

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

YS PARK, INC.
d/b/a HAPPY'S MARKET
207 W UNIVERSITY WAY
ELLENSBURG, WA 98926-2866

LICENSEE

LICENSE NO. 350252
AVN NO. 4E9050A

LCB NO. 23,512
OAH NO. 2009-LCB-0031

FINAL ORDER OF THE BOARD

FINDINGS OF FACT

1. An administrative hearing was held on November 5, 2009 at the Licensee's timely request for a hearing on the Administrative Violation Notice issued by the Liquor Control Board on February 24, 2009.

2. On June 10, 2009, the Board issued a Complaint alleging that on or about January 19, 2009 the above named Licensee, or employee(s) thereof, gave, sold and/or supplied liquor to a person(s) under the age of twenty-one (21), contrary to RCW 66.44.270 and/or WAC 314-11-020(1). The actual date of the alleged violation was February 19, 2009, and the Complaint is deemed amended to conform to the evidence presented at the hearing.

3. At the hearing, the Education and Enforcement Division of the Board was represented by Assistant Attorney General Brian Considine. The Licensee, YS Park Inc., d/b/a Happy's Market, appeared through its sole shareholder YS Park, and was represented by Kenneth D. Beckley, Attorney at Law. Liquor Enforcement Officer Matthew Murphy appeared and testified for the Enforcement Division. Richard Searle, Christopher Camerata, Seung Baik and Young Bin Park testified for the Licensee.

4. On December 31, 2009 Administrative Law Judge Chris Blas entered his Findings of Fact, Conclusions of Law and Initial Order in this matter which dismissed the Complaint.

5. The Enforcement Division of the Board filed a Petition for Review of the Initial Order, but the Petition was not received by the Board within 20 days of the date the Initial Order was served, as it was dated, and received by the Board on January 25, 2010. The Licensee filed a timely Response to the Petition for Review, noting that the Petition may not have been timely filed, depending on the Board's rules of practice.

6. On February 5, 2010, the Enforcement Division filed a Motion for Extension of Time to File Petition for Review. The reason stated for the late filing was that Assistant Attorney General Brian Considine calendared the due date incorrectly. The Board finds that the reasons stated for the late filing are not compelling, and the Board has not relied on the Enforcement Division's Petition for Review in entering its Final Order. However, the Board, *sua sponte*, finds there are errors in the Initial Order that it believes must be corrected.

7. The Board adopts Finding of Fact No. 1 of the Initial Order, modified to read as follows:

On February 19, 2009, Liquor Enforcement Officer Matt Murphy went to Happy's Market to investigate an allegation that the Licensee had furnished liquor to a minor on February 6, 2009 and to conduct a premises check. He met with two of the Licensee's employees on that day: Christopher Camerata and Seung Baik (aka Steve Baik).

8. While talking to Steve Baik at the licensed location, Officer Murphy observed a youthful looking female standing in line, carrying a 30-pack of Busch light beer. He observed that she was very nervous, and he believes he mentioned her apparent nervousness to Steve Baik. Steve Baik denies noticing any signs of nervousness exhibited by the female, but noted that he was talking

to Officer Murphy and also scanning the store and customers at the time. There were several persons in line. When the female reached the front of the line, she presented the pack of beer to employee Christopher Camerata, who was working the register. Camerata asked for her identification, and she showed him a driver's license, but did not remove the license from her wallet. Camerata did not remove the license from her wallet or hold it in his hand to examine it, but viewed the license through the clear plastic in the wallet, which was held by the female customer.

9. Officer Murphy saw Christopher Camerata look at the female's identification, noting that he did not handle the identification or ask the customer to remove it from the wallet. Camerata testified that he believed the female was over 21, but asked for identification to see if the photo and description resembled the female customer. He also testified that he believes he physically handled the identification, although the customer did not pull it all of the way out of her wallet. He testified that the entire transaction probably took no more than 45 seconds.

