

## NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

### NOTICE OF FINAL RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

#### PREAMBLE

- Sections Affected**  
R4-7-305
- Rulemaking Action**  
Amend
- The specific authority for the rulemaking, including both the authorizing statutes (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 32-904(B)(2)  
Implementing statute: A.R.S. § 32-924(D)
- The effective date of the rules:**  
June 23, 1997
- A list of all previous notices appearing in the Register addressing the final rule:**  
Notice of Rulemaking Docket Opening      2 A.A.R. 4264, October 11, 1996  
Notice of Proposed Rulemaking      2 A.A.R. 4334, October 25, 1996
- The name and address of agency personnel with whom persons may communicate regarding this rule:**  
Name:      Patrice A. Pritzl, Executive Director  
Address:      Board of Chiropractic Examiners  
                    5060 North 19th Avenue, Suite 416  
                    Phoenix, Arizona 85015  
Telephone:      (602) 255-1444  
Fax:      (602) 255-4289
- An explanation of the rule, including the agency's reasons for initiating the rule:**  
The rule establishes an aggrieved party's right to request a rehearing following an administrative hearing and the conditions and procedures for doing such.
- A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable.
- The summary of the economic, small business, and consumer impact:**  
The economic, small business, and consumer impact statement for the Board of Chiropractic Examiners analyzes the costs, savings, and benefits that accrue to the Board of Chiropractic Examiners, Secretary of State, Board-licensed individuals, and the consumer public. The impact of the proposed rule on established Board procedures, compliance, and investigation costs is minimal and is predominately incurred in the commitment of staff time in promulgating and processing the proposed rule amendment. The estimated cost to the Secretary of State is minimal and stems from the Secretary of State's staff time publishing rules. There are no anticipated costs to licensees or the consumer public. Licensees will benefit in that they will be awarded an additional five days to review a Board's decision which directly impacts the licensee and to file a request for rehearing or review of decision.
- A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**  
Proposed ruling indicated most subsections unchanged. Final rule amends all subsections to improve their clarity, conciseness, and understandability. These changes in word choice are not substantial.
- A summary of the principal comments and the agency response to them:**  
The agency received no comments from the public.

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11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
Not applicable.
12. Incorporations by reference and their location in the rules:  
None.
13. Was this rule previously adopted as an emergency rule?  
No.
14. The full text of the changes follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS**

**ARTICLE 3. HEARINGS**

Section  
R4-7-305. Rehearing, Review of Decision

**ARTICLE 3. HEARINGS**

**R4-7-305. Rehearing, Review of Decision**

- A. Except as provided in subsection (G), any party in a contested case before the Board who is aggrieved by a decision rendered in the case may file with the Board, not later than 15 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds therefor.
- B. A motion for rehearing or review under this rule may be amended at any time before it is ruled upon by the Board. A response may be filed by any other party within 10 days after service of the motion or amended motion by another party. The Board may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C. ~~The Board may grant~~ a rehearing or review of a ~~the~~ decision ~~may be granted~~ for any of the following causes materially affecting the moving party's rights:
  1. Irregularity in the administrative proceedings of the agency Board, its hearing officer, or the prevailing party, or any order or abuse of discretion whereby the moving party was deprived, that deprives the moving party of a fair hearing;
  2. Misconduct of the Board of Chiropractic Examiners, its hearing officer, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing;
7. That the decision is not justified by the evidence or is contrary to law.
- D. The Board may affirm or modify the decision or grant a rehearing or review to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing or review shall specify with particularity the ground or grounds on which the rehearing or review is granted, and the rehearing or review shall cover only those matters so specified.
- E. Not later than 10 days after a decision is rendered, the Board may, on its own initiative, order a rehearing or review of its decision for any reason for which it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the order granting a rehearing or review shall specify the grounds therefor on which it is granted.
- F. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 10 days after such service, serve opposing affidavits, which period may be extended for additional period not exceeding 20 days by the board for. ~~The Board may extend the period for serving opposing affidavits for not more than 20 days by the Board~~ for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G. If in a particular decision the Board makes a specific finding that the immediate effectiveness of such a particular decision is necessary for the immediate preservation of the public peace, health, and safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, any applications an application for judicial review of the decision may be made within the time limits permitted for applications for judicial review of the Board's final decisions.

