

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

BJ'S II, INC.
d/b/a BJ'S II
4315 PACIFIC HWY E
FIFE, WA 98424-2612

LICENSEE

LICENSE NO. 088476-1S

LCB NO. 23,626
CONSOLIDATED WITH
LCB NO. 23,503

OAH NO. 2009-LCB-0040

FINAL ORDER OF THE BOARD

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

1. A telephone hearing commenced on April 15, 2010 at the licensee's timely request for an administrative hearing.
2. The Liquor Control Board's Complaint dated August 25, 2009, alleged that on August 29, 2007, David Turnipseed, the sole corporate officer of BJ's II, was convicted of a felony, making him ineligible for a liquor license under RCW 66.24.101(2), WAC 314-12-020(3) and 314-07-040.
3. On February 11, 2010, the Liquor Control Board's Licensing Director issued a Statement of Intent to Revoke Liquor License based on David Turnipseed's August 29, 2007 felony conviction which accumulated 12 criminal record points. Based on RCW 66.24.010 (2) and WAC 314-07-040 (1) a criminal history of eight points is grounds for license denial.
4. The Appellant did not appear for the hearing nor request a continuance. The Education and Enforcement Division of the Board was represented by Assistant Attorney General Brian Considine.

5. On May 7, 2010, Administrative Law Judge Mary Ellen Goodwin entered her Initial Order, ordering that the appellant was in default and dismissing the appeal.
6. No request to vacate the default was filed.
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 Statement of Intent Not to Renew Liquor License for case 23,636 is adopted by the Board;

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 23,503 is sustained;

AND that the liquor license privileges granted to BJ's II, Inc. d/b/a BJ's II at 4315 Pacific Hwy E, in Fife, Washington, License 088476, are hereby permanently revoked effective July 9, 2010.

DATED at Olympia, Washington this 9 day of June, 2010.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster
Rutnam Kuruse
Diana J. Bremer

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).



**Washington State
Liquor Control Board**

June 9, 2010

BJ's II, Inc.
d/b/a BJ's II
4315 Pacific Hwy E
Fife, WA 98424-2612

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

**RE: FINAL ORDER OF THE BOARD
ADMINISTRATIVE VIOLATION NOTICE NO. 1S8366A and Intent to Revoke Liquor License
LICENSEE: BJ's II, Inc.
TRADE NAME: BJ's II
LOCATION: 4315 Pacific Hwy E, Fife, WA 98424-2612
LICENSE NO. 088476-1S
LCB HEARING NOS. 23,503 & 23,626
OAH NO. 2009-LCB-0040
UBI: 601 521 458 001 0001**

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, appearing to read "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Alan Rathbun, Director of Licensing and Regulation, WSLCB
Tacoma Enforcement and Education Division, WSLCB
Amber Harris, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 BJ'S II, INC.
6 d/b/a BJ'S II
7 4315 PACIFIC HWY E
8 FIFE, WA 98424-2612

LCB NOS. 23,503
23,626
OAH NO. 2009-LCB-0040

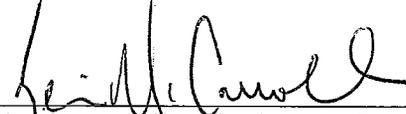
DECLARATION OF SERVICE BY
MAIL

LICENSEE

9 LICENSE NO. 088476-1S
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11 I declare under penalty of perjury under the laws of the state of Washington that on
12 June 9, 2010, I served a true and correct copy of the FINAL ORDER OF THE BOARD in the
13 above-referenced matter, by placing a copy of said documents in the U.S. mail, postage
14 prepaid, to all parties or their counsel of record.

15 DATED this 9th day of June, 2010, at Olympia, Washington.

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17 
18 Kevin McCarroll, Adjudicative Proceedings Coordinator

19 BJ'S II, INC.
20 d/b/a BJ'S II
21 4315 PACIFIC HWY E
22 FIFE, WA 98424-2612

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

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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