

Chapter 230-03 WAC
PERMITTING AND LICENSING RULES

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-03-001 "We," "our," and "us" mean the commission and staff. [Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-001, filed 3/22/06, effective 1/1/08.] Repealed by WSR 07-21-116 (Order 617), filed 10/22/07, effective 1/1/08. Statutory Authority: RCW 9.46.070.
230-03-051 Incorporated cities and towns exempt from some information requirements for application. [Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-051, filed 3/22/06, effective 1/1/08.] Repealed by WSR 07-21-116 (Order 617), filed 10/22/07, effective 1/1/08. Statutory Authority: RCW 9.46.070.
230-03-290 Card room employees working for additional employer or changing employer. [Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-290, filed 3/22/06, effective 1/1/08.] Repealed by WSR 08-21-087 (Order 633), filed 10/14/08, effective 1/1/09. Statutory Authority: RCW 9.46.070.

ACTIVITIES REQUIRING A PERMIT AND RULES FOR THOSE ACTIVITIES

WAC 230-03-005 Permits for recreational gaming activities. A recreational gaming activity (RGA) is a nongambling activity, using poker tables and gambling equipment authorized for use in fund-raising events. A RGA is conducted no more than two times per calendar year, by, or on behalf of, a sponsoring organization, business, or association, or department of an organization, business, or association.

(1) An organization, business, or association, or department of an organization, business, or association, that holds or sponsors an RGA must either:

- (a) Apply for and get a permit before the event; or
- (b) Hire a licensed fund-raising equipment distributor to organize and conduct the activity.

(2) Only members and guests of the sponsoring organization, business, or association, or department of the sponsoring organization, business, or association, may participate in the RGA.

(3) Permit holders must:

(a) Rent the gambling equipment used in the RGA from:

(i) A licensed distributor of fund-raising event equipment; or

(ii) A licensee who has conducted a fund-raising event within the last twelve months; and

(b) Use scrip or chips which have no cash value; and

(c) Limit the RGA to eight hours.

(4) The permit holder may charge a fee to enter the premises if that fee pays for:

(a) An accompanying meal and entertainment associated with the RGA; or

(b) The costs of renting the equipment used in the RGA.

(5) All prizes must be donated to, or provided by, the permit holder.

(6) The permit holder may allow participants to:

(a) Redeem their scrip or chips for prizes; or

(b) Trade scrip or chips for tickets which are then drawn to determine the prize winners.

[Statutory Authority: RCW 9.46.070. WSR 08-11-044 (Order 628), § 230-03-005, filed 5/14/08, effective 7/1/08; WSR 06-07-157 (Order 457), § 230-03-005, filed 3/22/06, effective 1/1/08.]

WAC 230-03-010 Fund-raising equipment distributors must report recreational gaming activities. If a licensed fund-raising equipment distributor contracts to organize and conduct a recreational gaming activity (RGA) on behalf of the organization, business, or association, or department of an organization, business, or association, the licensed distributor must send us a monthly schedule of those RGAs. The schedule must:

(1) Include the name of the sponsoring organization, business, or association, or department of an organization, business, or association, and the date, location, and time of the RGA.

(2) Identify any prior RGAs conducted by all licensed distributors on behalf of the sponsoring organization, business, or association, or department of an organization, business, or association, within the last calendar year.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-010, filed 3/22/06, effective 1/1/08.]

WAC 230-03-015 Permits to conduct bingo at agricultural fairs.

(1) You must apply to us if you wish to operate bingo games at agricultural fairs licensed to conduct bingo. You may apply for either:

(a) An annual permit to conduct bingo games at different agricultural fairs; or

(b) A special property bingo permit to conduct bingo games at a single agricultural fair.

(2) Each agricultural fair is fully responsible for the operation of bingo conducted under its license.

(3) A commercial or charitable or nonprofit organization may apply for a special property bingo permit.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-015, filed 2/9/18, effective 5/1/18; WSR 06-07-157 (Order 457), § 230-03-015, filed 3/22/06, effective 1/1/08.]

WAC 230-03-018 One annual change of bingo premises allowed. (1)

Once each license year, a bingo licensee may apply to play bingo at a different location (special property bingo).

(2) The bingo activity is limited to:

(a) Three consecutive days; and

(b) Sixteen consecutive hours each day.

(3) The application must include the following information and fee, at least fifteen days before the first date, which includes:

(a) Name and address of the proposed location and dates of activity; and

(b) Names and addresses of all persons who have an interest of any kind in those premises; and

(c) Amount of rent, if any, that would be paid for the use of the premises; and

(d) Rent calculation.

(4) The special property bingo permit must be posted on the premises during the event.

[Statutory Authority: RCW 9.46.070. WSR 08-03-062 (Order 623), § 230-03-018, filed 1/14/08, effective 2/14/08.]

WAC 230-03-020 Punch board and pull-tab service business permit.

(1) You must apply for a punch board and pull-tab service business permit if you:

(a) Reconcile sales, prizes, and cash on hand for punch board and pull-tab series; or

(b) Complete records we require; or

(c) Store punch boards and pull-tab series removed from play.

(2) The owners or employees of the punch boards and pull-tab service business must not be employees of the operator.

(3) The owners or employees of the punch boards and pull-tab service business must not provide management advice to the operator.

(4) The punch board and pull-tab service business must apply for a gambling service supplier license if combined gross billings exceed thirty thousand dollars during the permit period.

[Statutory Authority: RCW 9.46.070. WSR 10-19-052 (Order 673), § 230-03-020, filed 9/14/10, effective 1/1/11; WSR 06-07-157 (Order 457), § 230-03-020, filed 3/22/06, effective 1/1/08.]

WAC 230-03-025 Applying for a manufacturer's special sales permit. (1) You may apply for a one-time manufacturer's special sales permit if:

(a) You want to sell authorized gambling equipment as set forth in WAC 230-03-200; and

(b) Gross sales from authorized gambling equipment will be less than twenty-five thousand dollars during your permit year; and

(c) You will not have an ongoing vendor/customer relationship after the sale or installation of the gambling equipment.

(2) You may be assessed additional fees after an estimate of the permit investigation costs have been established.

(3) The manufacturer's special sales permit will be issued for one year and is not renewable.

(4) Manufacturer's special sales permittees must comply with all rules, including those for manufacturers in chapter 230-16 WAC.

(5) You will need a manufacturer's license if you:

(a) Fail to meet the requirements of a special sales permit; or

(b) Want a renewable, annual license.

[Statutory Authority: RCW 9.46.070(4). WSR 14-15-130 (Order 701), § 230-03-025, filed 7/22/14, effective 1/1/15. Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-025, filed 3/22/06, effective 1/1/08.]

RULES FOR APPLYING FOR A LICENSE

WAC 230-03-030 Other licenses, certificates, inspections, or permits needed to be considered for a gambling license. Applicants must prove that they have the required applicable business licenses, permits, health certificates, fire inspections, and use and occupancy permits required by local authorities before being considered for a gambling license.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-030, filed 3/22/06, effective 1/1/08.]

WAC 230-03-035 Applying for a license. (1) You must fully complete the license application form we provide in order to be considered for a license. You must return it, along with the appropriate fees, to our headquarters office.

(2) If your application is incomplete, you must provide us with the required items within thirty days of notification or we may administratively close the application.

(3) Applicants for a new organization license or permit will submit the base license fee for each authorized activity they are applying for with their application.

(4) Applicants for a new individual license will submit the new application fee they are applying for with their application.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-035, filed 2/9/18, effective 5/1/18; WSR 06-07-157 (Order 457), § 230-03-035, filed 3/22/06, effective 1/1/08.]

WAC 230-03-040 Signing the application. The applicant signs the application under oath and under penalty of perjury under the laws of the state of Washington. This oath affirms that the information on the application and any accompanying materials is accurate and complete.

(1) The person signing the application must be:

(a) The highest ranking officer of a charitable, nonprofit, or profit-seeking corporation, or limited liability company seeking licensure; or

(b) The owner of a sole proprietorship seeking licensure; or

(c) All partners of a partnership or general partner of a limited partnership seeking licensure.

