2**

**Presentation – Financial and Licensee Update**

Kriscinda Hansen, CFO presented the materials for this tab. CFO Hansen provided information on the agency’s financial status between July 2021 through October 2021.

**Chair Sizemore** asked for continued quarterly updates to the commission. The next scheduled financial update is scheduled for February 2022.

**Senator Conway** asked if sports wagering was on the rise referencing the presentation. CFO Hanson replied that revenue reported on the slide for sports wagering was in reference to the licensing fees for sports wagering vendors.

**Tab 3**

**Chapter 230-23 WAC- Self-Exclusion.**

**Ashlie Laydon, Rules Coordinator** presented the materials for this tab. RC Laydon reiterated the information regarding self-exclusion that the Commissioners have had before them at the last few commission meetings. Currently, this tab is up for final action. Staff recommends final action be taken on this language today, making the rules effective on May 1st, 2022.

**Public Comment**

There was no public comment.

*Commissioner Patterson moved to approve final action on the rules presented by staff with an effective date of May 1, 2022.*

*Commissioner Levy seconded the motion.*

*The motion passed 4:0*

**ID Griffin** stated that SAS Hughes will be seeking the Commissioners input in January on the self-exclusion program performance measures.

**Tab 4**

**Chapter 230-19 WAC- Sports Wagering.**

**Ashlie Laydon, Rules Coordinator** presented the materials for this tab. RC Laydon stated that at the July 2020 meeting, commissioners chose to initiate rule-making to adopt new rules and amend current rules in order to implement the new sports wagering law. At the October 2021 meeting, commissioners chose to file draft language for further discussion. That language was filed with the Office of the Code Reviser on October 19th, 2021 to be published in the Washington State Register and was posted on our agency website.

Feedback was received from the honorable Ron Allen, Tribal Chair and CEO of Jamestown's S’Klallam Tribe on behalf of Washington Indian Gaming Association. Based on that feedback, staff has made some proposed changes to the following rules to clarify our intent that the rules are consistent with tribal-state sports wagering compact amendments. Tribal Liaison Julie Lies walked through the changes proposed for the sports wagering rules. Those rules are:

- WAC 230-19-005(9)- Definition of “unusual wagering activity”.
- WAC 230-19-025- Sports wagering integrity. (Removed.)
- WAC 230-19-030- Integrity monitoring provider requirements. (Renumbered as WAC 230-025.)
- WAC 230-19-035- Sports wagering system requirements. (Renumbered as WAC 230-19-030.)
- WAC 230-19-040- Geofence and geolocation requirements. (Renumbered as WAC 230-19-035.)

Chair Sizemore asked for public comment.

**Public Comment**

Rebecca George, Executive Director of the Washington Indian Gaming Association thanked staff for their work and supports the recommendations.

**ID Griffin** read into the record the proposed new rule. WAC Chapter 230-19-001 Purpose. *Tribes in Washington State have more than twenty years' experience with, and a proven track record of, successfully operating gaming in accordance with tribal-state compacts. Therefore, we and the tribes have a proven track record of successful regulation of gaming in accordance with respective tribal-state compacts. Therefore, it is our intent that these rules reflect and honor the agreements in tribal-state compact. To the extent any rule in this chapter conflicts with the tribal-state compact of the tribe where the sports wagering is taking place, the sports wagering vendor must follow the tribal-state compact in furtherance thereof.*

**ID Griffin** indicated that the staff's recommendation is that Commissioners file for further discussion, which means refile the CR 102 and seeking public comment, on the proposed rules as outlined in your packet and the proposed new rule.

*Commissioner Levy moved to refile the CR 102 and seek public comment on the proposed rule changes as outlined in a new rule that includes most of Chairman Allen’s proposed language. Commissioner Patterson seconded the motion.*

*The motion passed 4:0*

**Tab 5**

**Applying for a gambling service supplier license.**

**Ashlie Laydon, Rules Coordinator** presented the materials for this tab. RC Laydon stated that in 2020, Commissioners initiated rule-making to amend and adopt rules for both electronic raffles and sports wagering. This rule making has resulted in the need to amend WAC 230-03-210, Applying for a gambling service supplier license, to include performing the testing and certification of sports wagering systems and gambling equipment, as required by Title 230 WAC, as services requiring a gambling service supplier license. At the October 2021 public meeting, Commissioners chose to file draft language for further discussion. No additional feedback has been received.

Staff is recommending approval for final action.

**Public Comment**

There was no public comment.

