STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to Conduct Gambling Activities of:	)	No. CR 2009-01665
Dawg Tagz II, LLC, d/b/a Lake City Tavern, Lakewood, Washington,	)	**NOTICE OF ADMINISTRATIVE CHARGES AND OPPORTUNITY FOR AN ADJUDICATIVE PROCEEDING**
Licensee.	)	

I.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of Chapter 9.46 RCW, and WAC Title 230.

The Washington State Gambling Commission issued Dawg Tagz II, LLC, d/b/a Lake City Tavern, 9106 Veterans Dr. SW, Lakewood, the following license:

05-20609 Authorizing Class "C" Punch Board/Pull-Tab activity.

This license, which expires on September 30, 2010, was issued subject to the licensee's compliance with state gambling laws, and Commission rules.

SUMMARY:

On September 10, 2009, David Garrison, sole owner of Dawg Tags II, LLC, d/b/a Lake City Tavern (Lake City Tavern), was charged with Felony Assault 2nd Degree and Felony Harassment. Lake City Tavern has failed to prove through clear and convincing evidence that it continues to qualify for licensure. These felony charges involve physical harm to an individual and moral turpitude. Lake City Tavern poses an immediate danger to public safety and welfare, and its license should be revoked. On October 31, 2009, Mr. Garrison was charged with Violation of a No Contact Order in Lakewood Municipal Court. This violation of court order reflects Mr. Garrison's willful disregard for compliance with court orders, and therefore Lake City Tavern poses an immediate danger to public safety and welfare, and its license should be revoked.

FACTS:

1) On November 30, 2009, the licensee was served with Findings of Fact, Conclusions of Law and Order of Summary Suspension which included the following allegations:

- On October 21, 2009, a Commission Special Agent (Agent) was assigned Lake City Tavern's file for determination of David Garrison's suitability as a substantial interest

holder.[1] The agent performed a routine annual criminal history check, and determined that Mr. Garrison was charged on September 10, 2009 with Felony Assault 2nd Degree and Felony Harassment.

- As part of the investigation, the agent reviewed Mr. Garrison's license history. The agent noted that Mr. Garrison was first licensed with the Commission on August 22, 2007, as sole owner and LLC Manager of Dawg Tagz, LLC, d/b/a Lake City Tavern. David Garrison is the sole owner of the following businesses:

- Dawg Tagz, LLC, d/b/a Lake City Tavern, license number 00-21375, authorizing Class "C" Punch Board/Pull-Tab activity. The license expires September 30, 2010.

- Dawg Tagz II, LLC, d/b/a The Fan Club, license number 00-21674, authorizing Class "G" Punch Board/Pull-Tab activity. The license expires June 30, 2010.

- Dawg Tagz III, LLC, d/b/a C & D Family Restaurant, license number 00-21701, authorizing Class "A" Punch Board/Pull-Tab activity, and Class "A" Commercial Amusement Game activity. Both licenses lapsed October 2, 2009.

- On October 20, 2009, the agent obtained a certified copy of the Information and Probable Cause from Pierce County Superior Court for Mr. Garrison's pending case.

- The Information charges Mr. Garrison with 2nd Degree Felony Assault, and Felony Harassment, occurring on September 9, 2009.

- The Certification for Declaration for Determination of Probable Cause included the following information:

    - On September 9, 2009, at 10:26 p. m., officers responded to C & D Family Restaurant. There they spoke to Cherith Bearss, who dated Mr. Garrison until two days prior, when they broke up.

    - Ms. Bearss stated to officers that Mr. Garrison had called her 100 times in 24 hours, and that he had been drinking heavily.

    - Ms. Bearss reported that they had been working in the restaurant around closing that day when Mr. Garrison threatened to hang himself in the back room. Ms. Bearss then tried to call Mr. Garrison's sister, but Mr. Garrison ripped the Bluetooth from her ear, with her earring, grabbed her wrist, and took the phone away. Ms. Bearss then stated that Mr. Garrison then used one hand to grab her by the throat and choke her, and said that if hanging himself did not work, he would shoot her and himself.