(2) The person seeking an individual license and a designated officer of the organization for which the person will work must both sign the application.

[Statutory Authority: RCW 9.46.070. WSR 07-21-116 (Order 617), § 230-03-040, filed 10/22/07, effective 1/1/08; WSR 06-07-157 (Order 457), § 230-03-040, filed 3/22/06, effective 1/1/08.]

WAC 230-03-045 Defining substantial interest holder. (1) "Substantial interest holder" means a person who has actual or potential influence over the management or operation of any organization, association, or other business entity.

(2) Evidence of substantial interest may include, but is not limited to:

(a) Directly or indirectly owning, operating, managing, or controlling an entity or any part of an entity; or

(b) Directly or indirectly profiting from an entity or assuming liability for debts or expenditures of the entity; or

(c) Being an officer or director or managing member of an entity; or

(d) Owning ten percent or more of any class of stock in a privately or closely held corporation; or

(e) Owning five percent or more of any class of stock in a publicly traded corporation; or

(f) Owning ten percent or more of the membership shares/units in a privately or closely held limited liability company; or

(g) Owning five percent or more of the membership shares/units in a publicly traded limited liability company; or

(h) Providing ten percent or more of cash, goods, or services for the start up of operations or the continuing operation of the business during any calendar year or fiscal year. To calculate ten percent of cash, goods, or services, take the operational expenses of the business over the past calendar or fiscal year, less depreciation and amortization expenses, and multiply that number by ten percent; or

(i) Receiving, directly or indirectly, a salary, commission, royalties, or other form of compensation based on the gambling receipts.

(3) Spouses of officers of charitable or nonprofit organizations and spouses of officers or board members of publicly traded entities or subsidiaries of publicly traded entities are not considered substantial interest holders, unless there is evidence to the contrary. If so, then an investigation will be conducted to determine if they qualify as a substantial interest holder.

[Statutory Authority: RCW 9.46.070. WSR 13-09-048 (Order 687), § 230-03-045, filed 4/15/13, effective 5/16/13; WSR 06-07-157 (Order 457), § 230-03-045, filed 3/22/06, effective 1/1/08.]

WAC 230-03-050 Additional information required from applicants for licensing. (1) Applicants must give us details or copies of the following information on or attached to their application:

(a) The name of the registered agent as required by state law, and the agent's business address located in the state; and

(b) Internal Revenue Service tax exemption letter, if one is necessary; and

(c) All lease or rental agreements, whether oral or written, between the applicant and the owner of the site where the applicant will conduct gambling activity; and

(d) Any franchise agreements or other agreements, whether written or oral, between the applicant and distributors or manufacturers of equipment or between the applicant and any other person whose agreements relate to gambling activities or gambling equipment; and

(e) All proposed financing, consulting, and management agreements or contracts between applicant and any gambling service supplier; and

(f) Enough personal information to ensure each substantial interest holder is qualified to hold a license or participate in an authorized gambling activity; and

(g) For commercial applicants: Articles of incorporation, limited liability corporation formation, partnership agreement, and other documents which set out the applicant's business structure; and

(h) For charitable and nonprofit organization applicants: Articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization.

(2) Applicants must also give us any other information we request within thirty days of the request or within any other time frame we provide.

[Statutory Authority: RCW 9.46.070. WSR 14-21-081 (Order 705), § 230-03-050, filed 10/13/14, effective 1/1/15; WSR 07-21-116 (Order 617), § 230-03-050, filed 10/22/07, effective 1/1/08; WSR 06-07-157 (Order 457), § 230-03-050, filed 3/22/06, effective 1/1/08.]

WAC 230-03-052 Registered agent to be appointed by out-of-state applicants and licensees.

(1) All applicants and licensees that do not have a business office or licensed premises within Washington state must appoint a registered agent for receiving and accepting service of process and other communications from us.

(2) The registered agent must have a physical Washington state address at which the agent is available for service of process and be:

(a) A company authorized to conduct business in this state; or

(b) An individual resident of this state who is at least eighteen years old.

[Statutory Authority: RCW 9.46.070. WSR 14-21-081 (Order 705), § 230-03-052, filed 10/13/14, effective 1/1/15; WSR 08-20-007 (Order 630), § 230-03-052, filed 9/18/08, effective 1/1/09.]

WAC 230-03-055 Reporting changes to application. You must notify us if any information required on the application changes or becomes inaccurate in any way within ten days of the change.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-055, filed 3/22/06, effective 1/1/08.]

WAC 230-03-060 Fingerprinting. (1) The following persons must submit fingerprints and undergo a national criminal history background check:

(a) Substantial interest holders of commercial businesses and charitable or nonprofit organizations who live or have lived out of the state in the last ten years; and

(b) Card room employees, commercial and nonprofit gambling managers, and manufacturer, distributor, service supplier, call centers for enhanced raffles, and linked bingo prize provider representatives; and

(c) Any other substantial interest holder when we have information they may not be qualified for licensure or to participate in a gambling activity.

(2) Recreational gaming activity and agricultural fair permit holders do not need to submit fingerprints.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-060, filed 2/9/18, effective 5/1/18. Statutory Authority: RCW 9.46.070 and 9.46.0209. WSR 13-19-056 (Order 692), § 230-03-060, filed 9/16/13, effective 10/17/13. Statutory Authority: RCW 9.46.070(7). WSR 13-17-018 (Order 690), § 230-03-060, filed 8/9/13, effective 9/9/13. Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-060, filed 3/22/06, effective 1/1/08.]

WAC 230-03-061 Fingerprinting persons holding an interest in the building of house-banked card room licensees or charitable or nonprofit licensees in regulatory groups III, IV, or V. (1) Persons holding an "interest" in the building of house-banked card room licensees or charitable or nonprofit licensees in regulatory groups III, IV, or V licensees must undergo a national criminal history background check, including fingerprinting.

(2) For those licensees licensed before July 1, 2014, the requirement only applies when there is a change in the:

(a) Location of the house-banked card room; or

(b) Location of the charitable or nonprofit licensee's gambling activity.

(3) An "interest" means:

(a) Having fifty percent or more ownership in the building used for the gambling activity; or

(b) Having less than fifty percent ownership in the building used for the gambling activity and having actual or potential influence over the gambling activity.

[Statutory Authority: RCW 9.46.070(7). WSR 14-11-022 (Order 700), § 230-03-061, filed 5/9/14, effective 7/1/14.]

WAC 230-03-065 Spouses must also be qualified. (1) Applicants' spouses must also meet the qualifications to hold a gambling license when married persons who maintain a marital community apply for or hold a license to operate gambling activities. This includes, but is not limited to, owners and substantial interest holders of commercial gambling establishments.

(2) If you are a licensed employee of a gambling operation, officer of a charitable or nonprofit organization, or an officer or a board member of a publicly traded entity or subsidiary of a publicly

traded entity, your spouse does not need to meet the licensing qualifications, unless they are deemed to be a substantial interest holder.

[Statutory Authority: RCW 9.46.070. WSR 13-09-048 (Order 687), § 230-03-065, filed 4/15/13, effective 5/16/13; WSR 06-07-157 (Order 457), § 230-03-065, filed 3/22/06, effective 1/1/08.]

WAC 230-03-070 Training required for licensing. (1) You must complete a training course we establish if you:

(a) Signed the licensing application; or
(b) Are a manager; or
(c) Are responsible for conducting gambling activities or completing records.

(2) You must complete training within thirty days of the effective date of your license.

(3) We do not require manufacturers or manufacturers' representatives to complete training.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-070, filed 3/22/06, effective 1/1/08.]

WAC 230-03-075 Withdrawing your application. (1) You may withdraw your license application for any reason by sending written notice to us. We must receive your written request at our headquarters office before we issue or deny the license.

(2) Withdrawing an application will not affect any future application for a license.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-075, filed 3/22/06, effective 1/1/08.]

WAC 230-03-080 License approval process. (1) The director may issue a temporary license on completion of the licensing investigation for licenses issued under RCW 9.46.070.

(2) The commissioners take action on applications at a public meeting. These actions may include license approval, holding an application over to a future meeting, or returning an application to staff for further investigation.