*Commissioner Patterson moved to approve final action on the rules presented by staff and to be effective 31 days after filing with the Office of the Code Reviser.*

*Commissioner Levy seconded the motion.*

*The motion passed 4:0*

**Tab 6**

**Minimum cash on hand requirements.**

Ashlie Laydon, Rules Coordinator presented the materials for this tab. RC Laydon stated that at the August 2021 public meeting, Commissioners accepted a petition and chose to initiate rule-making to address minimum cash on hand requirements, including keeping jackpot money in a separate, off-site bank account rather than on the premises. At the October 2021 public meeting, Commissioners chose to file draft language for further discussion. The petitioner feels the effect of this rule change would reduce the risk of burglaries, theft, misappropriation of funds associated with having large sums of cash on the premises. The petitioner feels that this rule change would allow for increased accountability and tracking of funds as financial institutions are heavily regulated and maintain numerous records for various regulators, both at the federal and state level.

Staff recommends final action be taken, making the rules effective 31 days after filing with the Office of the Code reviser.

**Public Comment**

There was no public comment.

*Commissioner Levy moved to approve final action on the rules presented by staff and to be effective 31 days after filing with the Office of the Code Reviser.*

*Commissioner Patterson seconded the motion.*

*The motion passed 4:0*

**Tab 7**

**Rule Petition to Repeal**

**WAC 230-13-090, Adult supervision of unattended amusement games**

Ashlie Laydon, Rules Coordinator presented the materials for this tab. The petitioner (anonymous) is asking for the repeal of WAC 230-13-090, Adult supervision of unattended amusement games. WAC 230-13-090 requires that operators of unattended amusement games (coin activated games) provide adult supervision at all locations where school-aged minors (anyone between the ages of 6-17) are allowed to play amusement games during all hours of operation. The petitioner feels this change is needed because these games are self-service and operated elsewhere, such as at department stores and restaurants, without requiring an employee to oversee the game and therefore does not feel this requirement is necessary at a shopping center either. If the rule cannot be repealed, the petitioner would like the option to monitor amusement

games using video surveillance and have security remove school-aged minors, if present, during school hours.

Staff recommends denial of this petition because the change being requested is required by RCW 9.46.0331, which is a change that would have to be made by the Legislature.

**Public Comment**

There was no public comment.

*Commissioner Patterson moved to deny this petition in writing because the change would require a change to RCW 9.46.0331, which is a change that would have to be made by the Legislature.*

*Commissioner Levy seconded the motion.*

*The motion passed 4:0*

**Tab 8**

**Rule Petition to Repeal**

**Online Gambling**

**Ashlie Laydon, Rules Coordinator** presented the materials for this tab. Michael Jacques, of Oregon City, Oregon, is proposing to repeal rules in order to allow online gambling sites such as DraftKings to be allowed in the state. The petitioner feels this change is needed because the public should determine how they spend their money, not the state.

Per RCW 9.46.240, gambling information cannot be transmitted over the internet, except for activities related to sports wagering as authorized in RCW 9.46.0364 and RCW 9.46.0368. At this time, sports wagering is authorized to occur on tribal lands within the state. Staff recommends denial of this petition. The petitioner is requesting a change that can only be made by the Legislature.

**Public Comment**

There was no public comment.

*Commissioner Patterson moved to deny the petition in writing. The petitioner is requesting a change that can only be made by the Legislature.*

*Commissioner Levy seconded the motion.*

*The motion passed 4:0*

**Tab 9**

**Legislative Prep for 2022**

**Tommy Oakes, Interim Legislative Liaison** presented the materials for this tab. IL Oakes stated that the 2022 legislative session begins January 10<sup>th</sup> and ending on March 10<sup>th</sup>. Prefiling date of bills is December 6, 2021. I will add an addendum if there are bills that are filed on this date that will affect us. WSGC's focus during the 2022 session will be agency request

legislation authorizing community and nonprofit senior centers to operate unlicensed bingo. IL Oakes asked commissioners if the legislative process that has been used in the past at the agency was still something they preferred. They indicated that it was fine.

## **Tab 10**

### **Agency Director Hiring Update**

Lisa Benavidez, HR Director, presented the materials for this tab. HRD Benavidez provided a brief update on the Director hire. Chair Sizemore will remain recused for the remainder of this process. Second interviews will likely be scheduled in January for the top two candidates. Both candidates have indicated that they are still interested in the position. Commissioners have requested in person interviews, if possible.

### **General Public Comment**

Roxane Waldron, Manager of the Washington State Problem Gambling Program said, *I just want to take a moment to thank you all for moving the self-exclusion rules forward. I know you had a robust conversation about it and about the issues, and I just really appreciated that. And I believe that these rules, as pushed forward will be able to, help folks that are struggling with problem gambling in our state. So looking forward to the rollout. And I thank you very much.*

**Chair Sizemore** wished everyone a great rest of the year and looking forward to seeing everyone in 2022.

There were 64 people that joined the meeting.

**Chair Sizemore** adjourned the meeting at 1:45 PM.