10. After observing the sale of the 30-pack of Busch Light by Christopher Camerata to the female, Officer Murphy approached the female and identified himself as a liquor control officer. He requested her identification, and she gave him the driver's license which she had shown to Christopher Camerata. Officer Murphy immediately recognized that the driver's license appeared not to be the driver's license of the female customer, and asked her if the license was hers. The customer readily admitted that the license she presented to Camerata was not her license, but was a license that she had found it in a public restroom.

11. The driver's license presented to Camerata identifies a female named Kayla Renee Roof, height 5 feet 10 inches, weight 160 pounds, brown eyes and date of birth of 06-02-1987, with an expiration date of 06-02-2013. The photograph on the license is of a blond female. The drivers' license was a valid driver's license for Kayla Renee Roof.

12. The female customer identified herself to Officer Murphy as Morgan Bishop, DOB 06-30-1990. Her driver's license, in evidence as *Exhibit 3*, indicates that her height is 5 feet 7 inches, she weighs 125 pounds, has brown eyes, and turns age 21 on 06-30-2011, making her age 18 at the time of the transaction. Her photograph shows she has blond hair.

13. Officer Murphy took a photograph of Morgan Bishop in the store standing next to the 30-pack of Busch Light that she had purchased. *See Exhibit 5*. Although Ms. Bishop has blond hair, and she shares similar features to Ms. Roof such as complexion, hair color, and is smiling in the photo, she is three inches shorter than the height shown on Kayla Roof's driver's license, and weighs substantially less (125 pounds vs. 160 pounds) than the weight shown on Ms. Roof's driver's license.

14. After speaking with Ms. Bishop, Officer Murphy informed Christopher Camerata and Steve Baik that the female was a minor and that the identification she presented was not hers. Steve Baik testified that the Officer Murphy told him that Ms. Bishop said she was using a friend's identification, but Officer Murphy denies making this statement to Baik. While not essential to the findings, this statement is double hearsay, not of the type of information normally relied on by the Board, and has been disregarded for the purposes of the findings and conclusions.

15. The Board adopts Findings of Fact No. 7, and Finding No. 8, with the exception of the last sentence of Finding of Fact No. 8, which is a conclusion, not a statement of fact, from the Initial Order.

CONCLUSIONS OF LAW:

1. The Board adopts Conclusions of Law Nos. 1, 2, 3 and 4 from the Initial Order. The Board adopts none of the other Conclusions of Law contained in the Initial Order. The Board adopts the following additional Conclusions of Law:

2. RCW 66.44.270(1) and WAC 314-11-020(1) create a strict liability on the part of sellers of liquor who give, sell, or otherwise supply liquor to a person under the age of 21 years. The facts here show that the Licensee, through its employee, Christopher Camerata, sold liquor to a person under the age of 21 years.

3. RCW 66.20.210 provides a defense to criminal charges or suit for civil action for violating RCW 66.44.270(1) when the purchaser presents an identification card and has signed a certification card. This statute provides:

No licensee or the agent or employee of the licensee, or store employee, shall be prosecuted criminally or be sued in any civil action for serving liquor to a person under legal age to purchase liquor if such person has presented a card of identification in accordance with RCW 66.20.180, and has signed a certification card as provided in RCW 66.20.190.

Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith.

4. WAC 314-11-030 clearly explains the use of the certification card. There is no evidence in the record showing that the licensee requested Ms. Bishop to fill out a certification card. RCW 66.20.210 allows the board to consider whether the licensee acted in good faith in selling liquor to a minor, *if* the licensee possesses a certification card signed by the minor. Under the facts of this case, the law does not provide for a “good faith” defense to the charge of selling liquor to an underage person. Even if a signed certification card had been presented by the licensee, RCW 66.20.210 only provides that the board “may” consider the licensee’s possession of the certification card as a defense to charges brought by the Board. The licensee did not present a certification card signed by Ms. Bishop. Therefore, the Board has no basis for considering whether the licensee, through its employee Mr. Camerata, acted in good faith in selling liquor to Ms. Bishop.

5. Given Mr. Camerata's testimony about the brief time it took to make the transaction to sell the beer to Ms. Bishop, and his testimony that he thought she looked over age 21, the Board concludes that his testimony that he believed he took possession of her wallet to look at the offered identification is not credible. It appears that Mr. Camerata's view of the offered identification was cursory, just to confirm the conclusion he had already reached.

