

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

In the Matter of:

TESFAMICAEL G. GHEBREHIWOT  
16<sup>TH</sup> Avenue Grocery  
9001 16<sup>th</sup> Avenue SW  
Seattle, WA 98106-2355

Licensee.

LICENSE NO. 087138

LCB NO. 22,787

FINAL ORDER  
OF BOARD ON CITY OF  
SEATTLE'S REQUEST FOR  
HEARING

**I. BOARD'S CONSIDERATION**

1.1 Review. This matter has come before the Board to review the City of Seattle's request, dated May 1, 2008, for the Board to grant the City a hearing on the City's objection to the above license.

1.2 Record of Proceeding. The entire record of this proceeding, including the City's Request for Hearing and the Licensing Division's Response to the City of Seattle's Request for Hearing, was presented to the Board for its review and the entry of a final decision on the City's Request for Hearing.

**II. FINDINGS OF FACT**

2.1 On or about September 5, 2007, the Board notified the Licensee of the Board's intent not to grant him a liquor license. The Licensee timely sought an administrative hearing to contest the initial determination not to issue him a license. The City, by its Assistant City Attorney, was aware of these proceedings.

2.2 The City had filed objection to the license application, but was not a party to the administrative proceedings initiated by the Licensee and the City did not seek to intervene or otherwise achieve party status in those administrative proceedings.

2.3 On April 24, 2008 the Licensee and the Board's Licensing Division reached a settlement agreement where a license would be issued, subject to a restriction to

preclude the Licensee's sale of certain types of products. The hearing was continued pending the Board's approval of the settlement proposal.

2.4 The City of Seattle was aware of the April 24, 2008 settlement proposal and of the continuation of the hearing and of the fact that the settlement proposal was before the Board for final approval. The City did not communicate any opposition to the settlement proposal or otherwise attempt to become involved in the matter.

2.5 The settlement proposal was approved by the Board in the form of a Final Order issued April 30, 2008.

2.6 The City of Seattle filed its Request for Hearing after the Board issued its April 30, 2008 Final Order.

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

3.1 The Board has discretion to grant or deny a local government subdivision's request for a hearing when the Board contemplates issuing a license over the local government's objection. WAC 314-09-010 (2).

3.2 The City of Seattle's Request for Hearing is untimely under WAC 314-09-010 (2) as it was filed by the City after the Board had taken final action to grant the license.

### **IV. ORDER**

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

4.1 The City of Seattle's Request for Hearing is **denied**.

4.2 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.

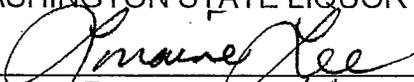
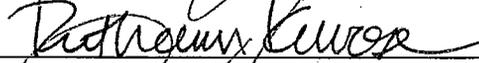
Judicial Review. Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate court 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 9<sup>th</sup> day of July, 2008.

WASHINGTON STATE LIQUOR CONTROL BOARD

  
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**Washington State  
Liquor Control Board**

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July 9, 2008

Beth Gappert, Assistant City Attorney  
Seattle City Attorney's Office  
700 5<sup>th</sup> Ave Ste 5350  
PO Box 94667  
Seattle, WA 98124-4667

David Ruzumna  
Attorney for Licensee  
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Seattle, WA 98101

Ruth Ammons, AAG  
GCE Division, Office of Attorney General  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100

***RE: FINAL ORDER OF THE BOARD ON CITY OF SEATTLE'S REQUEST FOR  
HEARING***

***Licensee: Tesfamicael G. Ghebrehiwot***

***Trade name: 16<sup>th</sup> Avenue Grocery***

***Location: 9001 16<sup>th</sup> Avenue SW, Seattle, WA 98106***

***License No. 087138***

***LCB Hearing No. 22,787***

Dear Parties:

Enclosed, please find a Declaration of Service by Mail and a copy of the Final Order in the above referenced matter.

If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in black ink that reads "Kevin McCarroll".

Kevin McCarroll  
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Licensing and Regulation Division, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602  
[www.liq.wa.gov](http://www.liq.wa.gov)

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4 **WASHINGTON STATE LIQUOR CONTROL BOARD**

5 IN THE MATTER OF:

LCB NO. 22,787

6 TEFAMICAEL G. GHEBREHIWOT  
7 16<sup>TH</sup> AVENUE GROCERY  
8 9001 16<sup>TH</sup> AVENUE SW  
9 SEATTLE, WA 98106

DECLARATION OF SERVICE BY  
MAIL

LICENSE APPLICANT

10 LICENSE NO. 087138

11 I declare under penalty of perjury under the laws of the state of Washington  
12 that on July 9, 2008, I served a true and correct copy of the FINAL ORDER OF BOARD ON  
13 CITY OF SEATTLE'S REQUEST FOR HEARING in the above-referenced matter, by placing  
14 a copy of said documents in the U.S. mail, postage prepaid, to all parties or their counsel of  
15 record.

16  
17 DATED this 9<sup>th</sup> day of July, 2008, at Olympia, Washington.

18   
19 Kevin McCarroll, Adjudicative Proceedings Coordinator

20  
21 BETH GAPPERT, ASSISTANT CITY  
22 ATTORNEY  
23 SEATTLE CITY ATTORNEY'S OFFICE  
24 700 5<sup>TH</sup> AVE STE 5350  
25 PO BOX 94667  
26 SEATTLE, WA 98124-4667

RUTH AMMONS, ASSISTANT ATTORNEY  
GENERAL, GCE DIVISION  
OFFICE OF THE ATTORNEY GENERAL  
1125 WASHINGTON STREET SE  
PO BOX 40100  
OLYMPIA, WA 98504-0100

DAVID RUZUMNA  
ATTORNEY FOR LICENSEE  
1411 FOURTH AVENUE STE 1510  
SEATTLE, WA 98101-2247

DECLARATION OF SERVICE BY  
MAIL

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Washington State Liquor Control Board  
3000 Pacific Avenue SE  
PO Box 43076  
Olympia, WA 98504-3076  
(360) 664-1602