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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 22,747
OAH NO. 2007-LCB-0033

KAREN BYRD

NICHOLAS RUSSAW

WINTER HOWLAND

VICTOR BENNETT

MAI DIXON d/b/a MS MAI'S, THE RED

DRAGON and/or MS MAI'S RED DRAGON, located at 3402 SOUTH G STREET TACOMA, WA 98418-5102

NAVARRE DIXON d/b/a MS MAI'S, THE RED DRAGON and/or MS MAI'S RED DRAGON, located at 3402 SOUTH G STREET TACOMA, WA 98418-5102

~~(PROPOSED)~~
FINAL ORDER OF THE BOARD

THIS MATTER having come before the Washington State Liquor Control Board ("Board") and the Washington State Liquor Control Board Education and Enforcement Division ("Enforcement") having been represented by its attorneys, ROBERT M. MCKENNA, Attorney General and RUTH AMMONS, Assistant Attorney General, and MAI and NAVARRE DIXON, owners of the premises located at 3402 South G Street in Tacoma, Washington, and doing business as Ms. Mai's, The Red Dragon and/or Ms. Mai's Red Dragon

1 (hereinafter "the Premises"), having appeared and having been represented by their attorney,
2 SCOTT MORIARITY, and Karen Byrd having appeared *pro se*, and Nicholas Russaw, Winter
3 Howland and Victor Bennett having failed to appear, and

4 MAI and NAVARRE DIXON and the Premises having voluntarily entered into a
5 stipulated settlement agreement for LCB case number 22,747 (OAH case number 2007-LCB-
6 0033) and the Board having considered the stipulated settlement agreement, and

7 Enforcement having withdrawn, with prejudice, the allegations against Karen Byrd, and

8 On October 15, 2007, Nicholas Russaw, Winter Howland and Victor Bennett having
9 failed to appear for the administrative hearing and a default judgment having been entered
10 against them by Administrative Law Judge Habegger, and an Order of Default having been
11 filed with the Office of Administrative Hearings on November 9, 2007, and

12 The Board having reviewed all of the materials maintained in this case and having been
13 fully advised in the premises, now therefore

14 IT IS HEREBY ORDERED as follows:

15 1. The allegation against Karen Byrd contained in the Complaint filed in LCB case
16 number 22,757 is dismissed with prejudice;

17 2. The allegations against Nicholas Russaw, Winter Howland and Victor Bennett
18 contained in the Complaint filed in LCB case number 22,757 are sustained, and Nicholas
19 Russaw, Winter Howland and Victor Bennett shall be ineligible for future banquet permits,
20 pursuant to WAC 314-18-100, for a period of not less than two years from the date of the Final
21 Order of the Board. Beginning two years from the date of the Final Order of the Board,
22 Nicholas Russaw, Winter Howland and Victor Bennett shall be permitted to apply in writing to
23 the Washington State Liquor Control Board for removal from banquet permit ineligibility.

24 3. The allegations against Nicholas Russaw, Winter Howland and Victor Bennett
25 having been sustained, the Premises shall be ineligible for future banquet permits, pursuant to
26 WAC 314-18-100, for a period of not less than two years from the date of the Final Order of

1 the Board. Beginning two years from the date of the Final Order of the Board, the Dixons
2 shall be permitted to apply in writing to the Washington State Liquor Control Board for
3 removal of the Premises from banquet permit ineligibility. In the event that the Premises are
4 lawfully sold to a third party, the new owner(s) may, at any time, apply in writing to the Board
5 for removal of the Premises from banquet permit ineligibility.

6 DATED this 25th day of February, 2008.

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8 WASHINGTON STATE LIQUOR CONTROL BOARD

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6 STATE OF WASHINGTON
7 OFFICE OF ADMINISTRATIVE HEARINGS FOR
8 THE WASHINGTON STATE LIQUOR CONTROL BOARD

9 IN THE MATTER OF:

10 KAREN BYRD

11 NICHOLAS RUSSAW

12 WINTER HOWLAND

13 VICTOR BENNETT

14 MAI DIXON d/b/a MS MAI'S, THE
15 RED

16 DRAGON and/or MS MAI'S RED
17 DRAGON, located at
18 3402 SOUTH G STREET
19 TACOMA, WA 98418-5102

20 NAVARRE DIXON d/b/a MS MAI'S,
21 THE RED DRAGON and/or MS
22 MAI'S RED DRAGON, located at
23 3402 SOUTH G STREET
24 TACOMA, WA 98418-5102

LCB NO. 22,747

OAH NO. 2007-LCB-0033

STIPULATED SETTLEMENT
AGREEMENT

25 The Washington State Liquor Control Board Education and Enforcement Division
26 (Enforcement), by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and
RUTH AMMONS, Assistant Attorney General, and MAI and NAVARRE DIXON, owners of
the premises located at 3402 South G Street in Tacoma, Washington, and doing business as
Ms. Mai's, The Red Dragon and/or Ms. Mai's Red Dragon (hereinafter "the Premises"), by and
through their attorney, SCOTT MORIARITY, hereby enter into this stipulated settlement
agreement for LCB case number LCB No. 22,747 (OAH No. 2007-LCB-0033).

