

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF

KONG'S CORPORATION d/b/a  
DOME STADIUM TAVERN  
214 4<sup>TH</sup> AVENUE S  
SEATTLE, WA 98104

LICENSEE

NO. 22,728

CORRECTED  
FINAL ORDER OF REVOCATION

License No. 354551

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

1. That on February 5, 2007, the Board issued an Emergency Order of Suspension, pursuant to RCW 66.08.150(4), in which the Board stated Findings of Fact and Conclusions of Law supporting the emergency suspension of the above-licensee's liquor license, attached hereto as Attachment A and incorporated fully herein.
2. That on February 5, 2007, the Board served the Emergency Suspension Order on the Licensee, which informed the Licensee of its right to request a hearing and thereafter the Licensee made no request for a hearing.
3. That on July 31st, 2007 the Board issued a document entitled Final Order of Revocation, which had been submitted to the Board by the Assistant Attorney General for the Board's Education and Enforcement Division as a Proposed order.
4. That it has since come to the Board's attention that the Licensee did not receive the July 31st, 2007 Final Order of Revocation as it was served on Licensee at an invalid address.

5. That it has also come to the Board's attention that the July 31st, 2007 Final Order of Revocation was incomplete as it did not contain statutorily required language advising Licensee of available procedures and time frames for seeing reconsideration or other administrative relief.

6. That the Board hereby rescinds the July 31st, 2007 Final Order of Revocation and issues this Final Order of Revocation in its place. The relevant time frames for reconsideration or other administrative relief shall accrue as of the date of service of this Final Order of Revocation.

7. Pursuant to Section II of the Emergency Suspension Order referenced in Nos. 1 and 2 above, the liquor license privileges of the Licensee should be revoked as no appeal was instituted within 20 days of service of the order.

IT IS HEREBY ORDERED AND DIRECTED that the liquor license privileges of KONG'S CORPORATION d/b/a DOME STADIUM, located at 214 4<sup>th</sup> Avenue, Seattle, Washington, are hereby revoked effective immediately.

DATED at Olympia, Washington this 29<sup>th</sup> day of August, 2007.

WASHINGTON STATE LIQUOR CONTROL BOARD

Lorraine Lee per telephonic approval 

Roger Hoen per telephonic approval 

Ruthann Kurose per telephonic approval 

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).

# **ATTACHMENT A**

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF THE HEARING OF:

NO. 22,728

KONG'S CORPORATION, d/b/a  
DOME STADIUM TAVERN  
214 4<sup>TH</sup> AVENUE S  
SEATTLE, WA 98104

EMERGENCY ORDER OF  
SUSPENSION - 180 DAYS

LICENSEE

LICENSE NO. 354551-2E

The above-entitled matter having come on before the Board, pursuant to RCW 66.08.150(4), the Board enters the following Findings of Fact, Conclusions of Law and Emergency Order of Suspension:

**I. FINDINGS OF FACT**

1.1 The Board has reviewed a copy of Washington State Liquor Control Officer Kevin Russom's Administrative Violation Notice (AVN) for Case No. 2E7032A along with its attached documents, including related Seattle Police Department Incident Reports, an interoffice memorandum from Seattle Liquor Enforcement Captain Kenneth Scott to Enforcement Chief Pat W. Parmer, and a letter from Seattle Police Chief Kerlikowske to the Board, requesting the suspension. The attached AVN and memorandum illustrate allegations that the Licensee and/or its employees are unwilling or incapable of complying with the Washington State Liquor Control Board Laws and Washington State Administrative Codes. *See attached AVN Case No. 2E7032A and supporting documentation.*

**II. CONCLUSIONS OF LAW**

2.1 The liquor laws of the state of Washington (Title 66 RCW), and the Board's  
EMERGENCY ORDER OF SUSPENSION

duly promulgated regulations (Title 314 WAC) were created for the protection of the welfare, health, peace, morals, and safety of the people of the state of Washington. RCW 66.08.010.