[Statutory Authority: RCW 9.46.070. WSR 10-17-088 (Order 670), § 230-03-080, filed 8/16/10, effective 9/16/10; WSR 06-07-157 (Order 457), § 230-03-080, filed 3/22/06, effective 1/1/08.]

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit. We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; or

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form

of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person; or

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or

(4) Has failed to pay gambling taxes to local taxing authorities and the local taxing authority has petitioned us to take action; or

(5) Has failed to pay a quarterly license fee or submit a quarterly license report or has failed to pay a late fee assessed as a result of failure to pay a quarterly license fee or submit a quarterly license report; or

(6) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4); or

(7) Is the subject of an outstanding gross misdemeanor or felony arrest warrant; or

(8) Fails to provide us with any information required under commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us; or

(9) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:

(a) Prior activities; or

(b) Criminal record; or

(c) Reputation; or

(d) Habits; or

(e) Associations; or

(10) Knowingly provides or provided goods or services to an entity that illegally operates gambling activities.

[Statutory Authority: RCW 9.46.070. WSR 20-08-095, § 230-03-085, filed 3/30/20, effective 4/30/20; WSR 18-05-029, § 230-03-085, filed 2/9/18, effective 7/1/18; WSR 07-21-116 (Order 617), § 230-03-085, filed 10/22/07, effective 1/1/08; WSR 06-07-157 (Order 457), § 230-03-085, filed 3/22/06, effective 1/1/08.]

ADDITIONAL LICENSING REQUIREMENTS FOR CHARITABLE AND NONPROFIT APPLICANTS

WAC 230-03-090 Defining "agricultural." (1) "Agricultural" as used in RCW 9.46.0209 means promoting the art or science of:

(a) Cultivating land; or

(b) Harvesting crops or aquatic resources; or

(c) Raising livestock.

(2) This definition includes incorporated granges as described in chapter 24.28 RCW.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-090, filed 3/22/06, effective 1/1/08.]

WAC 230-03-095 Defining "athletic." "Athletic" as used in RCW 9.46.0209 means activities which promote physical fitness, sportsmanship, or development of amateur athletes.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-095, filed 3/22/06, effective 1/1/08.]

WAC 230-03-100 Defining "charitable." "Charitable," eleemosynary, and benevolent as used in RCW 9.46.0209 mean the same thing. They mean:

- (1) Relief of poverty, indigence, or personal distress;
- (2) Help for disadvantaged persons;
- (3) Treatment and prevention of physical or mental distress;
- (4) Assisting youths, seventeen years old or younger, through programs that teach them cultural and social skills necessary to integrate them into society, improve their physical fitness, or prevent delinquency.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-100, filed 3/22/06, effective 1/1/08.]

WAC 230-03-105 Defining "civic." "Civic" as used in RCW 9.46.0209 means relating to or belonging to a city, a citizen, or citizenship.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-105, filed 3/22/06, effective 1/1/08.]

WAC 230-03-110 Defining "educational." "Educational" as used in RCW 9.46.0209 means training or instructing individuals for the purpose of improving or developing their capabilities. It also means instructing the public on subjects useful to individuals and beneficial to the community.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-110, filed 3/22/06, effective 1/1/08.]

WAC 230-03-115 Defining "fraternal." "Fraternal" as used in RCW 9.46.0209 means fraternal societies incorporated under chapter 24.20 RCW and organized under the lodge system with local self-governing branches chartered by a parent organization.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-115, filed 3/22/06, effective 1/1/08.]

WAC 230-03-120 Defining "patriotic." "Patriotic" as used in RCW 9.46.0209 means encouraging love of country, loyalty, and support of the United States; veterans' groups are included in this definition.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-120, filed 3/22/06, effective 1/1/08.]

WAC 230-03-125 Defining "political." "Political" as used in RCW 9.46.0209 means the process of electing candidates to public or party offices.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-125, filed 3/22/06, effective 1/1/08.]

WAC 230-03-130 Defining "religious." "Religious" as used in RCW 9.46.0209 means the advancement of a theological philosophy and the practices and rituals associated with the beliefs or creed of a church, religious society, congregation, or religious denomination, when such practices or rituals are legal.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-130, filed 3/22/06, effective 1/1/08.]

WAC 230-03-133 Defining "scientific." "Scientific" as used in RCW 9.46.0209 means the carrying on of scientific research in the public interest. Scientific research will be regarded as carried out in the public interest if it either is performed for the federal or state government or is directed toward benefiting the public. This includes scientific research carried out for the purpose of:

- (1) Aiding in the scientific education of students; or
- (2) Obtaining scientific information which is published in a treatise, thesis, trade publication, or other form that is made available to the public; or
- (3) Discovering a cure for a disease.

[Statutory Authority: RCW 9.46.070. WSR 21-03-070, § 230-03-133, filed 1/19/21, effective 2/19/21.]

WAC 230-03-135 Defining "social." "Social" as used in RCW 9.46.0209 means providing recreation or recreational facilities and conducting other activities for a membership.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-135, filed 3/22/06, effective 1/1/08.]

WAC 230-03-140 Full and regular membership requirements. (1) "Bona fide member" means the same thing as "bona fide active member." Bona fide members hold full and regular membership status.

(2) To have full and regular membership status in a Washington charitable or nonprofit organization, you must:

- (a) Be at least eighteen years old, unless the organization:
 - (i) Has a primary purpose that is the development of youth; and
 - (ii) The only activity the organization conducts is raffles or amusement games, whether licensed or unlicensed; and
 - (iii) Has at least three members or advisors who are at least eighteen years old and who supervise the operation of the gambling activity; and
 - (iv) Has an adult member or advisor designated as the manager for the gambling activity; and

(b) Take part in at least one of the following activities of the organization:

- (i) Attend at least one regular membership meeting per year; or
 - (ii) Vote for officers and/or board members; or
 - (iii) Help set policy by serving as a member of the board of directors or a similar policy setting position; or
 - (iv) Serve as a volunteer providing services or raising funds from nongambling sources; or
 - (v) Maintain a level of communication that demonstrates knowledge of the activities of the organization; and
- (c) Live within one hundred miles of the main administrative offices of your organization which are located in Washington, or attend seventy-five percent of the organization's board meetings.

[Statutory Authority: RCW 9.46.070. WSR 09-09-065 (Order 643), § 230-03-140, filed 4/13/09, effective 7/1/09; WSR 06-07-157 (Order 457), § 230-03-140, filed 3/22/06, effective 1/1/08.]

WAC 230-03-145 Additional requirements for charitable and non-profit licensing.

(1) Organizations must provide the following records for us to determine the organization's qualifications as a bona fide charitable or nonprofit organization as set forth in RCW 9.46.0209:

- (a) Official minutes of the organization's formation meeting and all membership and board meetings for the last twelve months including issues discussed, decisions made, and members in attendance; and
- (b) A listing of the names of all "full and regular members." The organization must provide full names, addresses, telephone numbers, and the dates they became full and regular members; and
- (c) A copy of the most recently approved articles of incorporation or bylaws or both; and
- (d) All correspondence with the Internal Revenue Service and the secretary of state regarding the organization's status as a nonprofit organization; and
- (e) Proof of federal tax deductible status for contributions to the organization.

(2) Organizations must provide documents that demonstrate that the organization made significant progress in meeting its stated charitable or nonprofit purpose(s) during the twelve consecutive months before applying for a license.

(3) Organizations must provide, in their bylaws or in their articles of incorporation, a statement that guarantees that, if the organization is dissolved, all the assets remaining after satisfaction of all their debts must be distributed to another charitable or nonprofit organization qualified under RCW 9.46.0209.

(4) Charitable or nonprofit organizations must provide us with the names of gambling managers who will oversee gambling activities. The organization must note on the application which manager has the highest level of authority and assign that person the title "primary gambling manager" on the application.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-145, filed 3/22/06, effective 1/1/08.]

WAC 230-03-146 Applying for a raffle license by a credit union.

