

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

In Re The Matter Of The Hearing Of:

KO-AM DEVELOPMENT, INC  
COOPER POINT CHEVRON  
2205 COOPER POINT ROAD  
OLYMPIA, WA 98502

LICENSEE

LICENSE NO. 083089

LCB NO. 22.705

FINAL ORDER OF THE BOARD

**I. BOARD'S CONSIDERTION**

The above entitled matter coming on regularly before the Board to review Findings of Fact and Conclusions of Law entered by Administrative Law Judge James D. Stanford on July 30, 2007 and it appearing:

1. A formal hearing was held on May 30, 2007 at the Licensee's timely request for an administrative hearing following the Liquor Board's Complaint No. 22,705, issued on March 14, 2007. The Complaint alleged on or about August 21, 2006, the above named Licensee. or employec(s) thereof, sold, gave or otherwise supplied liquor to a person under the age of twenty-one years contrary to RCW 66.44.270(1) and WAC 314-29-020.

2. At the hearing the Enforcement and Education Division of the Board was represented by Assistant Attorney General Kate Reynolds and the Licensee was represented by Leslie Clay Terri III, Attorney at Law.

3. On July 30, 2007 Administrative Law Judge James D. Stanford entered Findings of Fact, Conclusions of Law and Initial Order in this matter which sustained the Complaint.

4. The Enforcement and Education Division filed a timely Petition for Review of the Initial Order, specifically taking exception to errors it alleged were contained in Findings of Fact

Nos. 5, 6, & 7. Specifically, the Enforcement and Education Division alleged Findings of fact Nos. 5, 6 & 7 misidentified and misstated the roles of Jerry T. Cha, Douglas J. Koh, and John Tirasedtanum.

5. The Education and Enforcement Division requested the record be corrected to show that the clerk that conducted the sale that resulted in the Board's Complaint was Jerry T. Cha, that John Tirasedtanum was the clerk that was also present the night of the sale and that Douglas J. Koh was the Licensee and he was not present the night of the sale.

6. The entire record of this proceeding was presented to the Board for its review and the entry of a final decision.

## **II. FINDINGS OF FACT**

1. The Board affirms and adopts the ALJ's findings of fact, except as to the errors contained in Finding of Fact Nos. 5, 6 & 7.

2. The Board substitutes the following language for the existing Finding of Fact No. 5. The substitute Finding of Fact No. 5 which corrects the error, is as follows:

On August 21, 2006, at approximately 9:13 p.m., the underage operative, who was nineteen years of age, entered Cooper Point Chevron while being observed by a police officer in plain clothing. The underage operative obtained a twenty-four ounce bottle of Corona beer, a beverage containing alcohol, and took it to the checkout counter, which was attended by Jerry T. Cha, a clerk who had been employed at the Cooper Point Chevron for approximately one and one-half years. Jerry T. Cha, believing that the underage operative was a frequent patron who he previously checked for a card of identification, did not request that the underage operative produce a card of identification. John Tirasedtanum, another employee who was in the Cooper Point Chevron store stocking shelves, also observed the underage operative and believed him as a frequent customer who he had also previously checked for a card of identification. John Tirasedtanum did not personally

participate in the August 21, 2006, sale, but asserts that he did briefly greet the underage operative.

3. The Board substitutes the following language for the existing Finding of Fact No. 6.

The substitute Finding of Fact No. 6 which corrects the error, is as follows:

Jerry T. Cha made the sale of the twenty-four ounce bottle of Corona Beer to the underage operative without making any inquiry concerning the age of the purchaser or requesting that the purchaser produce a card of identification prior to making the sale. The underage operative left the licensed premises with the bottle of Corona beer.

4. The Board substitutes the following language for the existing Finding of Fact No. 7. The substitute Finding of Fact No. 7 which corrects the error, is as follows:

When the underage operative left the Cooper Point Chevron with the twenty-four ounce bottle of Corona Beer, he surrendered the bottle to Officer Watkins. Officer Watkins entered the Cooper Point Chevron and confronted Jerry T. Cha who admitted that he had made the sale and that he had not checked the underage operative for a card of identification prior to making that sale. Officer Watkins has no recollection of Jerry T. Cha making any statement that the underage operative was believed to be a frequent customer who had earlier been a frequent customer of the business.

### **III. CONCLUSIONS OF LAW**

The Board hereby adopts the Conclusions of Law entered by the ALJ.

### **IV. ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Board ORDERS:

The ALJ's Initial Order is AFFIRMED with corrections and the Board's complaint is SUSTAINED. NOW THEREFORE, IT IS HEREBY ORDERED that the liquor license privileges granted to KO-AM DEVELOPMENT INC d/b/a COOPER POINT CHEVRON at 2205 COOPER PT. ROAD, OLYMPIA, WA License Number 083089, are hereby suspended for a term of five days (5) days effective from 10:00 a.m. on November 2, 2007, until 10:00 a.m. on November 7.

2007; HOWEVER, the suspension shall be vacated upon payment of a monetary penalty in the amount of five hundred dollars (\$500) due on or before October 30, 2007. Failure to comply with the terms of this order will result in further disciplinary action.

Payment in reference to this order should be sent to:

**Washington State Liquor Control Board**

**Enforcement and Education Division**

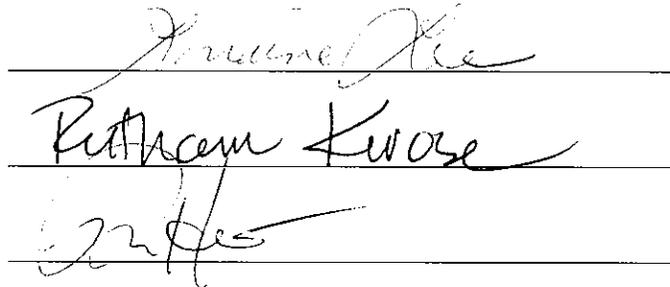
**921 Lakeridge Way SW Ste 301**

**PO Box 43095**

**Olympia, WA 98504-3095**

DATED at Olympia, Washington this 1<sup>st</sup> day of October, 2007.

WASHINGTON STATE LIQUOR CONTROL BOARD

Three handwritten signatures are written on three horizontal lines. The top signature is in cursive and appears to be 'Kevin Oke'. The middle signature is in cursive and appears to be 'Ruthann Kwase'. The bottom signature is in cursive and appears to be 'G. H. H. H.'.

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 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).