**NOTICE OF FINAL RULEMAKING**

**TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING**

**CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION**

**PREAMBLE**

1. Sections Affected  
R19-3-402

Rulemaking Action  
New Section

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2. **The specific authority for the rulemaking, including both the authorizing statutes (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 5-504(B)  
Implementing statute: A.R.S. § 5-504(B)
3. **The effective date of the rules:**  
June 27, 1997
4. **A list of all previous notices appearing in the Register addressing the final rule:**  
Notice of Rulemaking Docket Opening      2 A.A.R. 4671, November 15, 1996  
Notice of Proposed Rulemaking            2 A.A.R. 4657, November 15, 1996  
Notice of Supplemental Proposed Rulemaking    3 A.A.R. 1090, April 18, 1997
5. **The name and address of agency personnel with whom persons may communicate regarding this rule:**  
Name:                    Mr. Jody Spicola, Executive Director  
Address:                Arizona State Lottery Commission  
                             4740 East University  
                             Phoenix, Arizona 85034  
Telephone:            (602) 921-4400  
Fax:                     (602) 921-4488
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**  
A.A.C. R19-3-402 sets forth provisions unique to the conduct of the Arizona Lottery's on-line Bingo game. The provisions of this rule are necessary to implement the requirements of A.R.S. § 5-504(B) which have not been specified generically in A.A.C. R19-3-401. The unique provisions described in these rules are the nature and location of play symbols and the methods of selecting a winning ticket.
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable.
8. **The summary of the economic, small business, and consumer impact:**
  - A. The Arizona State Lottery.  
Additional costs to the Lottery are minimal and are included in the agency's appropriated budget.
  - B. Political Subdivisions.  
Political subdivisions of this state are not directly affected by the adoption of this rule.
  - C. Businesses Directly Affected by the Rulemaking.  
Lottery retailers are the only businesses affected by this rule. The only impact this rule has upon Lottery retailers is to specify how they determine if a ticket is a winning ticket, and, if so, the prize amount. Currently, for each \$1 on-line transaction, retailers receive 6¢. However, when selling a \$2 on-line Bingo ticket, commissions will total 12¢ per transaction. An increase of approximately \$52 million per year in sales is expected from on-line Bingo. As a result, retailers could earn an additional \$3.1 million in sales commissions annually.
  - D. Private and Public Employment.  
Private and public employees are not directly affected by the adoption of this rule.
  - E. Consumers and the Public.  
There are no costs to the public associated with the adoption of this rule. This game will provide players with an additional on-line game from which to choose.
  - F. State Revenues.  
Annualized, on-line Bingo revenues should amount to approximately \$52 million per year without cannibalization of other on-line games. This would result in an additional \$16 million in distributed funds.
9. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**  
There were no changes between the supplemental proposed rules and the final rules.
10. **A summary of the principal comments and the agency response to them:**  
No comments were received by the agency.
11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
Not applicable.
12. **Incorporations by reference and their location in the rules:**  
None.

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13. Was this rule previously adopted as an emergency rule?  
No.