Credit unions may apply for a raffle-credit union license to operate raffles, as authorized under RCW 9.46.0209(2) and 9.46.0315. The credit union must provide:

- (1) Proof they are currently a federally or state chartered credit union located in Washington and are in good standing; and
- (2) Official meeting minutes of the organization for the last twelve months demonstrating they are in the business for nongambling purposes; and
- (3) A listing of the names of the director, board chair, and board as defined in WAC 208-400-020; and
- (4) A section in their bylaws or their articles of incorporation guaranteeing that, if the organization is dissolved, all raffle revenues less prizes and expenses must be distributed to a charitable and nonprofit organization as set out in RCW 9.46.0209(1); and
- (5) A listing of the charitable and nonprofit organizations as set out in RCW 9.46.0209(1) receiving all raffle revenues less prizes and expenses; and
- (6) Any additional information requested by us.

[Statutory Authority: RCW 9.46.070. WSR 19-23-071, § 230-03-146, filed 11/18/19, effective 12/19/19.]

WAC 230-03-150 Additional requirements for branches or chapters of eligible parent organizations. The parent organization must be eligible for a license if an applicant is a branch or chapter of a parent organization. The branch or chapter must also prove that it is, in its own right, qualified to receive a license.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-150, filed 3/22/06, effective 1/1/08.]

WAC 230-03-152 Additional requirements for enhanced raffles.

- (1) The commissioners may vote to approve a bona fide charitable or nonprofit organization, whose primary purpose is serving individuals with intellectual disabilities, to conduct enhanced raffles when they meet the requirements of section 1, chapter 310, Laws of 2013 and submit a plan as designated below.
 - (2) The bona fide charitable or nonprofit organization must submit a plan to us for each enhanced raffle that includes at least the following information:
 - (a) The organization's primary purpose for conducting the enhanced raffle; and
 - (b) A brief overview of the licensee's mission and vision including the type of programs supported by the licensee and clients served; and
 - (c) Specific details of the raffle rules including:
 - (i) Date and location of the grand prize drawing and associated smaller raffles; and
 - (ii) A description of additional related entries and drawings such as early bird, refer a friend, and multiple ticket drawings; and
 - (iii) Cost of raffle tickets; and
 - (iv) Prizes available; and
 - (v) Security of prizes; and
 - (vi) Plans for selling raffle tickets; and

- (vii) Description of how the licensee protects the integrity of the raffle; and
- (d) An explanation of how the proceeds from the raffle will be used; and
- (e) A plan to protect the licensee in the event of low ticket sales and other risks; and
- (f) An explanation of how the licensee will purchase the prize(s) for the raffle; and
- (g) A projected budget including:
 - (i) Estimated gross gambling receipts, expenses, and net income for the raffle; and
 - (ii) Minimum number of projected ticket sales to break even; and
 - (iii) Corresponding sales and prize levels with projected revenues and expenses for each level; and
 - (iv) Minimum and maximum prizes available; and
- (h) Name of the dedicated employee of the organization who will be responsible for oversight of the enhanced raffle operations; and
- (i) Name of any licensed service supplier managing the enhanced raffle; and
- (j) Name of any licensed call centers contracted to receive enhanced raffle tickets sales; and
- (k) Any other information that we request.

[Statutory Authority: RCW 9.46.070 and 9.46.0209. WSR 13-19-056 (Order 692), § 230-03-152, filed 9/16/13, effective 10/17/13.]

WAC 230-03-155 Submitting a proposed plan of operations for charitable and nonprofit organizations. (1) An organization must submit a proposed plan of operations, including a market study, if the organization:

- (a) Requests licensing to conduct gambling activities with combined annual gross receipts in excess of three million dollars; or
 - (b) Plans to pay premises rent exceeding two thousand dollars per month, including all terms.
- (2) The plan must show enough detail to allow us to assess the potential for compliance with cash flow requirements. It must also include at least the following information:
- (a) Research procedures and planning assumptions used; and
 - (b) Planned number of customers or attendance; and
 - (c) Days and hours of operations; and
 - (d) Estimated gross gambling receipts from each activity; and
 - (e) Estimated expenses and net income; and
 - (f) Details of income generating activities planned in conjunction with the gambling activity, such as snack bar operations or other retail sales and the anticipated net income from those activities; and
 - (g) Any other information related to your gambling license application that we request.
- (3) If planned activities include bingo, the organization must provide:
- (a) Anticipated market area and map of competing organizations that operate similar gambling activities, along with their days of operation; and
 - (b) Number of bingo sessions, bingo card prices, and estimated sales per player; and
 - (c) Bingo prize payouts and game schedules.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-155, filed 3/22/06, effective 1/1/08.]

WAC 230-03-160 Licensed charitable or nonprofit organizations prohibited from managing or operating commercial gambling activities. If a licensed charitable or nonprofit organization manages or operates an authorized gambling activity, it must not manage or operate any commercial gambling activity authorized under chapter 9.46 RCW.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-160, filed 3/22/06, effective 1/1/08.]

LICENSING AMUSEMENT GAME APPLICANTS

WAC 230-03-161 Applying for a combination license. (1) Charitable or nonprofit organizations may apply for a combination license to operate one or more of the following gambling activities:

(a) Authorized nonhouse-banked card games without collection of a fee to play; and

(b) Raffles with gross gambling receipts up to two thousand dollars during the license year; and

(c) Bingo with gross gambling receipts up to twenty-five thousand dollars during the license year; and

(d) Amusement games, owned and operated by the organization, with gross gambling receipts up to seven thousand five hundred dollars during the license year.

(2) You must apply for a separate license if any of the gambling activities in subsection (1)(b) through (d) of this section you operate will exceed the gross gambling receipt limits specified during your license year.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-161, filed 2/9/18, effective 5/1/18.]

WAC 230-03-162 Applying for a fund-raising event license. (1) Charitable or nonprofit organizations may offer fund-raising events as authorized by RCW 9.46.0233.

(2) Your organization must apply for a fund-raising event license to operate gambling activities for:

(a) One event not to exceed twenty-four consecutive hours; or

(b) One event not to exceed seventy-two consecutive hours; or

(c) Participation in joint fund-raising events; or

(d) One limited fund-raising event not to exceed six consecutive hours.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-162, filed 2/9/18, effective 5/1/18.]

WAC 230-03-163 Applying for a charitable or nonprofit amusement game license. You must apply for a charitable or nonprofit amusement

game license if your organization owns, leases or rents approved amusement games and:

- (1) Operates the approved amusement games in your licensed location; or
- (2) Rents or leases approved amusement games for operation in approved locations.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-163, filed 2/9/18, effective 5/1/18.]

WAC 230-03-164 Applying for a commercial amusement game license.

You must apply for a commercial amusement game license if your business:

- (1) Owns and operates approved amusement games in your licensed location; or
- (2) Rents or leases approved amusement games for operation in approved locations.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-164, filed 2/9/18, effective 5/1/18.]

WAC 230-03-165 Information required with license application for commercial amusement games. You must provide in writing all information necessary to comply with RCW 9.46.0331 if you are applying for a commercial amusement game license. Additionally, you must provide the following information:

(1) All locations:	<ul style="list-style-type: none"> (a) A list of times and dates when the applicant will operate the activity; and (b) A copy of any rental/lease agreement which allows operation of commercial amusement games at any location the applicant does not own or otherwise control. The applicant must disclose full details of the rental/lease agreement, including any revenue sharing provisions, all costs the applicant will share, and any restrictions on the number of amusement games the applicant operates; and (c) Copies of any rental or lease contracts related to the amusement game equipment.
(2) Permanent locations:	<ul style="list-style-type: none"> (a) Amusement parks: The number of mechanical or aquatic rides, theatrical productions, motion pictures, and slide show presentations available for the public. (b) Regional shopping centers: Size of the shopping center, in gross square feet, not including parking areas.