6. Although the driver's license presented by Ms. Bishop was a valid driver's license (issued to Kayla Roof) it was not Ms. Bishop's driver's license. The fact that the general appearance of Ms. Roof and Ms. Bishop is similar is not a defense to the charge of sale of liquor to a minor, nor is Mr. Camerata's subjective belief that the person presenting the identification was over the age of 21. RCW 66.20.170 and RCW 66.20.180 allow a licensee to accept a card of identification listed in RCW 66.16.040, *when* the identification show the person's correct age and bears his or her signature or photograph. As the identification was not that of the person presenting it in this case, the fact that the identification was requested does not provide a defense to the licensee.

7. The licensee, through its employee Christopher Camerata, sold liquor to a minor on February 19, 2009.

8. 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 Findings of Fact, Conclusions of heretofore made and entered in this matter are adopted as set out in this Final Order, and the Board's Final Order is entered and that the liquor license privileges granted to YS Park, Inc., d/b/a Happy's Market, License No. 350252, are hereby suspended for a term of seven (7) days, commencing at 10:00 AM on June 4, 2010 until 10:00 AM on June 11, 2010.

DATED at Olympia, Washington this 13 day of April, 2010.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Richard Kurose

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).

RECEIVED

JAN 04 2010

**STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE WASHINGTON STATE LIQUOR CONTROL BOARD**

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

IN THE MATTER OF:

**YS PARK INC.
dba HAPPY'S MARKET,**

Licensee

License No. 350252

OAH Docket No. 2009-LCB-0031

LCB Case No. 23,512

AVN No. 4E9050A

INITIAL ORDER

On or about February 26, 2009, the Washington State Liquor Control Board (Board) served an Administrative Violation Notice (AVN) on the Licensee, YS Park Inc.. In the Notice, the Board alleges that on or about February 19, 2009, the Licensee furnished liquor to a minor in violation of RCW 66.44.270(1) and is penalized with a 7-day suspension effective from 10 a.m. April 1, 2009 until 10 a.m. April 8, 2009. The Licensee filed a timely request for a hearing.

This matter came on for hearing before Washington State Office of Administrative Hearings, Administrative Law Judge, Chris Blas, in Ellensburg, Washington, on November 5, 2009. At hearing, the Education and Enforcement Division (the Division) of the Board was represented by Assistant Attorney General, Brian Considine. The Licensee, YS Park Inc. dba Happy's Market, appeared through its sole shareholder YS Park and was represented by attorney Kenneth Beckley. Liquor Enforcement Officer, Matthew Murphy, appear and testified for the Division. Richard Searle, Christopher Camarata, Seung Baik, and Young Bin Park testified for the Licensee.

FINDINGS OF FACT

1. On February 26, 2009, Liquor Enforcement Officer Matt Murphy went to Happy's Market to investigate an allegation that the Licensee had furnished liquor to a minor on

February 6, 2009 and to conduct a premises check. He met with two of the Licensee's employees on that day: Christopher Camarata and Seung Baik (aka Steve Baik).

2. While talking to Steve Baik at Licensee's store, Officer Murphy observed a "youthful-looking" female standing in line to purchase a 30-pack of Busch Light Beer. He saw she was very nervous. He did not state whether such behavior was visible to either of the two store employees. Steve Baik denies any sign of nervousness exhibited by the female. He states he was talking to Officer Murphy and also scanning the store and customers. When the female reached the front of the line, she presented the pack of beer to employee Christopher Camarata at the counter. She presented a drivers license to Christopher Camarata which was visible through a clear plastic cover in her wallet.

3. Officer Murphy saw Christopher Camarata look at the identification and asserts that such a look was only a glance. Christopher Camarata asserts that when the female came to the counter, she appeared to be at least 21 years of age and that he looked at the drivers license which she showed him and looked at her to see if the photo and description resembled her. He claims that based on his experience, drivers license photos are not always an identical match to the person presenting the license, especially females, as people tend to change their appearance. He claims that when the female presented the drivers license, she pulled the license partially from the wallet for him to see it better and that the area was well lit sufficient for him to match her with the photograph on the license. He admits he completed the transaction based on his conclusion that she was the person described in the license.