14. The full text of the changes follows:

**TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING**

**CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION**

**ARTICLE 4. ON-LINE LOTTERY GAMES**

Section

<u>R19-3-402</u>	<u>"Arizona Bingo"</u>
<u>Exhibit 1.</u>	<u>Any Horizontal, Vertical, or Diagonal Line</u>
<u>Exhibit 2.</u>	<u>Four Corners</u>
<u>Exhibit 3.</u>	<u>Outer Frame</u>
<u>Exhibit 4.</u>	<u>Inner Frame</u>
<u>Exhibit 5.</u>	<u>Four Corner Box Patterns</u>
<u>Exhibit 6.</u>	<u>Diamond Pattern</u>
<u>Exhibit 7.</u>	<u>"A" Pattern</u>
<u>Exhibit 8.</u>	<u>"C" Pattern</u>
<u>Exhibit 9.</u>	<u>"L" Pattern</u>
<u>Exhibit 10.</u>	<u>"H" Pattern</u>
<u>Exhibit 11.</u>	<u>"T" Pattern</u>
<u>Exhibit 12.</u>	<u>"X" Pattern</u>
<u>Exhibit 13.</u>	<u>"Z" Pattern</u>
<u>Exhibit 14.</u>	<u>"?" Pattern</u>
<u>Exhibit 15.</u>	<u>"Blackout"</u>

**ARTICLE 4. ON-LINE LOTTERY GAMES**

**R19-3-402. "Arizona Bingo"**

**A. Definitions.**

1. "Arizona Bingo" means an on-line game in which 24 play symbols of a 75-play-symbol matrix are selected as a game card.
2. "Drawing" means the process used to randomly select winning play symbols from the defined game matrix.
3. "Game card" means the area on the ticket which contains the grid in which 24 randomly selected play symbols are printed. There may be more than 1 game card on a ticket.
4. "Game Profile" means the written document that includes non-confidential game information including, but not limited to, the game prize structure, winning game play style or styles, and special game features.
5. "Multiple winners" means a situation in which more than 1 claimant redeems an individual share.
6. "On-line game" means a game that is played by entering a player's game play or plays into a lottery-authorized terminal to produce a ticket. The game play or plays on the ticket are compared to winning numbers selected during the drawing process to determine if a ticket holder is entitled to a prize or prizes.
7. "Play symbols" means the numbers, letters, or characters printed on each game card of a ticket that determine if a player is entitled to a prize.
8. "Terminal" means a device which is authorized by the Lottery to function in an on-line, interactive mode with the Lottery's computer system. The terminal is functional for the purpose of issuing Lottery tickets and entering, receiving, and processing Lottery transactions. These transactions include producing and voiding ticket purchases, validating winning tickets, and transmitting reports.
9. "Ticket" means paper stock issued from a terminal by a licensed Lottery agent bearing 1 or more game cards.

10. "Winning play symbols" means the numbers from the defined game matrix randomly selected at each drawing which determine winning game plays contained on a ticket.

**B. Game Profile**

1. The Commission shall approve the individual game profile prior to the game being introduced to the public for sale.
2. At a minimum, the Game Profile for each game shall contain the following information:
  - a. Game name;
  - b. Prize structure, including the approximate odds and amount of prizes available, and the prize pool percentage;
  - c. Winning Play styles;
  - d. Special feature, if any;
  - e. Retail sales price.

**C. Ticket Purchase and Characteristics**

1. To play the on-line "Arizona Bingo" game, a player shall indicate the following by verbally communicating to the retailer:
  - a. The number of tickets the player wishes to purchase, and
  - b. The number of advance plays, if applicable.
2. A unique serial number shall be printed on the front of the ticket that will distinguish it from every other ticket.
3. A retailer shall issue, from an authorized Lottery terminal, a ticket containing 1 or more game play areas ("game cards") as specified in the Game Profile, each of which shall contain 24 randomly selected play symbols from a matrix of 75 play symbols and a "FREE" play symbol.
  - a. The 24 randomly selected play symbols shall be printed on each of the play cards forming a grid of 5 rows and 5 columns.
  - b. The 3rd play symbol in the 3rd column shall be the symbol "FREE".
4. On-line "Arizona Bingo" tickets may not be voided or canceled.

**D. Drawing**

1. The drawings shall be held at the times and places established by the Director and subsequently announced to the public.
2. The objective of the "Arizona Bingo" drawing is to select the 24 random winning play symbols with the aid of computerized drawing equipment.

