

**WASHINGTON STATE  
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Jose De La Torre,  
  
Appellant.

Docket No. 04-2019-LTY-00004

**NOTICE OF HEARING**

Agency: Lottery Commission  
Program: Prize Denial  
Agency No. 151303595301705030066513504

**1. ISSUES**

- 1.1. Was the Washington State Lottery's decision denying the prize claim of Appellant Jose De La Torre proper?
- 1.2. The hearing in this matter will be limited to these issues, unless they are modified at a later prehearing conference.

**2. ORDER SUMMARY**

- 2.1. The Lottery Commission prize denial on ticket number 1513-035953-017 is **AFFIRMED**.
- 2.2. The appeal of Jose De Jesus De La Torre is **DISMISSED**.

**3. HEARING**

- 3.1. Hearing Date: June 6, 2019
- 3.2. Administrative Law Judge: Debra Pierce
- 3.3. Appellant: Jose De Jesus De La Torre
- 3.4. Agency: Lottery Commission
  - 3.4.1. Representative: Attorney Kristi L. Weeks, Legal Services Director
  - 3.4.2. Witnesses:
    - 3.4.2.1. Gaylene Gray, Instant Product Manager
    - 3.4.2.2. Derek Poppe, Security Specialist
    - 3.4.2.3. Janet Brooks, Yakima Office Secretary Lead

- 3.5. Exhibits: Exhibits 1-6 are admitted. Exhibit A, B (less page 2), C (less page 3), and D are admitted.
- 3.6. Other: Audrey Price attended and assisted the Lottery Representative.

#### 4. FINDINGS OF FACT

I find the following facts by a preponderance of the evidence:

##### *Jurisdiction*

- 4.1. On January 13, 2019, the Appellant, Jose De Jesus De La Torre, purchased Washington State Lottery Game of Life ticket number 1513-035953-017. He submitted a completed prize claim form received by the Lottery on February 19, 2019.
- 4.2. Washington State Lottery denied Appellant's prize claim.
- 4.3. Mr. De La Torre disputed the determination and requested a formal adjudicatory hearing to determine his claim for prize winnings on March 6, 2019.

##### *Game of Life scratch tickets*

- 4.4. Washington State Lottery began sale of a new scratch ticket called "The Game of Life," Game 1513, as approved on October 9, 2018.
- 4.5. In accordance with the executed working papers, the instant tickets for this game of chance include printed instructions clearly indicating what constitutes a winning ticket.
- 4.6. The Lottery determines the number of winners and the number of tickets for sale before the game tickets for any game are printed. The Lottery maintains an official list of winning validation numbers.
- 4.7. Tickets are numbered with a validation number as they are manufactured. When tickets are produced or manufactured, only some contain winning features. Nothing a player does can change whether the scratched ticket wins.
- 4.8. The ticket instructions for the Game of Life scratch ticket purchased by Appellant in January 13, 2019 include directions to scratch all of the "Your Spins" area to reveal sixteen numbers between one and six.
- 4.9. The numbers indicate the number of spaces the player moves at a time to "advance from 'START' the number of spaces indicated in 'SPIN1,' counting

START CAREER as the first space.” The player repeats the process with each remaining spin.

- 4.10. The instructions direct the player to scratch the spaces on which they land, revealing a monetary amount from \$10.00 to \$200,000.00. If three spaces revealed match, the player wins that amount. *See instructions at Exhibit 1 at pages 36-37, Exhibits 3, 4, and 5 at page 2 and Exhibit A.*

*Appellant’s Game of Life scratch ticket*

- 4.11. Mr. De La Torre purchased a Game of Life scratch ticket 1513-035953-017 on January 13, 2019.
- 4.12. Appellant scratched the “Your Spins” section per the instructions. He then scratched the Start Career space revealing the first “\$200,000.00” space. *Exhibit 5; Testimony of De La Torre.* He believed this was the first step. *Testimony of De La Torre; Exhibits A and B.*
- 4.13. Appellant’s first spin was “2.” This first spin would not land on “Start Career” in accordance with the instructions. He scratched the spin “2” and the remaining spins in accordance with instructions beginning with the second space. He scratched seventeen spaces. *Exhibit 5.*
- 4.14. Two boxes properly scratched per instructions also revealed a “\$200,000.00” to match with the improperly scratched seventeenth box. *Exhibit 5.*
- 4.15. With three matching spaces, Appellant scanned the ticket. *Exhibit 6.* The ticket did not validate a prize when scanned. *Id.; Testimony of De La Torre.*

*Investigation of contested denial*

- 4.16. Derek Poppe is a security specialist with the Lottery. He investigates disputed tickets. He examined Appellant’s ticket to determine whether it was defective and whether it was a winner.
- 4.17. The validation number on Appellant’s ticket number 1513-035953-017 does not appear on the official list of winning tickets for the instant scratch game. Mr. Poppe determined it was not prize eligible.
- 4.18. Mr. Poppe determined the ticket is not defective. When scanned it produces a “not a winner” message.