4. After watching the sale of the Busch Light by Christopher Camarata to the female, Officer Murphy approached the female and identified himself as a liquor control officer.

He requested her identification. She gave him the drivers license which she had shown to Christopher Camarata. The drivers license identifies a female named "Kayla Renee Roof", height 5 feet 10 inches, weight 160 pounds, brown eyes and date of birth as "06-02-1987 with an expiration date of "06-02-2013". The photograph on the license shows a blond-haired female. The drivers license was a valid drivers license issued by the state for Kayla Renee Roof. The female then admitted to Officer Murphy that the license was not hers and that she found it in a public bathroom. She then identified herself as Morgan Bishop. According to the drivers license presented into evidence for Morgan Bishop, it reports she is 5 feet 7 inches tall, weighs 125 pounds, brown eyes born on 06-30-1990 turning 21 years of age on 06-30-2011. Her photograph shows she has blond hair.

5. After learning that the female had presented another person's drivers license to purchase liquor from the Licensee's store and that she was under the age of 21, Officer Murphy took a photograph of the female in the store with the 30-pack of Busch Light next to her. See *exhibit 5*. The facial features of the female at the store appear are similar to the drivers license photograph of Kayla Roof. She shares similar features including complexion, skin color, head shape, hair color, nose, mouth and teeth. According to the licenses, Morgan Bishop and Kayla Roof have the same eye color. The difference appears in the height which shows a difference of three inches between the two females.

6. After speaking with the female, Officer Murphy informed Christopher Camarata and Steve Baik that the female was a minor and stated she was using her friend's identification. All three came to the consensus that it was hard to tell the difference between the female and the friend's photograph on the license. Officer Murphy admitted to Steve Baik

that he could not tell that she was not the girl shown on the drivers license. Officer Murphy provides no explanation as to what Christopher Camarata could have done to discover that the customer was using another person's drivers license under the circumstances as the license presented was a valid license for another person.

7. Christopher Camarata has worked for the Licensee for 11 years as a cashier and stocker. He claims that over the years he has checked thousands of identification cards to ascertain whether a customer is of legal age. He claims the female that day appeared to be the person in the drivers license and that the drivers license showed she was over the legal age to purchase liquor. He asserts that the drivers license was a valid license of a person who is over the age of 21 and that the female appearing before him looked over the age of 21.

8. The licensee maintains for its employees beneath the counter of the registers, a copy of the Guide for Washington's Retail Stores which explains the unique features of drivers licenses such as the horizontal and vertical cards, the black state seal overlapping the photo, the 100 rule (adding the first two numerals of the license number to the year of birth to reach 100), the state seal appearing under ultraviolet light and the word "void" appearing on a copied license. The Guide also explains that appearances may be deceiving and "certain features or behaviors may make it hard to judge a customer's age.". The Guide does not explain how a licensee can identify, without error, whether a customer is falsely representing another person's license or identification card as his or her own license or identification card.

CONCLUSIONS OF LAW

1. There is jurisdiction to hear and decide this matter pursuant to Title 66 RCW, chapter 34.05 RCW and chapters 314-29 and 314-42 WAC.

2. WAC 314-11-015(1)(a) states:

(1)(a) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

3. As an employee of the Licensee, the actions of Christopher Camarata are the responsibility of the Licensee, YS Park Inc. RCW 66.44.270(1) states:

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. . .

4. The liquor control regulations reiterate the same prohibition against furnishing liquor to a minor and the responsibility of employees and licensees. WAC 314-11-020(1) states:

(1) Per RCW 66.44.270, licensees or employees may not supply liquor to any person under twenty-one years of age, either for his/her own use or for the use of any other person.

5. Reading the above-cited statute and above-cited regulation without reference to other laws gives the appearance that licensees are strictly liable for selling, giving or otherwise supplying liquor to a person under the age of 21 years. The facts here show that the Licensee, through its employee, Christopher Camarata, sold liquor to a person under the age of 21 years.