**E. Game Play Style and Determination of a Winning Game Card**

1. A player shall win the prize or prizes indicated in the Game Profile by matching the winning play symbols selected at the drawing to the play symbols that appear in 1 or more of the following patterns on each game card:
  - a. Five consecutive play symbols, including the "FREE" play symbol, if appropriate, in any horizontal, vertical, or diagonal line as illustrated in Exhibit 1; or
  - b. Play symbols in all 4 corners as illustrated in Exhibit 2; or

- c. All 5 consecutive play symbols in the top row, the bottom row, and the 1st and 5th columns forming an outer frame pattern as illustrated in Exhibit 3; or
  - d. The 2nd, 3rd, and 4th play symbols in the 2nd row and in the 4th row and the 2nd, 3rd, and 4th play symbols in the 2nd column and the 4th column, forming an inner frame pattern as illustrated in Exhibit 4; or
  - e. The 1st, 2nd, 4th, and 5th play symbols in the 1st, 2nd, 4th, and 5th rows, forming a box pattern in each of the 4 corners as illustrated in Exhibit 5; or
  - f. The 3rd play symbol in the 1st and 5th rows, the 2nd and 4th play symbols in the 2nd and 4th rows, and the 1st and 5th play symbols in the 3rd row, forming a diamond pattern as illustrated in Exhibit 6; or
  - g. The 3rd, 4th, and 5th play symbols in the 1st and 5th columns, the 2nd and 3rd play symbols in the 2nd and 4th columns, the 1st play symbol in the 3rd column, and the "FREE" play symbol forming an "A" pattern as illustrated in Exhibit 7; or
  - h. The 1st, 2nd, 3rd, 4th, and 5th play symbols in the 1st and 5th rows, and the 1st play symbols in the 2nd, 3rd, and 4th rows, forming a "C" pattern as illustrated in Exhibit 8; or
  - i. The 1st, 2nd, 3rd, 4th, and 5th play symbols in the 1st column, and the 2nd, 3rd, 4th, and 5th play symbols in the 5th row, forming an "L" pattern as illustrated in Exhibit 9; or
  - j. The 1st, 2nd, 3rd, 4th, and 5th play symbols in the 1st and 5th columns, and the 3rd play symbol in the 2nd and 4th columns, and the "FREE" play symbol, forming an "H" pattern as illustrated in Exhibit 10; or
  - k. The 1st, 2nd, 3rd, 4th, and 5th play symbols in the 1st row, and the 2nd play symbol in the 3rd column, the "FREE" play symbol, and the 4th and 5th play symbols in the 3rd column, forming a "T" pattern as illustrated in Exhibit 11; or
  - l. Five consecutive play symbols in both diagonals forming an "X" pattern as illustrated in Exhibit 12; or
  - m. The 1st, 2nd, 3rd, 4th, and 5th play symbols in the 1st row and 5th row, the 2nd play symbol in the 4th row, the "FREE" play symbol, and the 4th play symbol in the 2nd row, forming a "Z" pattern as illustrated in Exhibit 13; or
  - n. The 1st, 2nd, 3rd, 4th, and 5th play symbols in the 1st row, the 4th play symbol in the 2nd row, the "FREE" play symbol, the 2nd play symbol in the 4th row, and the 1st play symbol in the 5th row, forming a "7" pattern as illustrated in Exhibit 14; or
  - o. All of the play symbols in the 1st, 2nd, 3rd, 4th, and 5th rows, and including the "FREE" play symbol, creating a "blackout" as illustrated in Exhibit 15.
2. Players can win on each game card on a ticket.
  3. There may be multiple winning patterns on a single game card matching 5 consecutive play symbols, including the "FREE" play symbol if appropriate, in any horizontal, vertical, or diagonal line as illustrated in Exhibit "1."
  4. In the event multiple winning patterns occur on a single game card as described in subsections (E)(1)(b) through (E)(1)(o), only the highest established prize value shall be paid on each game card.
- E. Ticket Ownership and Responsibility; Prize Payment**
1. Until a ticket is signed, the ticket is owned by its physical possessor.
  2. When signed, the claimant whose signature appears on the ticket is entitled to the corresponding prize.
  3. If more than 1 signature appears on the ticket, the Director is authorized to require that 1 or more of those claimants be designated to receive payment.
  4. A claim form shall be submitted by each claimant who is designated by the Director to receive a portion of the prize claimed from the winning ticket.
  5. Prior to payment of a prize, a claimant who has signed the ticket may designate another claimant to receive the prize by signing a relinquishment of claim statement.
  6. Prizes shall be paid by cash or check, according to the provisions in subsection (I) of this rule.
  7. All prize levels are fixed amounts and are specified in the Game Profile. Each game card winning any prize entitles the winner to the prize amount specified in the Game Profile.
  8. The Lottery is not responsible for lost or stolen tickets.
- G. Ticket Validation Requirements**
1. To be a ticket eligible to receive a prize, all of the following requirements shall be satisfied:
    - a. The ticket is:
      - i. Issued by the Lottery through a retailer, from a terminal, in an authorized manner;
      - ii. Intact and is not mutilated or tampered with in any manner;
      - iii. Not defectively printed or produced in error;
      - iv. Not counterfeit, stolen, or voided;
      - v. Able to pass all other security requirements determined by the Director;
      - vi. Validated in accordance with the provisions of subsections (F) and (I).
    - b. The ticket data is:
      - i. Recorded in the on-line contractor's central computer system prior to the drawing.
      - ii. In agreement with the computer record.
      - iii. In the Lottery's official file of winning tickets, and has not been previously paid.
    - c. Any winning game play on the ticket is separately lettered or numbered and consists of a selected set of numbers from the defined game matrix.
  2. If a ticket fails to pass any of the requirements in subsection (G)(1), the ticket is void and ineligible for any prize payment.
- H. Disputes Concerning a Ticket**
1. If a dispute between the Lottery and a claimant occurs concerning a ticket, the Director is authorized to replace the disputed ticket with a ticket of equivalent sales price from any subsequent drawing of the same game.
  2. Replacement of the disputed ticket is the sole and exclusive remedy for a claimant.
- I. Procedure for Claiming Prizes**
1. To claim a prize of up to and including \$599.00, the claimant shall present the signed ticket to any participating on-line retailer. The retailer shall pay the claimant provided that:
    - a. All of the ticket validation criteria in subsection (G) have been satisfied; and
    - b. A proper validation ticket, which is an authorization to pay, has been issued by the terminal.
  2. To claim a prize that the retailer does not validate or is not authorized to pay, including all prizes \$600.00 or more, the claimant shall submit a claim form, available from any retailer, and the ticket to the Lottery.
  3. If the claim is:

