

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) NO. CR 2010-00835
)
Pee Wee's Tavern) **FINDINGS, CONCLUSIONS,**
Tacoma, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Pee Wee's Tavern having come before the Commission on October 14, 2010, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Pee Wee's Tavern, organization number 00-20394, license number 05-20130, authorizing Class "D" Punchboard/Pull-Tab activity.

The license expires on December 31, 2010, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

On August 5, 2010, Director Rick Day issued administrative charges to the licensee, by certified and regular mail. The administrative charges notified the licensee that failure to respond would result in the entry of a default order revoking its certification. Pee Wee's Tavern did not respond to the charges.

By not responding, Pee Wee's Tavern waived its right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

1) Pee Wee's Tavern was licensed for Class "D" Punchboard/Pull-Tab activity and is authorized to have annual gross gambling receipts up to \$300,000. However, the licensee's gross gambling receipts for the license year ending December 31, 2009, were \$309,499. Therefore, Pee Wee's Tavern needed to upgrade its license class to "E" level activity, which allows for up to \$400,000 in gross gambling receipts.

2) On April 20, 2010, a letter was sent to the licensee, notifying it that it had exceeded its license class and needed to pay a \$927 fee.

3) In June 2010 and July 2010, Commission staff and a Commission Special Agent were unsuccessful in their attempts to contact Floyd Jackson, President of Pee Wee's Tavern, by telephone to inform him that he needed to pay the exceeding license class fee.

4) The licensee failed to pay the required fees of \$927 in connection with exceeding their Punch Board/Pull-Tab license class for their license year ending in December 31, 2009, in violation of WAC 230-06-130(1) and (2). Therefore, under RCW 9.46.075(1) and WAC 230-03-085(1) grounds exist to suspend or revoke Pee Wee's Tavern license.

RCW 9.46.075(1) The Commission may suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the licensee has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

WAC 230-03-085(1) The Commission may suspend or revoke any license or permit, when the licensee commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

WAC 230-06-130 Exceeding license class

(1) Licensees must not exceed the gross gambling receipts limits for their license class during any annual license period.

(2) Licensees must apply a projection of year-to-date receipts to the remaining period of their license and, if it indicates that it is reasonably likely that they may exceed their license, they must immediately: (a) Apply for a license that authorizes the anticipated level of gross gambling receipts; and (b) Submit the fee required for the new license, minus the amount originally submitted for the previous license, plus a change of classification fee.

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Pee Wee's Tavern's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Pee Wee's Tavern's license to conduct gambling activities is REVOKED.

DATED this 14 day of October, 2010.



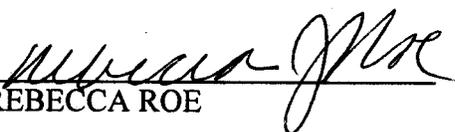
JOHN ELLIS, Chair

KEVEN ROJECKI, Vice Chair



MIKE AMOS

MICHAEL REICHERT



REBECCA ROE

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

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