	<p>(c) Taverns and restaurants with cocktail lounges: Washington state liquor control board license number and expiration date, and a statement of whether the business prohibits minors from all portions of the premises.</p> <p>(d) Movie theaters, bowling alleys, miniature golf course facilities, skating facilities, and amusement centers: Complete description of the business activities conducted. For an amusement center, the number of amusement devices, income derived from those devices, and all other business activities conducted during the last twelve months.</p> <p>(e) Any business whose primary activity is to provide food service for on-premises consumption: Amount of gross income the entire business generates; and the portion of gross income the food service for on-premises consumption generates.</p> <p>(f) Department or grocery stores: Type of retail products sold; size of the store premises, in gross square feet, not including parking areas.</p>
(3) Limited time locations:	The applicant must receive written permission from the sponsor of any activity and provide planned operating dates for all locations at which the applicant plans to operate during the year. This operating plan must be updated any time the dates of operation change.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-165, filed 3/22/06, effective 1/1/08.]

ADDITIONAL REQUIREMENTS FOR COMMERCIAL STIMULANT APPLICANTS

WAC 230-03-170 Defining "business premises." "Business premises" as used in RCW 9.46.0217 means the building, or portion of the building, set out on the license application.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-170, filed 3/22/06, effective 1/1/08.]

WAC 230-03-175 Requirements for commercial stimulant businesses. Businesses must provide evidence for us to determine their qualifica-

tions as a commercial stimulant as required in RCW 9.46.0217. That evidence includes, but is not limited to:

(1) Proof that it is an "established business" as used in RCW 9.46.0217. "Established business" means any business that:

(a) Has been open to the public for sales of food or drink for on-premises eating and drinking for ninety days or more; or

(b) Passes an inspection by us, is ready to conduct food or drink sales, and gives us a proposed operating plan which includes:

(i) Hours of operation; and

(ii) Estimated gross sales from each separate activity the business will conduct on the business premises including, but not limited to:

(A) Gross sales from food or drinks sold for "on-premises" eating or drinking; and

(B) Gross sales from food or drinks sold "to go"; and

(C) Gross sales from all other business activities; and

(2) Proof that it is "primarily engaged in the selling of food or drink for consumption on premises" as used in RCW 9.46.070(2). "Primarily engaged in the selling of food or drink for consumption on premises" means that before receiving a gambling license the business has total gross sales of food or drink for on-premises consumption equal to or greater than all other combined gross sales, rentals, or other income-producing activities which occur on the business premises when measured on an annual basis.

[Statutory Authority: RCW 9.46.070. WSR 07-21-116 (Order 617), § 230-03-175, filed 10/22/07, effective 1/1/08; WSR 06-07-157 (Order 457), § 230-03-175, filed 3/22/06, effective 1/1/08.]

LICENSING CARD ROOM APPLICANTS

WAC 230-03-177 Applying to operate nonhouse-banked card games—Charitable or nonprofit organizations. (1) You must apply for a nonhouse-banked card game license if you are a charitable or nonprofit organization that wants to:

(a) Offer for play authorized nonhouse-banked card games, whether a fee to play is charged or not; and/or

(b) Conduct approved tournaments.

(2) You may not operate more than fifteen card tables.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-177, filed 2/9/18, effective 5/1/18.]

WAC 230-03-178 Applying to operate nonhouse-banked card games and/or a Class F endorsement—Commercial organizations. (1) You must apply for a nonhouse-banked card game license if you are a commercial stimulant business that wants to:

(a) Offer for play authorized nonhouse-banked card games, whether a fee to play is charged or not; and/or

(b) Conduct approved tournaments.

(2) You must apply for a Class F endorsement to use:

(a) Authorized alternative fee collections; and/or

(b) Player-supported jackpots.

(3) You may not operate more than fifteen card tables.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-178, filed 2/9/18, effective 5/1/18.]

WAC 230-03-179 Applying to operate house-banked card games. (1)

You must apply for a house-banked card game license if you want to offer for play authorized house-banked card games.

(2) With this license, you may also:

(a) Offer for play nonhouse-banked card games; and/or

(b) Conduct approved tournaments; and/or

(c) Offer player-supported jackpots; and/or

(d) Use alternative fee collection.

(3) You may not operate more than fifteen card tables.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-179, filed 2/9/18, effective 5/1/18.]

WAC 230-03-180 Additional information required for a house-banked card room application. If you apply for a house-banked card room license, you must provide at least the following as part of your application:

(1) A detailed description, including flow charts, of your planned internal accounting and administrative control system. You must provide the information in the standard format we require; and

(2) A detailed diagram of the planned physical layout of the business premises. The diagram must include at least:

(a) The location of all gambling tables; and

(b) The location of all surveillance cameras; and

(c) The count room; and

(d) The surveillance room; and

(e) The cashier's cage; and

(3) A detailed description of the card games offered for play, including rules of play, and the type of gambling tables operated, including table layouts.

(4) Before you begin card game operations, we perform a preoperational review and evaluation (PORE). You must receive our written approval before operating.

(5) The PORE determines whether:

(a) You have:

(i) An organizational structure that supports your proposed accounting and administrative controls; and

(ii) Controls in place so that you closely monitor the gambling activities and accurately record financial information; and

(iii) Have enough trained staff; and

(b) The physical layout of the card room and supporting functions can handle the proposed accounting and administrative controls.

[Statutory Authority: RCW 9.46.070. WSR 07-21-116 (Order 617), § 230-03-180, filed 10/22/07, effective 1/1/08; WSR 06-07-157 (Order 457), § 230-03-180, filed 3/22/06, effective 1/1/08.]

LICENSING MANUFACTURERS AND DISTRIBUTORS

WAC 230-03-185 Applying for a manufacturer license. (1) You must apply for a manufacturer license if you:

(a) Make or assemble a completed piece or pieces of gambling equipment for use in authorized gambling activities; or

(b) Convert, modify, combine, add to, or remove parts or components of any gambling equipment for use in authorized gambling activities; or

(c) Manufacture group 12 amusement games approved or modified after May 1, 2016. Manufacturers of group 12 amusement games that were approved before the effective date of this rule must apply by May 1, 2016, and be licensed by December 31, 2016. Manufacturers of group 12 amusement games can sell or lease group 12 amusement games to a licensed distributor or an amusement game licensee.

(2) You must demonstrate your ability to comply with all manufacturing, quality control, and operations restrictions imposed on authorized gambling equipment that you want to manufacture or market for use in Washington state.

(3) The licensing process may include an on-site review of your manufacturing equipment and process for each separate type of authorized gambling equipment to ensure compliance capability.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-185, filed 2/9/18, effective 5/1/18. Statutory Authority: RCW 9.46.070, 9.46.0201. WSR 16-19-015, § 230-03-185, filed 9/8/16, effective 10/9/16; WSR 16-08-033 (Order 718), § 230-03-185, filed 3/30/16, effective 4/30/16. Statutory Authority: RCW 9.46.070. WSR 09-11-085 (Order 646), § 230-03-185, filed 5/18/09, effective 7/1/09; WSR 06-07-157 (Order 457), § 230-03-185, filed 3/22/06, effective 1/1/08.]

WAC 230-03-190 Applying for a distributor license. You must apply for a distributor license if you:

(1) Buy or otherwise obtain a finished piece of gambling equipment for use in authorized gambling activities from another person and sell or provide that gambling equipment to a third person for resale, display, or use; or

(2) Are a manufacturer who sells or provides gambling equipment you do not make to any other person for resale, display, or use; or

(3) Service and repair authorized gambling equipment. However, distributors must not add, modify, or alter the gambling equipment; or

(4) Modify gambling equipment using materials provided by manufacturers to upgrade equipment to current technology; or

(5) Buy or lease a group 12 amusement game from another licensee and sell or lease the group 12 amusement game to an amusement game licensee; or

(6) Provide training to licensed and potential punch board/pull-tab operators for compensation; or

(7) Provide assistance to gambling license applicants or licensees seeking gambling license renewal for compensation.

[Statutory Authority: RCW 9.46.070. WSR 19-15-060, § 230-03-190, filed 7/15/19, effective 8/15/19; WSR 18-05-026, § 230-03-190, filed 2/9/18,

effective 5/1/18. Statutory Authority: RCW 9.46.070, 9.46.0201. WSR 16-19-015, § 230-03-190, filed 9/8/16, effective 10/9/16; WSR 16-08-033 (Order 718), § 230-03-190, filed 3/30/16, effective 4/30/16. Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-190, filed 3/22/06, effective 1/1/08.]