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- a. Validated by the Lottery, a check shall be forwarded to the claimant.
- b. Denied by the Lottery, the claimant shall be notified within 15 days from the day the claim is received in the Lottery office.

L. The definitions and provisions of R19-3-401, except for those contained in subsections (H), (I), (J), and (K), do not apply to the on-line "Arizona Bingo" play style.

**Exhibit 1. Any Horizontal, Vertical, or Diagonal Line**

**B I N G O**

		Free		

**Exhibit 2. Four Corners**

**B I N G O**

		Free		

**Exhibit 3. Outer Frame**

**B I N G O**

		Free		

**Exhibit 4. Inner Frame**

**B I N G O**

		Free		

**Exhibit 5. Four Corner Box Patterns**

**B I N G O**

		Free		

**Exhibit 6. Diamond Pattern**

**B I N G O**

		Free		

**Exhibit 7. "A" Pattern**

**B I N G O**

		Free		

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**Exhibit 8. "C" Pattern**

B	I	N	G	O
		Free		

**Exhibit 12. "X" Pattern**

B	I	N	G	O
		Free		

**Exhibit 9. "L" Pattern**

B	I	N	G	O
		Free		

**Exhibit 13. "Z" Pattern**

B	I	N	G	O
		Free		

**Exhibit 10. "H" Pattern**

B	I	N	G	O
		Free		

**Exhibit 14. "7" Pattern**

B	I	N	G	O
		Free		

**Exhibit 11. "T" Pattern**

B	I	N	G	O
		Free		

**Exhibit 15. "Blackout" Pattern**

B	I	N	G	O
		Free		