6. However, an absolute defense to criminal and a suit for civil action is given to a licensee or an employee of a licensee under RCW 66.20.210 when the purchaser presents an identification card and has signed a certification card. This statute states:

No licensee or the agent or employee of the licensee, or store

employee, shall be prosecuted criminally or be sued in any civil action for serving liquor to a person under legal age to purchase liquor if such person has presented a card of identification in accordance with RCW 66.20.180, and has signed a certification card as provided in RCW 66.20.190.

Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith.

7. As explained in the second paragraph of RCW 66.20.210, the board may consider whether the licensee acted in "good faith". Based on RCW 66.20.210, it is clear that "good faith" is a defense to the sale of liquor to a minor. RCW 66.20.210 does not prohibit a finding of "good faith" in other circumstances where there is no certification card obtained.

WAC 314-11-030 further explains the use of certification cards. It states:

(1) Per RCW 66.20.190 and 66.20.210, if a patron presents proper identification as outlined in WAC 314-11-025 but the licensee or employee still has doubts about the patron's age, the licensee or employee may require the patron to sign a certification card. Certification cards are provided by the board's enforcement and education division.

(2) The certification card must be completely filled out and filed alphabetically by the licensee or employee by the close of business on the day used. Certification cards are subject to examination by any law enforcement officer.

8. WAC 314-11-030(1) clearly explains the use of the certification card. It is used when the purchaser presents an identification card (such as a drivers license) and the licensee or employee "still has doubts about the purchaser's age. As to those instances when the licensee or the employee does not have doubts about the purchaser's age, the regulations and statutes remain silent. There is no provision of law prohibiting the application of the "good faith" defense to cases in which the licensee or employee does not have doubts about the

purchaser's age.

9. Here, it is appropriate to determine whether the evidence shows the sale of the liquor by Christopher Camarata to a purchaser under the age of 21 on February 26, 2009 was a "good faith" effort to prevent the sale of liquor to an underage person. RCW 66.20.170 states:

A card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee or store employee and as evidence of legal age of the person presenting such card, provided the licensee or store employee complies with the conditions and procedures prescribed herein and such regulations as may be made by the board.

10. RCW 66.20.170 appears to allow the licensee (or its employees) to verify the age of a purchaser by checking an identification card when the licensee or store employee complies with the conditions and procedures in the statute and regulations. RCW 66.20.180 states:

A card of identification shall be presented by the holder thereof upon request of any licensee, store employee, contract liquor store manager, contract liquor store employee, peace officer, or enforcement officer of the board for the purpose of aiding the licensee, store employee, contract liquor store manager, contract liquor store employee, peace officer, or enforcement officer of the board to determine whether or not such person is of legal age to purchase liquor when such person desires to procure liquor from a licensed establishment or state liquor store or contract liquor store.

11. RCW 66.20.180 further supports the Licensee's (and its employees') authority to demand identification of the person purchasing liquor to determine if the person is of legal age. WAC 314-11-025(1) states:

(1) Per RCW 66.16.040, following are the forms of identification

that are acceptable to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol:

(a) Driver's license, instruction permit, or identification card of any state or province of Canada, or "identocard" issued by the Washington state department of licensing per RCW 46.20.117;

12. Based on RCW 66.20.170, .180, WAC 314-11-025(1) and the Guide for Washington's Retail Stores, a drivers license is an acceptable form of identification to ensure compliance with the liquor control laws. The Licensee (and likewise Christopher Camarata) was authorized to demand such a form of identification from Morgan Bishop when she attempted to purchase liquor. The license presented by her and a review of the license by Christopher Camarata was in compliance with the statute and regulations.

13. The sale of liquor to a minor her did not occur because of Christopher Camarata's failure to detect a forged identification card. The female (Morgan Bishop) did not use a fabricated or tampered drivers license. She used a valid license. It is clear that examination of card itself by handling it to check the black seal, the 100 rule and the "void" stamp would not have resulted in a change in the outcome. The violation here occurred as a result of the female described in license closely meeting the female standing before Christopher Camarata and then misrepresenting it to be her.