2.2 Pursuant to RCW 66.08.150(4), the Board may summarily suspend a liquor license for up to one-hundred eighty (180) days without a prior hearing when the Board finds the public health, safety or welfare imperatively requires emergency action.

2.3 WAC 314-11-015 mandates that licensees and their employees have the responsibility to conduct the licensed premises in compliance with the following laws as they now exist or may later be amended: Titles 9 and 9A RCW, the criminal code laws; Title 69 RCW, which outlines the laws regarding controlled substances; and Titles 70.155, 82.24 RCW, and RCW 26.28.080, which outline laws regarding tobacco.

2.4 The Board, after reviewing the foregoing information, and being in the premises fully advised, believes that the incidents occurring on this licensed premises are contrary to public policy, and hereby finds that the public health, safety and/or welfare imperatively requires emergency action.

NOW, THEREFORE, in accordance with the Board's emergency powers as authorized by RCW 66.08.150(4),

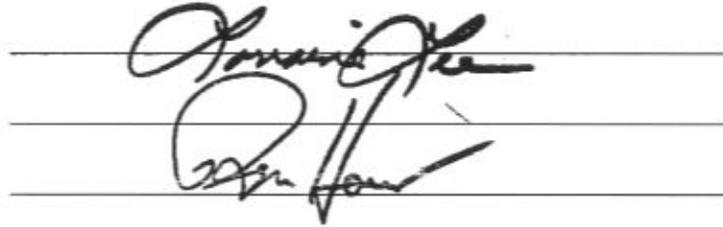
IT IS HEREBY ORDERED AND DIRECTED as follows:

I. That the liquor license privileges of KONG'S CORPORATION, d/b/a DOME STADIUM TAVERN, located at 214 4<sup>th</sup> Avenue South, Seattle, Washington, are hereby suspended for a period of up to one-hundred eighty (180) days, effective from 6:00 p.m. on February 5, 2007 until 6:00 p.m. on August 4, 2007.

II. That the liquor license privileges of the Licensee be thereafter revoked, subject to any lawful appeal exercised by the Licensee.

DATED at Olympia, Washington this 5<sup>th</sup> day of February, 2007.

WASHINGTON STATE LIQUOR CONTROL BOARD

The image shows two handwritten signatures in black ink, written over three horizontal lines. The top signature is more cursive and appears to be 'Dennis J. ...'. The bottom signature is also cursive and appears to be 'Dennis J. ...'.

THIS IS TO CERTIFY, That I, Kevin Ross, on February 5<sup>th</sup>, 2007, at 10:00 a.m./p.m., served this Emergency Order of Suspension on Gene Kong/owner of DOME STADIUM TAVERN, located at 214 4<sup>th</sup> Avenue South, in Seattle, Washington, in King County, by then and there delivering a true copy of the Emergency Order of Suspension for KONG'S CORPORATION, doing business as DOME STADIUM TAVERN signed by the Board on February 5, 2007.

[Signature]  
Enforcement Officer

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF THE HEARING OF:

NO. 22,728

KONG'S CORPORATION, d/b/a  
DOME STADIUM TAVERN  
214 4<sup>TH</sup> AVENUE S  
SEATTLE, WA 98104

NOTICE OF OPPORTUNITY FOR  
A HEARING PURSUANT TO  
RCW 66.08.150(2) FOR  
REVOCATION

LICENSEE

LICENSE NO. 354551-2E

TO: KONG'S CORPORATION, d/b/a DOME STADIUM TAVERN

WHEREAS on February 5, 2007, the Board, pursuant to the provisions of RCW 66.08.150(4), entered and implemented an Emergency Order of Suspension for a period of up to one-hundred eighty (180) days, effective from 6:00 p.m. on February 5, 2007, until 6:00 p.m. on August 4, 2007.

