

SUBSTANTIVE POLICY STATEMENT

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

ARIZONA LOTTERY WAIVER OF SERVICE OF PROCESS FOR CERTAIN ANNUITY COMPLAINTS

Arizona Lottery
Executive Director: Gregory R. Edgar
Information: (480) 921-4431
Policy No. 0101
December 15, 2020

PURPOSE

This policy clarifies when the Arizona State Lottery (Lottery) will consider waiver of personal service for certain annuity complaints.

INTRODUCTION

Arizona Revised Statute (A.R.S.) §5-563(A)(3) prohibits prizewinners from assigning prizes unless pursuant to an appropriate judicial order. Under the Arizona Rules of Civil Procedure (A.R.C.P.), the notice of legal action for such an order must be formally served upon the Lottery (“service of process”). In an annuity matter requesting a judicial order for assignment of a prize amount, the Lottery is only a pass-through/quasi non-party and has no case or controversy.

Currently, Lottery’s Administrative Counsel (Counsel), who is not in the office every day of the week, should be the only employee to accept service of process on behalf of the Lottery. An informal approach to service of process for non-controversial annuity matters would streamline the process and reduce costs.

POLICY

For complaints to initiate a judicial order for annuity assignment, the annuitant may send the following documents via email to: annuities@azlottery.gov.

1. A copy of the Complaint,
2. A Notice of Lawsuit
3. Request for Waiver of Service of Summons - Form 1 under Rule 84, A.R.C.P.
4. Waiver of Service of Summons - Form 2 under Rule 84, A.R.C.P.

All forms shall be completed by the annuitant, pending Lottery signature and return.

In all other cases, proper service of process pursuant A.R.C.P. Rules 4(h) shall be on site and received by Counsel.

RESPONSIBILITY

It shall be the responsibility of the Administrative Counsel to ensure that applicable employees understand and comply with this policy.

APPROVED BY:



12/17/2020

Gregory R. Edgar,
Executive Director, Arizona State Lottery

Date