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[1] A substantial interest holder is defined under WAC 230-03-045 (1) as "a person who has actual or potential influence over the management or operation of any organization, association, or other business entity."

- Mr. Garrison was detained, and given his Miranda warnings. He denied assaulting Ms. Bearss, and claimed she called police because "she couldn't get him on suicide." According to officer reports, Ms. Bearss had a visibly swollen wrist, and there was a ladder near the ceiling.

- Mr. Garrison did not report to the Commission the September, 2009 felony charges against him, as required.

2) The licensee requested an adjudicative hearing, and a stay hearing on December 14, 2009. The Stay hearing was held on December 18, 2009. The Stay was denied by Administrative law Judge John Gray on December 30, 2009. An administrative hearing is scheduled for February 23, 2010.

3) After the Summary Suspension was issued, the agent determined that the Superior Court had issued a pre-trial No-Contact Order prohibiting Mr. Garrison from contacting Ms. Bearss. On October 31, 2009, Mr. Garrison was charged with Violation of a No Contact Order in Lakewood Municipal Court. It is alleged that Mr. Garrison knowingly violated the order prohibiting contact with Ms. Bearss by being present at the Lake City Tavern while Ms. Bearss was working at that location. Mr. Garrison did not report these charges to Commission Staff.

VIOLATIONS

1) RCW 9.46.075(1) provides the Commission may revoke any license for any reason or reasons, it deems to be in the public interest.

2) RCW 9.46.075(9) provides that the Commission may revoke a license of any licensee who is subject to current prosecution or pending charges . . . or any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.

3) WAC 230-03-085(1) and (8) provide that the Commission may revoke a license of any licensee, when the licensee poses a threat to the effective regulation of gaming or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities as demonstrated by prior activities.

4) WAC 230-03-085(3) provides that the Commission may suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

5) RCW 9.46.075(8) provides that the Commission may revoke any license when a licensee fails to prove, by clear and convincing evidence, that it is qualified in accordance with the provisions of this chapter. RCW 9.46.153(1) provides that it shall be the affirmative responsibility of each licensee to establish by clear and convincing evidence the necessary qualifications for licensure.

6) WAC 230-06-085(1) states that licensees must report to the Commission in writing within 30 days of all criminal actions filed against the licensee, manager of the licensed gambling activity, the business organization, or any person holding a substantial interest.

Mr. Garrison is charged with having committed 2nd Degree Felony Assault and Felony Harassment occurring on September 9, 2009. Mr. Garrison is also charged with violating a NO Contact Order. Mr. Garrison failed to report his pending charges, as required, in violation of WAC 230-06-085(1). The licensee poses a threat to the effective regulation of gaming, or increases the likelihood of unfair or illegal practices as demonstrated by his prior activity.

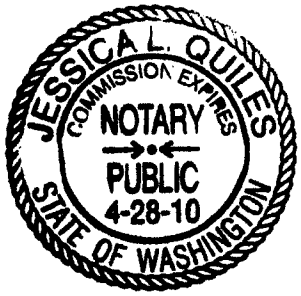
The licensee has also failed to establish clearly and convincingly, as required by RCW 9.46.153(1), that it is qualified to be licensed. Grounds, therefore, exist to revoke Lake City Tavern's license based on RCW 9.46.075(1), (8), and (9), and WAC 230-03-085(1) (3) and (8).

II.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being first duly sworn on oath, deposes and says: He has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding of Lake City Tavern's License, knows the contents, and believes the same to be true, and that he is the duly appointed and qualified Director of the Washington State Gambling Commission and in that capacity has executed these Charges.



Rick Day
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me this 2nd day of February, 2010.

NOTARY PUBLIC in and for the State of Washington residing at Thurston County

My Commission expires on 4-28-2010