BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

In The Matter Of :	LCB NO. 22650
ASHLEY BUSINESSES, INC. NICKELBY'S RESTAURANT 600 TROSPER ROAD SW TUMWATER, WA 98512 LICENSEE	FINAL ORDER OF THE BOARD ACKNOWLEDGING LICENSEE'S WITHDRAWL OF REQUEST FOR HEARING AND AFFIRMING BOARD'S COMPLAINT
LICENSE NO. 361746	

The above entitled matter coming on regularly before the Board, and it appearing:

1. That on August 21, 2006 the Board's Enforcement and Education Division issued AVN No. 1E6233C alleging the Licensee engaged in conduct which is a violation of RCW 66.44.270. Specifically, Complaint No. 22650 alleged that on or about August 18, 2006 the licensee or employee thereof, gave, sold and/or supplied liquor to a person under the age of (21) twenty-one.

2. That on August 22, 2006 the Licensee requested an administrative hearing to contest the violation.

3. That on January 19, 2007 the Licensee withdrew the request for an administrative hearing at the prehearing conference.

4. Having fully reviewed and considered the record, the Board hereby AFFIRMS Complaint 22650, and further affirms the penalty assessed.

IT IS HEREBY ORDERED that Complaint No. 22650 and the corresponding penalty are AFFIRMED and, THEREFORE, the liquor license privileges granted to Nickelby's Restaurant, 600 Trosper Road SE, Tumwater, WA, License Number 361746, be and the same are hereby suspended for a term of five days (5) days effective from 10:00 a.m. on May 17, 2007, until 10:00 a.m. on May

22, 2007; PROVIDED, HOWEVER, that said suspension shall be vacated upon payment of a monetary penalty in the amount of five hundred dollars ($500), due on or before May 14, 2007. Payment should be sent to:

Washington State Liquor Control Board

PO BOX 43095

Olympia, WA 98504-3095

Reconsideration. Pursuant to RCW 34.05.470, you have ten (10) days from the mailing of this Order to file a petition for reconsideration stating the specific grounds on which relief is requested. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order or (b) there is specific material error of fact or law. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing or delivering it directly to the Washington State Liquor Control Board, Attn: Kevin McCarroll, 3000 Pacific Avenue Southeast, PO Box 43076, Olympia, WA 98504-3076, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Board's office. RCW 34.05.010(6). A copy shall also be sent to Martha P. Lantz, Assistant Attorney General, 1125 Washington St. SE, P.O. Box 40110, Olympia, WA 98504-0110. A timely petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on the petition. An order denying reconsideration is not subject to judicial review. RCW 34.05.470(5). The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review.

Stay of Effectiveness. The filing of a petition for reconsideration does not stay the effectiveness of this Order. The Board has determined not to consider a petition to stay the

effectiveness of this Order. Any such request should be made in connection with a petition for judicial review under chapter 34.05 RCW and RCW 34.05.550.

Judicial Review. Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate court and served on the Board, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542.

Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

DATED at Olympia, Washington this 19th day of April, 2007

WASHINGTON STATE LIQUOR CONTROL BOARD