

WASHINGTON'S LOTTERY
OFFICE OF THE DIRECTOR

In the Matter of:

Docket No. 2023-03

NICKERSON MINI MART SHELL,

INITIAL ORDER

Claimant/Appellant

Appearances:

My-Chau Tran, pro se, on behalf of Nickerson Mini Mart Shell

Washington's Lottery, by Kristi Weeks

Presiding Officer: Crystal Fischer, Director of Information Services, per designation of Director

Joshua Johnston

ISSUE

Did Washington's Lottery (the Lottery) properly decline to reimburse or waive payment from Appellant for tickets stolen on May 6, 2023?

SUMMARY OF PROCEEDINGS

This matter was decided pursuant to a brief adjudicative proceeding. WAC 315-20-125. No testimony was taken. The Director of the Lottery designated the undersigned to act as the Presiding Officer pursuant to WAC 315-20-125(2)(a).

My-Chau Tran, owner of Nickerson Mini Mart Shell, submitted a request for administrative review of a Stolen Ticket Reimbursement denial. The undersigned issued a scheduling letter on August 18, 2023. Both parties were provided the opportunity to submit

ORIGINAL

1 written materials, including arguments, documentation, evidence and declarations. Kristi Weeks
2 timely submitted a Hearing Brief with three Exhibits on behalf of the Lottery. Both parties had
3 the opportunity to submit responsive materials.

4 The Presiding Officer considered the materials and exhibits submitted by the parties,
5 together with the preliminary record as defined in WAC 315-20-125(3)(a).
6

7 I. FINDINGS OF FACT

8 1.1 Nickerson Mini Mart Shell (the “Store”) holds a lottery retailer license pursuant to
9 RCW 67.70.070 and chapter 315-04 WAC. The Store is located in Seattle, Washington, and is
10 owned by My-Chau Tran.
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12 1.2 At approximately 2:00 p.m. on May 8, 2023, the Lottery’s gaming system vendor,
13 International Game Technology (“IGT”), received a report indicating a burglary had occurred at
14 the Store on May 6, 2023, at 3:00 a.m. The caller provided game and pack numbers for the
15 stolen instant/scratch tickets but not the individual ticket numbers.
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17 1.3 The case was assigned to Lottery Investigator Beverly Reinhold. Investigator
18 Reinhold was able to manually ascertain the numbers of the tickets and place them in stolen
19 status, meaning they could no longer be redeemed for monetary prizes.

20 1.4 A total of \$1,756 in instant tickets were stolen. By the time Investigator
21 Reinhold determined which ticket numbers were stolen, more than two and a half days had
22 passed since the theft and \$1,171 in prizes had been claimed.
23

24 1.5 Investigator Reinhold completed a standard Lottery form, called a Reimbursement
25 for Stolen Tickets Checklist, to document whether the retailer might be entitled to relief based on
26 compliance with WAC 315-04-180(2). Investigator Reinhold found that the retailer did not fully
27

1 comply with the rule. Specifically, the tickets were not removed from the in-counter dispenser
2 and secured in a locked room or container while Nickerson Mini Mart Shell was closed; the theft
3 was not reported to the Lottery or IGT within two hours of discovery of the event; and an
4 accurate accounting of the stolen instant tickets (i.e., game, pack, and ticket number(s)) was not
5 provided when late notification was made on May 8th.
6

7 1.6 On June 20, 2023, Ms. Tran submitted a Stolen Ticket Reimbursement Request
8 Form to the Lottery. In that document, Ms. Tran certified under penalty of perjury, that the
9 tickets were removed from the in-counter dispenser and secured in a locked room or container
10 when the Store was closed for business. The form also indicates, in boldface type, that “A
11 **report must [be] made within 2 hours of discovery to Lottery or IGT 24/7 hotline, to**
12 **include a full listing of stolen game numbers, pack numbers and ticket ranges.”**
13

