

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

CHAVEZ, MAGANA & MAGANA
MAGANA'S GOLDEN NUGGET
218 S 4TH AVE
PASCO, WA 99301

LICENSEE

LICENSE NO. 081946

LCB NO. 22,807

OAH NO. 2008-LCB-0007

FINAL ORDER OF THE BOARD

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

1. A formal hearing was held on March 19, 2008 at the licensee's timely request for a hearing in relation to the Complaint issued by the Liquor Control Board on February 20, 2008.
2. The Complaint alleged that on November 24, 2007 the licensee or employee(s) of the licensee thereof, engaged in disorderly conduct on the premises in violation of WAC 314-11-015 and that the licensee or employee(s) of the licensee thereof had failed to open the licensed premises for inspection by peace officers in violation of RCW 66.28.090.
3. At the hearing, the Education and Enforcement Division of the Board was represented by Assistant Attorneys General Jennifer Elias and Kate Reynolds and the Licensee Dean Chuang, Attorney at Law.
4. On April 17, 2008 Administrative Law Judge Edward S. Steinmetz entered his Findings of Fact, Conclusions of Law and Initial Order in this matter which dismissed the Complaint.

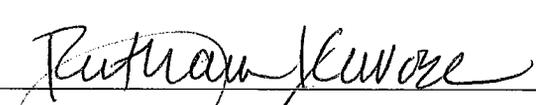
5. The Education and Enforcement Division filed a timely Petition for Review of the ALJ's initial order, specifically taking exception to the ALJ's Finding of Facts Nos. 4, 10, 13, 14, 15, and 16; Conclusions of Law Nos. 4 and 5; and requesting that the Compliant be sustained.

6. The Licensee filed a timely Reply to the Petition for Review, specifically rebutting the exceptions to the ALJ's Finding of Facts Nos. 4, 10, 13, 14, 15 and 16; and Conclusions of Law Nos. 4 and 5; and requesting that the Compliant be dismissed.

7. The entire record in this proceeding was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises; NOW THEREFORE; IT IS HEREBY ORDERED that the Administrative Law Judge's Order of Dismissal made and entered in this matter be, and the same hereby is, AFFIRMED and adopted as the Final Order of the Board, and, therefore, the Board's complaint in this matter is DISMISSED.

DATED at Olympia, Washington this 16th day of July, 2008.

WASHINGTON STATE LIQUOR CONTROL BOARD





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).