1 I. INTRODUCTION AND PROCEDURAL BACKGROUND

2 The Washington State Liquor Control Board charged the named parties, including the
3 Dixons and the Premises in its Complaint dated August 21, 2007, with the following violations
4 of Title 314 of the Washington Administrative Code:

5 A. On or about March 2, 2007, banquet permit applicant Victor Bennett did make a
6 misrepresentation of fact on a banquet permit, in violation of WAC 314-18-090 and 314-18-
7 100;

8 B. On or about March 16, 2007, banquet permit applicant Victor Bennett did make
9 a misrepresentation of fact on a banquet permit, in violation of WAC 314-18-090 and 314-18-
10 100;

11 C. On or about April 13, 2007, banquet permit applicant Winter Howland did make
12 a misrepresentation of fact on a banquet permit, in violation of WAC 314-18-090 and 314-18-
13 100;

14 D. On or about April 20, 2007, banquet permit applicant Karen Byrd did make a
15 misrepresentation of fact on a banquet permit, in violation of WAC 314-18-090 and 314-18-
16 100;

17 E. On or about April 20, 2007, banquet permit applicant Nicholas Russaw did
18 make a misrepresentation of fact on a banquet permit, in violation of WAC 314-18-090 and
19 314-18-100; and,

20 F. On or about and during the period intervening March 2, 2007, and April 20,
21 2007, premises owners Mai Dixon and Navarre Dixon d/b/a Ms. Mai's, The Red Dragon
22 and/or Ms. Mai's Red Dragon, located at 3402 South G Street, Tacoma, did make a
23 misrepresentation of fact on a banquet permit, in violation of WAC 314-18-090 and 314-18-
24 100.

25 On October 15, 2007, an administrative hearing was convened before Administrative
26 Law Judge Habegger. Respondents Nicholas Russaw, Winter Howland, and Victor Bennett

1 failed to appear for the hearing and a default judgment was entered against them. On
2 November 9, 2007, an Order of Default was filed with the Office of Administrative Hearings.
3 Respondents Nicholas Russaw, Winter Howland, and Victor Bennett failed to seek vacation of
4 the Order of Default.

5 At the October 15, 2007, administrative hearing, Respondents Navarre Dixon and
6 Karen Byrd appeared. Navarre Dixon moved for a continuance of the hearing, which was
7 granted. The administrative hearing was continued to December 5, 2007. On December 4,
8 2007, counsel for Mai and Navarre Dixon requested a second continuance of the hearing date.
9 The motion for continuance was granted and the hearing was continued to January 16, 2008.

10 II. RELEVANT LAW

11 Pursuant to WAC 314-18-090, "A misrepresentation of fact found to have been made
12 by an applicant for any banquet permit shall be deemed a lack of good faith and shall constitute
13 good and sufficient cause for the disapproval of such application or for the cancellation of said
14 permit if the event for which the permit has been granted has not yet been held, or for the
15 immediate termination of the permit if the event for which the permit has been issued is in
16 progress." In addition to any other penalties provided by law, "upon a finding that a banquet
17 permittee has violated any regulations of [Chapter 314-18 WAC]" the Board may cancel or
18 terminate the banquet permit and "[h]old the applicant and/or the premises for which the
19 banquet permit was issued ineligible for future banquet permits." WAC 314-18-100.

20 III. AGREEMENT OF THE PARTIES

21 Prior to the January 16, 2008, hearing in this matter, Enforcement and Mai and Navarre
22 Dixon (hereinafter "the Dixons") agreed to enter into the following settlement concerning the
23 allegations set forth in the above-referenced Complaint. Enforcement and the Dixons agree to
24 the following:

25 1. This agreement is being entered into to avoid the time and expense of further
26 litigation.

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Navarre Dixon
Premises Owner

01/28/08
DATE

x Mai Dixon
Premises Owner

01/28/08
DATE