14. Based on the admission of the Divisions own representative at the time, discovery by the Licensee's employees was difficult. The visual check of the card to check for signs of a valid license and the features described of the person in the photograph and comparing it to the person in front of him was sufficient for Christopher Camarata to act in "good faith" to prevent the sale of a liquor to a minor. Had the person not been such a close

physical match, the result may have been different.

INITIAL ORDER

The Licensee did not violate RCW 66.44.270(1) on February 26, 2009.

Dated and Mailed this 31st day of December, 2009 at Yakima, Washington.



Chris Blas
Administrative Law Judge
Office of Administrative Hearings
32 North Third Street, Ste 320
Yakima, WA 98901

NOTICE TO PARTIES

Either the licensee, permit holder, or the assistant attorney general may file a petition for review of the initial order with the liquor control board within twenty (20) days of the date of service of the initial order. With notice to all parties the board may change the time for filing a petition for review of the initial order. The board may extend or shorten the filing time based on a voluntary stipulation of the parties or upon motion of a party that demonstrates a clear and convincing showing of exigent circumstances. The petition for review must: (i) Specify the portions of the initial order to which exception is taken; and (ii) Refer to the evidence of record which is relied upon to support the petition. Within ten days after service of the petition for review, any party may file a reply with the liquor control board and copies of the reply must be mailed to all other parties or their representatives at the time the reply is filed. WAC 314-42-095(2).

Copies mailed to:
YS Park Inc., Licensee
Kenneth Beckley, Attorney for Licensee
Brian Considine, AAG
Kevin McCarroll, Adjudicative Proceedings Coord.
Pat Wilson Parmer, Chief



**Washington State
Liquor Control Board**

April 21, 2010

Kenneth Beckley, Attorney for Licensee
701 North Pine St
Ellensburg, WA 98926-2939

YS Park, Inc., Licensee
d/b/a Happy's Market
207 W University Ave
Ellensburg, WA 98926-2866

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. 4E9050A
LICENSEE: YS Park, Inc.
TRADE NAME: Happy's Market, Ellensburg, WA 98926-2866
LOCATION: 207 W University Ave, Ellensburg, WA 98926-2866
LICENSE NO. 350252-4E
LCB HEARING NO. 23,512
OAH NO. 2009-LCB-0031
UBI: 602 384 899 001 0001**

Dear Parties:

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

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 (3)

cc: Spokane and Wenatchee Enforcement and Education Divisions, WSLCB
Amber Harris, WSLCB

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2
3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 YS PARK, INC
6 d/b/a HAPPY'S MARKET
7 207 W UNIVERSITY AVE
8 ELLENSBURG, WA 98926-2866

9 LICENSEE

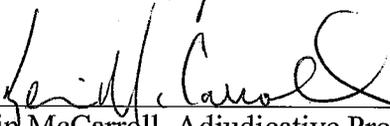
10 LICENSE NO. 350252
11 AVN NO. 4E9050A

LCB NO. 23,512
OAH NO. 2009-LCB-0031

DECLARATION OF SERVICE BY
MAIL

12 I declare under penalty of perjury under the laws of the state of Washington that on
13 April 21, 2010, I served a true and correct copy of the FINAL ORDER OF THE BOARD in the
14 above-referenced matter, by placing a copy of said documents in the U.S. mail, postage
15 prepaid, to all parties or their counsel of record.

16 DATED this 21st day of April, 2010, at Olympia, Washington.

17 
18 Kevin McCarroll, Adjudicative Proceedings Coordinator

19 KENNETH BECKLEY, ATTORNEY FOR
20 LICENSEE
21 701 NORTH PINE ST
22 ELLENSBURG, WA 98926-2939

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

23 YS PARK, INC., LICENSEE
24 d/b/a HAPPY'S MARKET
25 207 W UNIVERSITY AVE
26 ELLENSBURG, WA 98926-2866

DECLARATION OF SERVICE BY
MAIL