

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension of the) NO. CR 2011-00808
Licenses to Conduct Gambling Activities of:)
)
James Gang Tavern)
Union Gap, WA)
)
Licensee.)
_____)

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued James Gang Tavern, Organization Number 00-15391, the following licenses:

Number 05-06910, authorizing Class "A" Punchboard/Pull-Tab activity and
Number 65-01966, authorizing Class "D" Public Card Room activity.

The licenses expire on March 31, 2012, and were issued subject to the licensee's compliance with state gambling laws and regulations.

II.

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

1) From January through February 2011, the licensee conducted gambling activity after its license expired and failed to timely submit its Punch Board/Pull-Tab Activity Report for the third and fourth quarters of 2010.

2) To resolve those violations, on May 12, 2011, Pat Jeffries, owner of James Gang Tavern, entered into a Settlement in Lieu of Charges. The licensee received new licenses and paid its back license fees. The licensee also agreed to a 15-day suspension, with five days deferred for one year and 10 days served from June 13, 2011, through June 22, 2011. During the suspension period, the licensee agreed to suspend all gambling activities on its premises. According to the Settlement, the licensee was authorized to resume gambling activities at 8:00 a.m. on June 23, 2011.

3) On June 22, 2011, Commission Special Agents (agents) went to the James Gang Tavern to make sure the licensee was complying with the suspension period. However, the agents observed Mr. Jeffries selling pull-tabs, in violation of the Settlement In Lieu of Charges.

4) The agents asked Mr. Jeffries about the Settlement and the suspension. Mr. Jeffries informed the agents that he did not recall signing the Settlement. Mr. Jeffries did recall that he was subject to a suspension of gambling at James Gang Tavern. He stated that although he was told on the telephone by Commission staff that he would have to serve the suspension in June, he did not know the specific dates. Mr. Jeffries also signed a statement saying he did not believe he had received any information about the suspension dates.

5) The agents informed Mr. Jeffries that he could sell no additional pull-tabs or undertake card-room activity until 8:00 a.m. on June 23, 2011 as described in the Settlement Agreement. The agents asked Mr. Jeffries how many pull-tab games he had played since getting his license back, and Mr. Jeffries showed the agents a sheet with nine games.

6) Therefore, under RCW 9.46.075(1) and WAC 230-03-085(1) and (3), grounds exist to suspend James Gang Tavern's licenses. There are also grounds to impose up to five days deferred from the May 2011 Settlement Order.

RCW 9.46.075 Denial, suspension, or revocation of license, permit

The commission may deny an application, or 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 applicant or licensee, or any person with any interest therein: (The following subsection applies.)

(1) 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 Denying, suspending, or revoking an application, license or permit.

We may deny, 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: (The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

III.

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

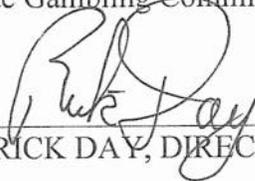
The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order **SUSPENDING YOUR LICENSES FOR 30 DAYS**.

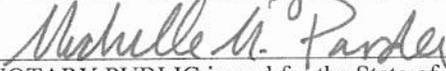
STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.



RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 3 day of August, 2011.



NOTARY PUBLIC in and for the State of
Washington residing at LACEY
My commission expires on 6/16/2013

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 3rd day of August 2011

Communications and Legal Department
Washington State Gambling Commission