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## 5. CONCLUSIONS OF LAW

Based upon the facts above, I make the following conclusions:

### *Jurisdiction*

- 5.1. The Office of Administrative Hearings has jurisdiction over the parties and subject of this dispute. *WAC 315-20-005, chapter 34.05 RCW, the Washington Administrative Procedure Act, and chapter 67.70 RCW the Washington State Lottery Act.*

### *Lottery Law and Regulation*

- 5.2. The Lottery Commission adopts rules for administration of the lottery as authorized by RCW 67.70.040. The Director of the Lottery supervises and administers operation of the Washington Lottery. *RCW 67.70.050.*
- 5.3. The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery. *WAC 316-06-120(16).*
- 5.4. Ticket purchasers agree to comply with laws, regulations, the final decisions of the Director, and all procedures established by the director for the conduct of games. *WAC 315-06-070.*
- 5.5. An "instant game" is one in which a ticket is purchased and ticket bearer determines his or her winnings, if any. *WAC 315-10-020(2).* A "scratch game" is a type of "instant game" in which a ticket bearer determines winnings, if any, upon removal of a scratch-off coating on the front and/or back of the ticket. *WAC 315-10-020(9).*
- 5.6. The Director establishes final instant game specifications, including the determination of winning tickets, in executed working papers or software requirement specifications. *WAC 315-10-010(2).* Working papers provide production and winning ticket specifications for each instant ticket game. *WAC 315-10-020(8).*
- 5.7. "Each instant ticket shall be printed with instructions clearly indicating what constitutes a winning ticket. In addition, written descriptions of winning play and prize symbol combinations shall be included in the executed working papers or software requirement specifications for the production of each game. The ticket bearer must submit the winning ticket to the lottery as specified by the director. The winning ticket must be validated by the lottery through use of the **validation number** or any other means as specified in *WAC 315-10-070* or by the director. *WAC 315-10-035 (emphasis supplied).*

- 5.8. The validation number is a unique multi-digit number on the ticket. *WAC 315-10-022.*

*Appellant's ticket is not a winner*

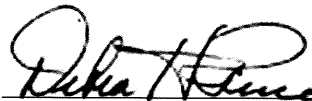
- 5.9. Only winning validation numbers, determined at the time of manufacture or production, are prizewinners and eligible for payment.
- 5.10. Appellant presented no evidence that his ticket was defective. There is no evidence the ticket number 1513-035953-017, purchased by Appellant, had a valid winning validation number. It is not a winning ticket.
- 5.11. Appellant's argument that the instructions confused him and others is immaterial. Whether a lottery employee commented that the instructions looked wrong or defective is irrelevant. The prize denial must be affirmed.

6. INITIAL ORDER

IT IS HEREBY ORDERED THAT:

- 6.1. The Lottery Commission prize denial on ticket number 1513-035953-017 is AFFIRMED.
- 6.2. The appeal of Jose De Jesus De La Torre is DISMISSED.

Issued from Tacoma, Washington on the date of mailing.



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Debra Pierce  
Administrative Law Judge  
Office of Administrative Hearings

**CERTIFICATE OF SERVICE ATTACHED**

## PETITION FOR REVIEW

Any party that disputes this Initial Order may file a Petition for Administrative Review with the Washington State Lottery Commission.<sup>1</sup> A Petition for Administrative Review may be mailed or delivered to the Director at the physical address listed below:

Washington State Lottery Commission  
814 4th Ave E  
PO Box 43000  
Olympia, WA 98504-3000

Whether you mail or deliver the Petition for Administrative Review, the Commission *must actually receive* the Petition for Administrative Review during office hours at the Commission's office within 20 days of the date this Initial Order was mailed to the parties. Part of filing a Petition is providing copies to the other parties at the same time. If the Commission does not receive a Petition for Administrative Review within 20 days from the date of the Initial Order, the Initial Order shall become final with no further right to appeal.<sup>2</sup>

If you timely file a Petition for Administrative Review, the Commission will conduct an administrative review under chapter 34.05 RCW.

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<sup>1</sup> RCW 34.05.464.

<sup>2</sup> Chapter 34.05 RCW.

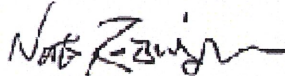
**CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 04-2019-LTY-00004**

I certify that true copies of this document were served from Tacoma, Washington via Consolidated Mail Services upon the following as indicated:

<p>Jose De La Torre 616 N Sycamore Ave Pasco, WA 99301 <b><i>Appellant</i></b></p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Kristi L. Weeks Washington State Lottery Commission MS: 43000 814 4<sup>th</sup> Ave E Olympia, WA 98504 <b><i>Agency Representative</i></b></p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail: <a href="mailto:kweeks@walottery.com">kweeks@walottery.com</a></p>
<p>Audrey Price Washington State Lottery Commission MS: 43000 814 4<sup>th</sup> Ave E Olympia, WA 98504 <b><i>Agency Contact</i></b></p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail: <a href="mailto:aprice@walottery.com">aprice@walottery.com</a></p>

Date: Thursday, August 01, 2019

OFFICE OF ADMINISTRATIVE HEARINGS



Nathan Robinson  
Legal Assistant 3