14 1.7 After reviewing the Stolen Ticket Reimbursement Request Form and the
15 investigation file, the Lottery determined the theft was not eligible for payment
16 waiver/reimbursement because the requirements of WAC 315-04-180(2) were not met.
17 Specifically, the stolen tickets were left in the in-counter dispenser after the Store was closed for
18 business and the Lottery was not notified of the theft until more than two full days after it was
19 discovered.
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21 1.8 The Lottery declined to reimburse or waive payment for the stolen tickets. Ms.
22 Tran was notified of the Lottery’s decision on July 13, 2023.
23

24 1.9 Ms. Tran timely filed a request for administrative review of the reimbursement
25 denial.
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1 II. CONCLUSIONS OF LAW

2 2.1 The Director of the Lottery and the Presiding Officer, by delegated authority,
3 have jurisdiction over the subject of this proceeding. RCW 67.70.060.
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5 2.2 Upon acceptance of a pack of instant tickets from the Lottery, a retailer is
6 responsible for the security of the pack. WAC 315-04-180(1)(a).

7 2.3 Upon placement of a pack of instant tickets in activated status, the retailer is liable
8 to the Lottery for payment for the pack. WAC 315-04-180(1)(d).

9 2.4 The Lottery Director may waive payment from or provide reimbursement to a
10 retailer who experiences a theft of activated instant tickets only if the retailer fully meets each of
11 the conditions set forth in WAC 315-04-180(2)(b).

12 2.5 Ms. Tran, acting on behalf of Nickerson Mini Mart Shell, did not fully meet each
13 of the conditions set forth in WAC 315-04-180(2)(b).

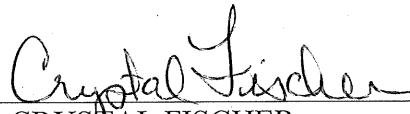
14 2.6 Ms. Tran, acting on behalf of Nickerson Mini Mart Shell, is not entitled to
15 payment waiver or reimbursement under WAC 315-04-180(2).
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17 2.7 The Lottery properly denied Ms. Tran's Stolen Ticket Reimbursement Request.
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19 III. ORDER

20 Based on the above Findings of Fact and Conclusions of Law, it is hereby ORDERED:
21 Ms. Tran's appeal is DENIED.

22 Dated this 17 day of October, 2023
23

24 
25 _____
26 CRYSTAL FISCHER
27 Presiding Officer

1 NOTICE TO PARTIES

2 When signed by the Presiding Officer, this Order shall be considered an Initial Order.

3 Any party may file a written Petition for Administrative Review of this Initial Order. **A Petition**
4 **for Administrative Review must state the specific grounds upon which exception is taken**
5 **and the relief requested.** A Petition for Administrative Review must be filed with the Director
6 within 21 days of service of the Initial Order. WAC 315-20-125(5).
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8 The Petition for Administrative Review may be filed by personal delivery at:

9 Director, Washington's Lottery
10 814 4th Avenue East
11 Olympia, WA 98504

12 Or by mail at:

13 Director, Washington's Lottery
14 PO Box 43000
15 Olympia, WA 98504-3000

16 A copy must be served on the opposing party at the time it is filed with the Director.
17 WAC 315-20-125(5). If the opposing party is represented by counsel, the copy must be sent to
18 the attorney.
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20 "Filed" means actual receipt of the document by the Lottery. RCW 34.05.010(6).

21 "Served" means the day the document was personally delivered or deposited in the United States
22 mail. RCW 34.05.010(19).

23 If Administrative Review is not timely requested as provided above, this Initial Order
24 becomes a Final Order and takes effect at 5:00 pm on November 7, 2023 (21 days after service
25 of the Initial Order). WAC 315-20-125(4).
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1 Failure to timely file and serve a Petition for Administrative Review may result in the
2 inability to obtain judicial review due to failure to exhaust administrative remedies. RCW
3 34.05.534.
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5 Initial and Final Orders are public documents and may be released as required by the
6 Public Records Act, chapter 42.56 RCW.
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