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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

NO. 22,845

THE NILE NITE CLUB, LLC
THE NILE NITE CLUB
516 SE CHKALOV DR., STE #50
VANCOUVER, WA 98684-5274

~~PROPOSED~~ FINAL ORDER
OF THE BOARD

LICENSEE

LICENSE NO. 366184

The above-titled matter having come before the Washington State Liquor Control Board (the Board) and it appearing that:

1. On April 16, 2008 the Licensee was served with an administrative violation for allowing or participating in lewd and disorderly conduct and was assessed a penalty of ten (10) days license suspension, or a \$750.00 penalty in lieu of suspension, by Liquor Control Agent Almir Karic.

2. The Licensee filed a timely request for an administrative hearing in relation to the above described administrative violation.

3. On September 17, 2008, in response to the Licensee's request, the Board's counsel issued a Complaint alleging specifically that on or about April 13, 2008, the above-named Licensee, or employee(s) thereof allowed or permitted a person or persons to perform acts

1 simulating sexual intercourse, contrary to WAC 314-11-050(2), and was or were disorderly on
2 the licensed premises, contrary to WAC 314-11-015(3)(a).

3 4. On October 8, 2008, a Notice of Pre-Hearing Conference by Telephone, scheduling a
4 telephone conference to commence at 3:30 p.m. on Monday, October 20, 2008, was mailed to
5 all interested parties including the Licensee.

6 5. The Notice of Pre-Hearing Conference mailed to the Licensee's place of business was
7 not returned as undeliverable to OAH.

8 6. The Notice of Pre-Hearing Conference specifically indicated that failure to appear as
9 scheduled could result in the issuance of a default order pursuant to RCW 34.05.440.

10 7. At 3:30 p.m. on Monday October 20, 2008 the Board appeared, represented by
11 Assistant Attorney General MB Newberry.

12 8. The above-named Licensee failed to appear at the appointed time and failed to make a
13 timely request for continuance.

14 9. To date the Licensee has made no contact with the Office of Administrative Hearings
15 or the Attorney General's Office.

16 10. Administrative Law Judge Janet Schneider entered an Order of Default based upon the
17 licensee's failure to appear or participate in the prehearing telephone conference as allowed by
18 RCW 34.05.440 and dismissed the matter, thereby affirming the Board's complaint,
19 administrative violation, and penalty.

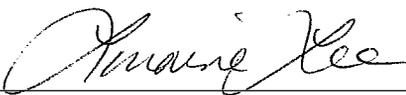
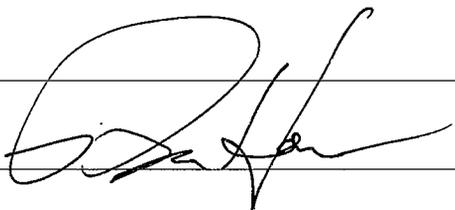
20 11. The Order of Default was presented to the Board for final decision and the Board,
21 having fully considered said Order and being fully advised in the premises: NOW
22 THEREFORE, IT IS HEREBY ORDERED that the Administrative Law Judge's Order of
23 Default entered in this matter is AFFIRMED and adopted as the conclusions of law and final
24 order of the Board.

25 THE NILE NIGHT CLUB, LLC
26 D/B/A THE NILE NIGHT CLUB
LICENSE NO. 366184
LCB NO. 22,845

1 12. It is further ORDERED, under authority of RCW 66.20.070 and RCW 66.44.175, that
2 The Nile Nite Club, LLC must pay a monetary penalty of seven hundred and fifty dollars
3 (\$750.00) within thirty (30) days of the service of this Final Order; and if not paid within those
4 thirty (30) days, The Nile Nite Club, LLC's liquor license will be suspended for 10 days
5 effective 10 am, March 20, 2009 (date and time) through 10 am, March 30, 2009
6 (date and time). Failure to comply with the terms of this Final Order will result in further
7 disciplinary action.

8 ENTERED this 26th day of January, 2009.

10 WASHINGTON STATE LIQUOR CONTROL BOARD

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26 THE NILE NIGHT CLUB, LLC
D/B/A THE NILE NIGHT CLUB
LICENSE NO. 366184
LCB NO. 22,845

1 NOTICE

2 Reconsideration. Pursuant to RCW 34.05.470, you have ten (10) days from the mailing of
3 this Order to file a petition for reconsideration stating the specific grounds on which relief is
4 requested. No matter will be reconsidered unless it clearly appears from the petition for
5 reconsideration that (a) there is material clerical error in the order or (b) there is specific material
6 error of fact or law. A petition for reconsideration, together with any argument in support thereof,
7 should be filed by mailing or delivering it directly to the Washington State Liquor Control Board,
8 Attention: Kevin McCarroll, 3000 Pacific Avenue Southeast, PO Box 43076, Olympia, WA
9 98504-3076, with a copy to all other parties of record and their representatives. Filing means
10 actual receipt of the document at the Board's Office. RCW 34.05.010(6). A copy shall also be
11 sent to Martha P. Lantz, Assistant Attorney General, 1125 Washington Street SE, PO Box 40110,
12 Olympia, WA 98504-0110. A timely petition for reconsideration is deemed to be denied if,
13 within twenty (20) days from the date the petition is filed, the agency does not (a) dispose of the
14 petition or (b) serve the parties with a written notice specifying the date by which it will act on the
15 petition. An order denying reconsideration is not subject to judicial review. RCW 34.05.470(5).
16 The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial
17 review.
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21 Stay of Effectiveness. The filing of a petition for reconsideration does not stay the
22 effectiveness of this Order. The Board has determined not to consider a petition to stay the
23 effectiveness of this Order. Any such request should be made in connection with a petition for
24 judicial review under chapter 34.05 RCW and RCW 34.05.550.

25 THE NILE NIGHT CLUB, LLC
26 D/B/A THE NILE NIGHT CLUB
LICENSE NO. 366184
LCB NO. 22,845

~~PROPOSED~~ FINAL ORDER OF THE BOARD

ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 664-9006

1 Judicial Review. Proceedings for judicial review may be instituted by filing a petition in
2 superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial
3 Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with
4 the appropriate court and served on the Board, the Office of the Attorney General, and all parties
5 within thirty days after service of the final order, as provided in RCW 34.05.542.
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7 Service. This Order was served on you the day it was deposited in the United States mail.
8 RCW 34.05.010(19).
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25 THE NILE NIGHT CLUB, LLC
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