

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

TODD D. RUZICKA
d/b/a HANNA'S II
123 5TH AVE SW
OLYMPIA, WA 98501

LICENSEE

LICENSE NO. 356277

LCB NO. 23,536

OAH NO. 2009-LCB-0029

FINAL ORDER OF THE BOARD

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

1. A prehearing conference was scheduled for September 1, 2009 at the licensee's timely request for a formal administrative hearing.

2. The Liquor Control Board's Complaint dated June 30, 2009, alleged that on April 18, 2009 the above-named Licensee, or employee(s) thereof, allowed liquor to be consumed between the hours of 2:00 a.m. and 6:00 a.m. and/or an employee thereof possessed alcohol when not performing official duties between the hours of 2:00 a.m. and 6:00 a.m. contrary to WAC 314-11-070.

3. The Appellant did not appear for the prehearing conference nor request a continuance. The Education and Enforcement Division of the Board was represented by Assistant Attorney General Brian Considine.

4. On September 2, 2009, Administrative Law Judge Terry A. Schuh entered his Order of Dismissal Due to Appellant's Failure to Appear, ordering that the appellant is in default and dismissing the appeal.

5. No request to vacate the default was filed.

6. 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 default order for case 23,536 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 23,536 is sustained and that the liquor license privileges granted to Todd Ruzicka d/b/a Hannah's II at 123 5th Avenue SW, in Olympia Washington, License 356277, are hereby suspended for a term of five (5) days. In lieu of a license suspension, the Licensee may pay a monetary penalty in the amount of two-hundred fifty dollars (\$250.00) due within 30 days of this order. If timely payment is not received, suspension will take place from 10:00 a.m. on October 30, 2009 until 10:00 a.m. on November 4, 2009. Failure to comply with the terms of this order will result in further disciplinary action.

Payment in reference to this order should be sent to:

Washington State Liquor Control Board

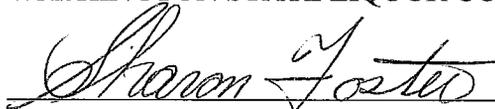
Enforcement and Education Division

PO Box 43085

Olympia, WA 98504-3085

DATED at Olympia, Washington this 16th day of September, 2009.

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. 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).

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

RECEIVED

SEP. 09 2009

LIQUOR CONTROL BOARD
BOARD ADMINISTRATION

In The Matter of:

TODD RUZICKA d/b/a
HANNAH'S II

Docket No. 2009-LCB-0029
Case No. 23,536

ORDER OF DISMISSAL DUE TO
APPELLANT'S FAILURE TO APPEAR

The above-captioned matter was scheduled for a prehearing conference by telephone on Tuesday, September 1, 2009 at 10:20 a.m. pursuant to due and proper notice to all interested parties; and

The Appellant above, did not appear for the prehearing conference, nor request a continuance, nor otherwise contact this office; and

The Department appeared and was represented by Brian Considine, Assistant Attorney General; and

The Department moved for a dismissal of the matter by default; and

Now Therefore it is ORDERED that the Appellant is in DEFAULT pursuant to RCW 34.05.440 and the appeal is hereby **DISMISSED**.

Dated this 2nd day of September 2009 at Olympia, Washington.



Terry A. Schuh
Administrative Law Judge
Office of Administrative Hearings
2420 Bristol Court SW
PO Box 9046
Olympia, WA 98507-9046