WAC 230-03-192 Applying for a fund-raising equipment distributor license. (1) You must apply for a fund-raising equipment distributor license if you are a commercial or charitable or nonprofit organization and want to:

- (a) Rent or lease gambling equipment to:
 - (i) Fund-raising event license holder; or
 - (ii) A qualified organization, business or association for recreational gaming activities; or
 - (b) Organize and conduct recreational gaming activities.
- (2) Fund-raising equipment distributors cannot make their own gambling equipment.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-192, filed 2/9/18, effective 5/1/18.]

WAC 230-03-195 Additional information required from manufacturer and distributor license applicants. If you are applying for a manufacturer or distributor license, you must attach the following to your application form:

- (1) A list of all businesses or corporations which you, or officers, directors, or substantial interest holders of your business, either directly or indirectly, own or control as a substantial interest holder; and
- (2) A list of all businesses or corporations licensed to conduct gambling activities or to supply gambling-related equipment, supplies, or services in which you, officers, directors, or substantial interest holders of your business have any interest; and
- (3) A list of all jurisdictions in which you or any of the officers, directors, or substantial interest holders of your business have had a gambling-related license at any level during the previous ten years; and
- (4) A statement about whether you, or officers, directors, or substantial interest holders have ever been part of a business that had a gambling-related license denied, revoked, or suspended by any jurisdiction for a period longer than thirty days.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-195, filed 3/22/06, effective 1/1/08.]

WAC 230-03-200 Defining "gambling equipment." "Gambling equipment" means any device, gambling-related software, expendable supply, or any other paraphernalia used as a part of gambling or to make gambling possible. "Gambling equipment" includes, but is not limited to:

- (1) Amusement games;
- (2) Punch boards and pull-tabs;
- (3) Devices for dispensing pull-tabs;

(4) Electronic devices for conducting, facilitating, or accounting for the results of gambling activities, including, but not limited to:

- (a) Components of a tribal lottery system;
- (b) Electronic devices for reading and displaying outcomes of gambling activities; and
- (c) Accounting systems that are a part of, or directly connected to, a gambling system including, but not limited to:
 - (i) Bet totalizers; or
 - (ii) Progressive jackpot meters; or
 - (iii) Keno systems;
- (5) Bingo equipment;
- (6) Devices and supplies used to conduct card games, fund-raising events, recreational gaming activities, or Class III gaming activities, as defined in the Indian Gaming Regulatory Act at U.S.C. 25 chapter 29 § 2703 and in tribal-state compacts including, but not limited to:
 - (a) Gambling chips;
 - (b) Cards;
 - (c) Dice;
 - (d) Card shuffling devices;
 - (e) Graphical game layouts for table games;
 - (f) Ace finders or no-peek devices;
 - (g) Roulette wheels;
 - (h) Keno equipment; and
 - (i) Tables manufactured exclusively for gambling purposes.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-200, filed 3/22/06, effective 1/1/08.]

LICENSING GAMBLING SERVICE SUPPLIERS

WAC 230-03-210 Applying for a gambling service supplier license.

- (1) You must apply for a gambling service supplier license if you perform any of the following gambling-related services for compensation:
- (a) Consulting or advisory services regarding gambling activities; or
 - (b) Gambling management services; or
 - (c) Financing for more than one licensee for purchases or leases of gambling equipment or financing for providing infrastructure or facilities, or equipment that supports gambling operations:
 - (i) Once you have financed more than one licensee, you must be a licensed gambling service supplier until all loans with licensees or previous licensees are paid; or
 - (ii) Once you have been a licensed gambling service supplier, you must be licensed as a gambling service supplier again before financing purchases or leases for any licensee; or
 - (d) Acting as a lending agent, or loan servicer, or placement agent; or
 - (e) Providing the assembly of components for gambling equipment under a contract with a licensed manufacturer or entering into an on-going financial arrangement for gambling related software with a licensed manufacturer; or

(f) Installing, integrating, maintaining, or servicing digital surveillance systems that allow direct access to the operating system; or

(g) Training individuals to conduct authorized gambling activities; or

(h) Providing any other service or activity where influence may be exerted over any gambling activity licensed by the commission; or

(i) Performing the testing and certification of tribal lottery systems in meeting requirements specified in the tribal-state compact; or

(j) Providing nonmanagement-related recordkeeping or storage services for punch board and pull-tab operators, when the combined total gross billings from such services exceed thirty thousand dollars during any permit period or license year.

(2) You do not need a gambling service supplier license if you are:

(a) A bank, mutual savings bank, or credit union regulated by the department of financial institutions or any federally regulated commercial lending institution; or

(b) A university or college regulated by the Washington state board of community and technical colleges and the higher education coordinating board that trains individuals to conduct authorized gambling activities; or

(c) An attorney, accountant, or governmental affairs consultant whose primary business is providing professional services that are unrelated to the management or operation of gambling activities; or

(d) A person who only provides nonmanagement-related recordkeeping or storage services for punch board and pull-tab operators, when the combined total gross billings from such services do not exceed thirty thousand dollars during any permit period; or

(e) A person who provides names, images, artwork or associated copyrights, or trademarks, or patent use, or other features that do not affect the results or outcome of the game, for use in gambling equipment; or

(f) Regulated lending institutions; or

(g) A licensed distributor who provides any of the following services for compensation:

(i) Training to licensed and potential punch board/pull-tab operators; or

(ii) Providing assistance to gambling license applicants or licensees seeking gambling license renewal.

[Statutory Authority: RCW 9.46.070. WSR 19-15-060, § 230-03-210, filed 7/15/19, effective 8/15/19; WSR 10-19-052 (Order 673), § 230-03-210, filed 9/14/10, effective 1/1/11; WSR 07-21-116 (Order 617), § 230-03-210, filed 10/22/07, effective 1/1/08; WSR 06-24-030 (Order 605), § 230-03-210, filed 11/29/06, effective 1/1/08; WSR 06-07-157 (Order 457), § 230-03-210, filed 3/22/06, effective 1/1/08.]

WAC 230-03-211 Defining "lending agent," "loan servicer," or "placement agent." (1) "Lending agent," "loan servicer," or "placement agent" means any person or entity, other than a regulated lending institution, that finds, administers, facilitates, or services loans for a licensee.

(2) The services of lending agents, loan servicers, or placement agents include, but are not limited to:

- (a) Charging an ongoing fee for their services;
- (b) Maintaining rights as the lender;
- (c) Determining when the loan is in default; and/or
- (d) Maintaining access to collateral.

[Statutory Authority: RCW 9.46.070. WSR 06-24-030 (Order 605), § 230-03-211, filed 11/29/06, effective 1/1/08.]

WAC 230-03-212 Defining "regulated lending institution." (1)

"Regulated lending institution" means any state or federally regulated organization primarily in the business of lending money for investment purposes.

(2) "Regulated lending institutions" must:

(a) Register with the Securities and Exchange Commission or any United States federal or state governmental banking or financial regulatory agency.

(b) Be actively regulated by the Securities and Exchange Commission or any other United States federal or state governmental banking or financial regulatory agency. "Active regulation" means:

(i) Reporting annually on lending activities to the regulatory agency; and

(ii) Receiving regular audits or inspections by the regulatory agency.

(c) Act as passive investors in the licensee. "Passive investors" mean investors who have no actual or potential influence over the operations of the licensee. A "passive investor" does not:

(i) Appoint or have the right to appoint officers, directors, consultants, or other positions with the licensee;

(ii) Require the licensee to seek approval or authorization in making business decisions;

(iii) Have full access to the records of the licensee;

(iv) Have the ability to convert debt into shares which would result in the lender becoming a substantial interest holder in the licensee; or

(v) Have any other influence or control over the licensee.

(d) Have nongambling-related businesses as a majority of their outstanding loans receivable.

[Statutory Authority: RCW 9.46.070. WSR 06-24-030 (Order 605), § 230-03-212, filed 11/29/06, effective 1/1/08.]

