

**PROCEEDINGS BEFORE THE DIRECTOR OF
THE WASHINGTON STATE LOTTERY**

In the matter of:

JOSE DE LA TORRE

Claimant/Appellant.

NO. 151303595301705030066513504

OAH Docket No. 04-2019-LTY-00004

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 August 1, 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.

1.3 Findings of Fact and Conclusions of Law. The Director hereby adopts the Findings of Fact and Conclusions of Law as found by the Administrative Law Judge, with the following modifications:

Finding of Fact 4.8 is modified to read:

4.8. The ticket instructions for the Game of Life scratch ticket purchased by Appellant that is the subject of this hearing are shown on several exhibits. See Exhibit 1, p. 3, Exhibit 2, p. 1, Exhibit 3, p. 2, Exhibit 5, p. 2. Mr. De La Torre is correct that the instructions do not specifically say the player should scratch all of the "Your Spins" area "to reveal sixteen numbers between one and six." However, the instructions clearly direct the player to scratch off the entire "Your Spins" play area, which reveals a grid of sixteen numbers, labeled respectively "Spin 1" through "Spin 16", and the numbers displayed in the grid are the numbers 1 through 6. Also, the instructions direct the player to "repeat the same instructions in consecutive order for spins 3 through 16." Finding of Fact 4.8 in the Initial Order was correct, but is replaced with this re-wording of the finding.

Finding of Fact 4.9 is modified to add a new sentence, shown below in bold:

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. **Mr. De La Torre argued that a player could never land on “Start Career” or “Start.” However, if “Spin 1” showed a number “1”, the space labeled “Start Career” would properly be scratched.**

Findings of Fact 4.12 through 4.14, challenged by Mr. De La Torre, contain no errors and are affirmed, along with the remaining Findings of Fact in the Initial Order, as modified by the above. Similarly, Conclusion of Law 5.10 is correct. Mr. De La Torre presented no evidence that the ticket was defective in any way. Mr. De La Torre misread the instructions on the ticket, and mistakenly believed he had won \$200,000, but the ticket validation number, established when the ticket was printed, verified that Game of Life ticket no. 1513-035953-017 was not a winning ticket. Exhibit 6.

II. ORDER

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

2.1 The denial of the claimed prize on ticket number 1513-035953-017 is AFFIRMED. The appeal of Jose De La Torre is DISMISSED.

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.

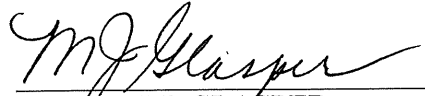
2.3 Stay of Effectiveness. The filing of a petition for reconsideration does not stay the effectiveness of this Order. The Director has determined not to consider a petition to stay the effectiveness of this Order. Any such request should be made in connection with a petition for judicial review under 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 Lottery, 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 1st day of November, 2019.

WASHINGTON STATE LOTTERY

By: 
MARCUS J. GLASPER
Director