

WASHINGTON STATE LOTTERY
OFFICE OF THE DIRECTOR

In the matter of:

JUAN DE LA TORRE

Appellant.

OAH Docket No. 07-2019-LTY-0005

FINAL ORDER
OF DIRECTOR

I. DIRECTOR'S CONSIDERATION

1.1 Review. This matter has come before the Director to review the Findings of Fact, Conclusions of Law and Initial Order entered by Administrative Law Judge Debra Pierce on October 17, 2019, which is attached to and incorporated into this Order by reference.

1.2 Record of Proceeding. The entire record of this proceeding was presented to the Director for review and the entry of a final decision.

1.2.1 Juan De La Torre purchased Washington State Lottery Game of Life ticket numbers 1513-053649-005, 1513-049069-008, and 1513-052766 on or about June 26, 2019. Believing each ticket was a winning ticket, Mr. De La Torre submitted a completed prize claim form, received by the Lottery on July 2, 2019. Lottery denied Mr. De La Torre's prize claim. Mr. De La Torre disputed the determination and requested a formal hearing on July 15, 2019.

1.2.2 A formal hearing was scheduled to be held in October, 2019. On September 5, 2019, Kristi Weeks, the representative for Washington's Lottery, filed a Motion for Summary Judgment, supported by three declarations. Juan De La Torre filed a responsive brief but included no declarations or documents that raised a material issue of fact. The issue set for hearing involved the facts summarized in paragraph 1 of this Order.

1.2.3. On October 17, 2019, Administrative Law Judge Debra Pierce entered her Initial Order, which was served by mail on that day. The scheduled hearing date was stricken, and no evidentiary hearing was held.

1.2.4. On November 4, 2019, Juan De La Torre emailed a Petition for Review to Kristi Weeks. Mr. De La Torre also mailed a Petition for Review from the Initial Order on November 4, 2019, which was received by Lottery on November 8, 2019.

1.2.5. Washington's Lottery, through Kristi Weeks, submitted Lottery's Response to Petition for Administrative Review, asserting the Petition for Review was not timely served on the Lottery and the Petition stated no basis for reversing the Initial Order.

1.2.6. The Director finds that Juan De La Torre's Petition for Review was not timely received by the Director. WAC 10-08-211. Any Petition for Review of the Initial Order should have been received by the Director no later than November 6, 2019. Emailing a Petition for Review to Kristi Weeks, Lottery's representative in the hearing, did not meet the requirement.

1.2.7. Even if Mr. De La Torre's Petition for Review was regarded as timely received, it only repeats arguments made in the documents filed with the Administrative Law Judge, and does not provide any basis to overturn the Initial Order.

The entire record in this proceeding was presented to the Director for final decision, and the Director having fully considered said record and being fully advised in the premises;

II. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Director
ORDERS:

2.1 The Administrative Law Judge's Initial Order heretofore made and entered in this matter be, and the same hereby is, affirmed and adopted as the Final Order of the Director, and that the Initial Order denying the claims of Juan De La Torre on ticket numbers 1513-053649-005, 1513-049069-008, and 1513-052766 is AFFIRMED.

2.2 Reconsideration. Pursuant to RCW 34.05.470, a party has ten (10) days from the mailing of this Order to file a petition for reconsideration stating the specific grounds on which relief is requested. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order or (b) there is specific material

error of fact or law. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing or delivering it directly to the Director of the Washington State Lottery, P.O. Box 43000, Olympia, Washington 98504-3000, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Director's office. RCW 34.05.010(6). A copy shall also be sent to Mary M. Tennyson, Sr. Assistant Attorney General, Review Counsel for the Director, PO Box 40110, Olympia, WA 98504-0110. A timely petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on the petition. An order denying reconsideration is not subject to judicial review. RCW 34.05.470(5). The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review.

2.3 Stay of Effectiveness. The filing of a petition for reconsideration does not stay the effectiveness of this Order. The Director has determined not to consider a petition to stay the effectiveness of this Order. Any such request should be made in connection with a petition for judicial review under chapter 34.05 RCW and RCW 34.05.550.

2.4 Judicial Review. Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate court and served on the Department, the Office of the Attorney General, and all parties within thirty (30) days after service of the final order, as provided in RCW 34.05.542.

2.5 Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

DATED this 28th day of January, 2020.

WASHINGTON STATE LOTTERY

By:



MARCUS J. GLASPER

Director