WAC 230-03-215 Gambling service suppliers prohibited from assuming ultimate responsibility. If you are or are applying to be a gambling service supplier, you must not assume ultimate responsibility for any licensee's gambling activity.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-215, filed 3/22/06, effective 1/1/08.]

WAC 230-03-220 Marketing level restrictions for punch board or pull-tab manufacturers, distributors, or operators. (1) The different marketing levels for punch board and pull-tabs are:

(a) Operator; and

(b) Distributor or manufacturer.

(2) If you are a manufacturer or distributor, or spouse of a manufacturer or distributor of punch boards, pull-tabs, pull-tab dispensing devices, or related equipment, you must not have a substantial interest in a business that operates punch boards or pull-tabs.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-220, filed 3/22/06, effective 1/1/08.]

WAC 230-03-225 Marketing level restrictions for punch board or pull-tab gambling service suppliers. If you are a substantial interest holder in a licensed gambling service supplier who provides services to punch board and pull-tab operators, you must not hold a substantial interest in a licensed manufacturer or distributor of punch boards or pull-tabs.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-225, filed 3/22/06, effective 1/1/08.]

LICENSING LINKED BINGO PRIZE PROVIDERS

WAC 230-03-230 Applying for linked bingo prize provider license.

(1) You must apply for a linked bingo prize provider license if you provide bingo operators the means to link bingo prizes, including:

- (a) Equipment and supplies to offer linked bingo; and
- (b) Linked bingo prize management; and
- (c) Distribution of necessary gambling equipment and supplies.

(2) Distributors must receive a linked bingo prize provider license before providing gambling equipment and supplies to play linked bingo games.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-230, filed 3/22/06, effective 1/1/08.]

LICENSING CALL CENTERS

WAC 230-03-232 Applying for an enhanced raffle call center license. (1) You must apply for an enhanced raffle call center license if you receive authorized enhanced raffle ticket sales.

(2) The licensing process may include an on-site review of your call center process to ensure compliance with applicable gambling laws and rules, and your qualifications for licensure.

[Statutory Authority: RCW 9.46.070 and 9.46.0209. WSR 13-19-056 (Order 692), § 230-03-232, filed 9/16/13, effective 10/17/13.]

INDIVIDUAL LICENSES

Licensing Charitable or Nonprofit Gambling Managers

WAC 230-03-235 Applying for charitable or nonprofit gambling manager license. You must apply for a charitable or nonprofit gambling manager license if you are an employee or member of a charitable or nonprofit organization who:

(1) Will have control to a material degree over a bingo or punch board and pull-tab licensee with gross gambling receipts over one hundred fifty thousand dollars in their previous licensing year; or

(2) Will be the supervisor of gambling managers who manage: A bingo or punch board and pull-tab licensee with gross gambling receipts over one hundred fifty thousand dollars in their previous license year; or

(3) Will be assigned the highest level of authority by the officers or governing board of directors to manage the day-to-day affairs of the organization and is responsible for safeguarding assets purchased with gambling funds and/or managing the disbursement of gambling funds when the organization:

(a) Is licensed to receive more than three hundred thousand dollars in gross gambling receipts; or

(b) Has established a trust and/or endowment fund to which gambling receipts in excess of one hundred thousand dollars have been contributed; or

(4) Will be the supervisor of the operation of progressive jackpot pull-tab games.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-235, filed 2/9/18, effective 5/1/18; WSR 06-07-157 (Order 457), § 230-03-235, filed 3/22/06, effective 1/1/08.]

WAC 230-03-240 Working before receiving a charitable or nonprofit gambling manager license. (1) You may begin performing the duties of a charitable or nonprofit gambling manager only after you have submitted a completed application and fees for licensing.

(2) If you meet any of the conditions of RCW 9.46.158, you must not perform any of the duties of a charitable or nonprofit gambling manager until you receive a license from us.

(3) If you elect to perform any of the duties of a charitable or nonprofit gambling manager before licensing, we will keep your entire application fee regardless of the outcome of your application.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-240, filed 3/22/06, effective 1/1/08.]

WAC 230-03-245 Licensing period for charitable or nonprofit gambling manager. The charitable and nonprofit gambling manager license is valid for no more than one year beginning on the date we received your application and fees.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-245, filed 3/22/06, effective 1/1/08.]

LICENSING COMMERCIAL GAMBLING MANAGERS

WAC 230-03-250 Applying for a commercial gambling manager license. You must have a commercial gambling manager license if you supervise the operation of progressive jackpot pull-tab games. We do not require owners, partners, major officers, or owners of a substantial interest of a corporation to have commercial gambling manager licenses.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-250, filed 3/22/06, effective 1/1/08.]

WAC 230-03-255 Working before receiving a commercial gambling manager license. (1) You may begin performing the duties of a commercial gambling manager only after you have submitted a completed application and fees for licensing.

(2) If you meet any of the conditions of RCW 9.46.158, you must not perform any of the duties of a commercial gambling manager until you receive a license from us.

(3) If you elect to perform any of the duties of a commercial gambling manager before licensing, we will keep your entire application fee, regardless of the outcome of your application.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-255, filed 3/22/06, effective 1/1/08.]

WAC 230-03-260 Licensing period for commercial gambling manager. The commercial gambling manager license is valid for no more than one year beginning on the date we received your application and fees.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-260, filed 3/22/06, effective 1/1/08.]

LICENSING CARD ROOM EMPLOYEES

WAC 230-03-265 Applying for a card room employee license. You must apply for a card room employee license:

- (1) If you will be involved in the operation of a:
 - (a) Commercial nonhouse-banked card room charging a fee to play;
 - (b) Class F endorsed nonhouse-banked card room; or
 - (c) House-banked card room; and
- (2) You perform any of the following functions:
 - (a) Collecting fees; or
 - (b) Dealing; or
 - (c) Supervising any card game or other card room employee, such as acting as a pit boss, floor person, or section supervisor; or
 - (d) Selling or redeeming chips; or
 - (e) Performing cashier or cage duties such as counting and handling chips or cash, completing credit slips, fill slips, or inventory slips, or accounting for other card room receipts in the cage; or

- (f) Observing dealers and card games to detect cheating or control functions; or
 - (g) Controlling card room funds including keys to secure locations; or
 - (h) Taking part in the operation of a card game.
- (3) A Class B card room employee license is required to work at a house-banked card room and Class F endorsed nonhouse-banked card room.
- (4) A Class A card room employee license is required to work at a nonhouse-banked card room.

[Statutory Authority: RCW 9.46.070. WSR 20-08-095, § 230-03-265, filed 3/30/20, effective 4/30/20; WSR 18-05-026, § 230-03-265, filed 2/9/18, effective 5/1/18; WSR 06-07-157 (Order 457), § 230-03-265, filed 3/22/06, effective 1/1/08.]

WAC 230-03-270 Working as a card room employee before receiving a license. (1) If you have applied for a card room employee license, you may perform card room duties before receiving the license if you have waited at least ten days from the date we received your application and fees.

(2) We may waive the ten-day waiting period if:

(a) Your employer can demonstrate an urgent and unexpected need for you as an employee; and

(b) Your employer's business would close or the control structure of the activity would be weakened if we failed to grant such waiver; and

(c) Your employer could not control the circumstances causing the need for a waiver; and

(d) You pay the fee for the waiver.

(3) If you meet any of the conditions of RCW 9.46.158, you must not perform the duties of a card room employee until you receive a license.

(4) If you choose to perform the duties of a card room employee before receiving your license, we will keep the entire application fee regardless of the outcome of your application.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-270, filed 3/22/06, effective 1/1/08.]

WAC 230-03-275 Licensing period for card room employee. The card room employee license is valid for no more than one year beginning on the date we receive your application and fees.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-275, filed 3/22/06, effective 1/1/08.]

WAC 230-03-280 Substantial interest holders not required to be licensed as card room employees. If you are a substantial interest holder in a business licensed to operate a public card room or a spouse of the same, you do not have to have an additional license to perform card room employee duties connected with that card room.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-280, filed 3/22/06, effective 1/1/08.]