WHEREAS, said Emergency Order provided that, in accordance with the provisions of RCW 66.08.150(4), proceedings for revocation of license shall be promptly instituted and determined; and

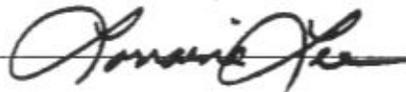
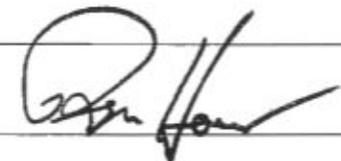
WHEREAS, pursuant to the provisions of RCW 66.08.150(2), an opportunity for a hearing must be provided prior to revocation of a license; NOW, THEREFORE,

IN THE NAME OF THE STATE OF WASHINGTON, you are hereby notified of your opportunity for a hearing as follows:

1. A form entitled Licensee's Request for Hearing in the above-entitled matter, is appended hereto and by this reference incorporated herein.
2. In order to exercise your opportunity for a hearing, you must sign said form and return it to the Board as directed therein within twenty (20) days of the date you receive this Notice.
3. In the event that you do not timely request a hearing as provided in paragraph number 2 above, your liquor license will be canceled effective up to one-hundred eighty (180) days from the time and date you receive this Notice.

DATED at Olympia, Washington this 5<sup>th</sup> day of February, 2007.

WASHINGTON STATE LIQUOR CONTROL BOARD

  
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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF THE HEARING OF:

NO. 22,728

KONG'S CORPORATION, d/b/a  
DOME STADIUM TAVERN  
214 4<sup>TH</sup> AVENUE S  
SEATTLE, WA 98104

COMPLAINT

LICENSEE

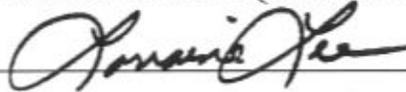
LICENSE NO. 354551-2E

The Washington State Liquor Control Board charges the above named Licensee with the following violation(s) of the Washington State Liquor Act and the Revised Rules and Regulations of the Board:

1. On one or more occasions between January 30, 2007 and February 2, 2007, the above-named Licensee or employee(s) thereof, failed to conduct the above-named premises in a manner that was in compliance with Titles 9 and/or 9A RCW, Title 69 RCW, and Titles 70.155 and 82.24 RCW, in violation of WAC 314-11-015(2);
2. On or about January 30 and/or January 31, 2007, the above-named Licensee or employee(s) thereof, engaged in behavior that provoked conduct which presents a threat to public safety in violation of WAC 314-11-015(3)(c).
3. On or about January 30 and/or January 31, 2007, the above-named Licensee or employee(s) thereof, engaged in or permitted an employee or other person to engage in conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW, in violation of WAC 314-11-015(3)(e).
4. On or about January 31, 2007, the above-named Licensee or employee(s) thereof, consumed liquor while working on the licensed premises in violation of WAC 314-11-015(3)(d) and/or was apparently intoxicated on the licensed premises in violation of WAC 314-11-015(3)(a).

DATED at Olympia, Washington this 5<sup>th</sup> day of February, 2007.

WASHINGTON STATE LIQUOR CONTROL BOARD



**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF THE HEARING OF:

KONG'S CORPORATION, d/b/a  
DOME STADIUM TAVERN  
214 4<sup>TH</sup> AVENUE S  
SEATTLE, WA 98104

LICENSEE

LICENSE NO. 354551-2E

NO. 22,728

LICENSEE'S REQUEST FOR  
HEARING ON REVOCATION  
ORDER

COMES NOW, KONG'S CORPORATION, d/b/a DOME STADIUM TAVERN,  
Licensee, and pursuant to RCW 66.08.150(2), hereby requests a hearing to contest the revocation of  
the Licensee's liquor license privileges.

DATED at \_\_\_\_\_, Washington this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Licensee (Signature)

MAIL TO:

Washington State Liquor Control Board  
Attn: Administration  
PO Box 43075  
Olympia, WA 98504-3075