

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

CHOLU PAK & JINSOON PAK, INC  
d/b/a McCABE'S AMERICAN MUSIC  
CAFÉ  
2611 PACIFIC AVE  
TACOMA, WA 98402-2804

LICENSEE

LICENSE NO. 358302

LCB NO. 22,879

OAH NO. 2008-LCB-0057

FINAL ORDER OF THE BOARD

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

1. On or about October 31, 2008, the board notified the licensees that the liquor license renewal for the spirits, beer, and wine restaurant-lounge liquor license was being denied due to chronic illegal activity that demonstrates a pervasive pattern of activity that can be linked to the responsibility of the licensees.

2. A third pre-hearing conference took place on July 22, 2009 at the licensee's timely request for a formal hearing in the matter of the denial of the renewal of the spirits, beer and wine restaurant-lounge liquor license of Cholu Pak and Jinsoon Pak, Inc. d/b/a McCabe's American Music Café located at 2611 Pacific Avenue, Tacoma, WA, liquor license number 358302.

3. At the hearing, the Licensing and Regulation Division of the Board was represented by Assistant Attorney General Gordon Karg. Licensees Cholu Pak and Jinsoon Pak, Inc. d/b/a

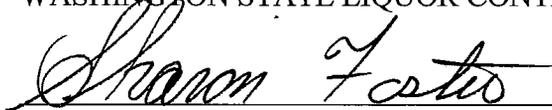
McCabe's American Music Café failed to appear at the third prehearing conference either by an owner, officer, or employee or by an attorney.

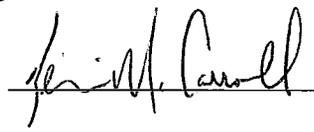
4. On August 31, 2009 Administrative Law Judge James D. Stanford entered his Order of Default and Dismissal of Adjudicative Proceeding.

5. 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 that the Administrative Law Judge's Order heretofore made and entered in this matter be, and the same hereby are, AFFIRMED and adopted as the Final Order of the Board and that the liquor license renewal for Cholu Pak and Jinsoon Pak, Inc. d/b/a McCabe's American Music Café located at 2611 Pacific Avenue, Tacoma, WA, liquor license number 358302 is hereby denied.

DATED at Olympia, Washington this 9 day of September, 2009.

WASHINGTON STATE LIQUOR CONTROL BOARD



 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. 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 Mary M. Tennyson, Senior 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).



matters concerning representation, the disposition of the business and any other matter relevant to these proceedings.

Pursuant to notice duly given, the third prehearing conference was convened before an administrative law judge on July 13, 2009. The board appeared and was represented by Gordon Karg, assistant attorney general. Neither Cholu Pak and Jinsoon Pak nor any other person appeared or participated in the adjudicative proceedings on behalf of the applicants/licensees. If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, other than failing to timely request an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order, which shall include a statement of the grounds for the order. RCW 34.05.440(2).

From the foregoing, the administrative law judge now enters the following initial order:

INITIAL ORDER

IT IS HEREBY ORDERED That the applicants/licensees, Cholu Pak and Jinsoon Pak, Inc., d/b/a McCabe's American Music Café, are in default and the adjudicative proceeding in this matter be and the same is hereby dismissed. A request that this order be vacated must be filed within seven days of service of this order, stating the grounds relied upon. RCW 34.05.440(3).

IT IS FURTHER ORDERED That the board's decision to deny the application for the renewal of the spirits, beer, and wine restaurant-lounge liquor license of the applicant/licensee Cholu Pak and Jinsoon Pak, Inc., d/b/a McCabe's American Music Café, located at 2611 Pacific Avenue, Tacoma, Washington, liquor license number 358302-1P, be and the same is hereby initially sustained.

Dated at Olympia, Washington this 31st day of August, 2009.

  
James D. Stanford  
Administrative Law Judge  
Office of Administrative Hearings