WAC 230-03-285 Class III gaming employee working as card room employee. A certified Class III gaming employee must submit an application and pay a fee before beginning work for a public card room.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-285, filed 2/9/18, effective 5/1/18; WSR 06-07-157 (Order 457), § 230-03-285, filed 3/22/06, effective 1/1/08.]

LICENSING REPRESENTATIVE

WAC 230-03-300 Applying for a manufacturer's representative license. You must apply for a manufacturer's representative license if you sell, promote, or provide a manufacturer's gambling equipment, or supplies, or you supervise those who do.

[Statutory Authority: RCW 9.46.070. WSR 09-24-012 (Order 664), § 230-03-300, filed 11/20/09, effective 12/21/09; WSR 06-07-157 (Order 457), § 230-03-300, filed 3/22/06, effective 1/1/08.]

WAC 230-03-305 Applying for a distributor's representative license. You must apply for a distributor's representative license if you are employed by a licensed distributor to sell, promote, or provide that distributor's gambling equipment, or supplies, or you supervise those who do.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-305, filed 3/22/06, effective 1/1/08.]

WAC 230-03-310 Applying for a gambling service supplier's representative license. You must apply for a gambling service supplier's representative license if you are employed by a licensed gambling service supplier to provide gambling-related services, or you supervise those who do.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-310, filed 3/22/06, effective 1/1/08.]

WAC 230-03-315 Applying for a linked bingo prize provider representative license. You must apply for a linked bingo prize provider representative license if you are employed by a linked bingo prize provider in any of the provider's activities in connection with the management of a linked bingo prize game or distribution of supplies for those games.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-315, filed 3/22/06, effective 1/1/08.]

WAC 230-03-317 Applying for an enhanced raffle call center representative license. You must apply for an enhanced raffle call center representative license if you are employed by a licensed enhanced

raffle call center to receive enhanced raffle ticket sales or to supervise those who do.

[Statutory Authority: RCW 9.46.070 and 9.46.0209. WSR 13-19-056 (Order 692), § 230-03-317, filed 9/16/13, effective 10/17/13.]

WAC 230-03-320 Substantial interest holders not required to be licensed as representatives. If you are a substantial interest holder in a business licensed to operate a manufacturer, distributor, gambling service supplier, call centers for enhanced raffles, or linked bingo prize provider or a spouse of the same, you do not have to have an additional license to perform representative duties connected with that licensed business.

[Statutory Authority: RCW 9.46.070 and 9.46.0209. WSR 13-19-056 (Order 692), § 230-03-320, filed 9/16/13, effective 10/17/13. Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-320, filed 3/22/06, effective 1/1/08.]

WAC 230-03-325 Office, clerical, or warehouse workers not required to be licensed as representatives. Except for enhanced raffle call center representatives, if you are an office, clerical, or warehouse worker and have contact with customers or potential customers only by telephone at your employer's business premises and work under the immediate and direct supervision of a substantial interest holder or a licensed manager or supervisor, you do not have to have a representative license.

[Statutory Authority: RCW 9.46.070 and 9.46.0209. WSR 13-19-056 (Order 692), § 230-03-325, filed 9/16/13, effective 10/17/13. Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-325, filed 3/22/06, effective 1/1/08.]

WAC 230-03-330 Representing one or more licensed businesses.

- (1) If you are a licensed distributor representative, gambling service supplier representative, or a linked bingo prize provider representative or applying for one of these representative licenses, you must represent only one licensed distributor, gambling service supplier, or linked bingo prize provider at a time.
- (2) If you are a licensed manufacturer representative, you may represent more than one licensed manufacturer.
- (3) If the owner you represent owns more than one licensed business, you may represent the owner in all those licensed businesses, including licensed manufacturers.
- (4) You must submit an application and pay a fee before beginning work at a new or additional employer.

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-03-330, filed 2/9/18, effective 5/1/18; WSR 09-24-012 (Order 664), § 230-03-330, filed 11/20/09, effective 12/21/09; WSR 06-07-157 (Order 457), § 230-03-330, filed 3/22/06, effective 1/1/08.]

WAC 230-03-335 Representatives must not work before receiving a license. If you are applying for a license as a representative for a manufacturer, distributor, gambling services supplier, call centers for enhanced raffles, or linked bingo prize provider, you must not work until you receive a license from us.

[Statutory Authority: RCW 9.46.070 and 9.46.0209. WSR 13-19-056 (Order 692), § 230-03-335, filed 9/16/13, effective 10/17/13. Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-335, filed 3/22/06, effective 1/1/08.]

WAC 230-03-340 Gambling service supplier representative must report conflicts of interest. If a licensed gambling service supplier representative has a substantial interest in a licensed manufacturer or distributor, they must inform us, the punch board, pull-tab, or bingo operators to whom they provide services, and the affected licensed manufacturer or distributor of the substantial interest and their intention to act as a gambling service supplier representative.

[Statutory Authority: RCW 9.46.070. WSR 06-07-157 (Order 457), § 230-03-340, filed 3/22/06, effective 1/1/08.]

WAC 230-03-408 Applying for sports wagering prelicensing investigation. (1) Any individual or organization anticipating applying for a future license to provide equipment and/or services for sports wagering pursuant to a tribal-state compact may apply for a prelicensing investigation.

(2) To apply, the applicant and each substantial interest holder will go through a prelicensing investigation to determine if the applicant and substantial interest holders are initially qualified.

(3) It is the responsibility of each applicant and persons who have a substantial interest therein to establish by clear and convincing evidence the necessary qualifications.

(4) A prelicensing investigation of the applicant includes, but is not limited to:

(a) Identification of all substantial interest holders of the applicant; and

(b) Conducting a criminal history background investigation on all substantial interest holders; and

(c) Verification that cash, goods or services for the startup of the operations or the continuation of the business is from a qualified source; and

(d) Compliance with all other applicable rules and laws.

(5) You are required to complete an online application, submit any required supplemental documentation, and submit a five thousand dollar deposit for us to begin the prelicensing investigation process.

(6) We may request additional information during our prelicensing investigation. All work will stop until we receive the requested information. You must provide us with the required items within thirty days of notification or we will administratively close your prelicensing application.

(7) You must pay all costs associated with the prelicensing investigation.

(a) We will give you an estimate of the anticipated costs based on the information we have received at that time.

(b) You will be asked to pay the additional deposit to cover the anticipated costs, such as staff time to conduct the prelicensing investigation, travel time, and travel costs.

(c) We may amend our estimate during our prelicensing investigation process.

(d) You will have thirty days to submit any additional balance requested. We will not work on the application until we have received all funds requested. Failure to pay the balance within the required time frame will result in administrative closure of the application and all unused funds will be refunded.

(e) We will stop the prelicensing investigation process if the cost of our investigation exceeds the balance and request additional funds to cover the anticipated costs to continue our investigation. We will resume work upon receipt of the requested deposit to cover anticipated costs to complete the investigation.

(f) Any unused funds will be refunded.

(g) We will retain funds to cover all costs incurred if you withdraw your application or if your application is denied.

(8) Upon completion of a prelicensing investigation, a determination regarding an applicant's qualification will be made. Applicants who are qualified will receive a prelicensing investigation approval from us stating the determination is made based on the information and representations made by the applicant up to that date.

(9) Applicants are required to provide notice of any changes to the organization or substantial interest holders after a prelicensing investigation approval has been issued and will be required to pay for any additional investigation costs.

(10) A prelicensing investigation approval is not a sports wagering license. You must apply for a sports wagering license once a sports wagering tribal-state compact(s) and future licensing rules are effective.

(11) Prelicensing investigation approval will be valid for one year from the date of issuance. The term of this approval can be extended by the director or designee if the year term is about to expire and sports wagering licensing rules are not in effect.

(12) Applicants who are determined to be unqualified to receive a prelicensing investigation approval will be given the following options:

(a) Have thirty days to correct the issue that keeps them from being qualified; or

(b) Withdraw their application; or

(c) Receive an application denial.

[Statutory Authority: RCW 9.46.070, 9.46.075, and 9.46.153. WSR 21-06-067, § 230-03-408, filed 2/26/21, effective 3/29/21.]