

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

1 IN THE MATTER OF:

OAH NO. 2007-LCB-0039
LCB NO. 22,765

2 MICHAEL ZUNIGA
3 MIKE'S BAR & GRILL
4 705 WEST 1ST AVENUE
TOPPENISH, WA 98948-1153

FINAL ORDER OF THE BOARD
~~PROPOSED~~

5 LICENSEE

6 LICENSE NO. 358460

7 The above-titled matter having come before the Board, the Board finds:

8 1. That a telephonic prehearing conference was held on November 28, 2007, on the
9 following violation:

10 On or about March 19, 2007, the above-named licensee, failed to adhere to a
11 condition imposed on the Licensee's liquor license pursuant to RCW
66.24.010(6) and WAC 314-07-015(3).

12 2. That the Licensee failed to appear for the telephonic prehearing conference and
13 Enforcement moved for a default;

14 3. That on December 5, 2007, Administrative Law Judge Edward S. Steinmetz entered an
15 Order of Default; and that no motion to vacate the default has been filed; and

16 4. That the entire record in this proceeding was presented to the Board for final decision,
17 and the Board having fully considered the record; NOW, THEREFORE,

18 IT IS HEREBY ORDERED that the Order of Default for Case Number 22,765 is adopted.

19 IT IS HEREBY FURTHER ORDERED that the Complaint filed in Liquor Control Board Case
20 22,765 is sustained and that a suspension of five (5) days or a monetary penalty of One Thousand Five
21 Hundred Dollars (\$1,500) is assessed against Michael Zuniga dba Mike's Bar & Grill.

22 DATED this 20th day of December, 2007.

23 WASHINGTON STATE LIQUOR CONTROL BOARD

24 _____
25 *Robert J. Korte*
26 _____
D. Zuniga

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

15 Stay of Effectiveness. The filing of a petition for reconsideration does not stay the effectiveness of
16 this Order. The Board has determined not to consider a petition to stay the effectiveness of this Order.
17 Any such request should be made in connection with a petition for judicial review under chapter 34.05
18 RCW and RCW 34.05.550.

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

24 Service. This Order was served on you the day it was deposited in the United States mail. RCW
25 34.05.010(19).
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