

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LA BARCA, INC.
d/b/a JUAN COLORADO MEXICAN
RESTAURANT
8709 14TH AVE SOUTH
SEATTLE, WA 98108-4808

LICENSEE

LICENSE NO. 077501-2L

LCB NO. 23,562

ORDER OF THE BOARD
GRANTING CITY OF SEATTLE'S
REQUEST FOR A HEARING

The above entitled matter coming on regularly before the Washington State Liquor Control Board (Board) and the Board's Licensing and Regulation Division (Licensing) represented by its attorneys ROBERT M. MCKENNA, Attorney General, and BRIAN J. CONSIDINE, Assistant Attorney General and the City of Seattle (City) having appeared through CAPTAIN JOSEPH KESSLER, and the Board having considered Seattle's request for a Hearing, Licensing's Response to City's Request for Hearing, and the file materials maintained in this case, the Board hereby finds:

1. The City was given notice of its right to appeal the Board's decision to renew the Applicant's liquor license, but Licensing's letter failed to include the date by which an appeal must be received by the Board. The letter was dated September 9, 2009, but was not mailed until September 10, 2009, and includes the following language: "If you wish to request a hearing regarding this decision, you must complete the enclosed "Request for Hearing Form." We must receive it no later than DATE, twenty (20) calendar days from the date this notice was mailed to you." The City thus had until September 30, 2009 to request a hearing on the Licensee's liquor

license renewal, but the "DATE" was not clearly indicated in the letter, as appeared to be contemplated by the text of the letter.

2. The City's objection to the renewal is signed and dated September 28, 2009. The mailing envelope shows a postmark date of September 29, 2009. The Board did not actually receive the objection until October 2, 2009, as normally an item mailed from Seattle would arrive in Olympia on or before the next business day, which would have made the Request timely. The Request was not date stamped as received by the Board until October 2, 2009, but the Board believes this short time frame should be excused, as the letter from the Board's Licensing division did not clearly state that any request for hearing must be *Received* by the Board on or before September 30, 2009.
3. The Licensing Division Director recommended that the City be provided a hearing, and the Board believes that under the circumstances in this case, a hearing should be allowed.

IT IS HEREBY ORDERED that the City's request for hearing is granted, and the Licensing and Regulation Division is directed to schedule a hearing in this matter.

DATED at Olympia, Washington this 3 day of December, 2009.

WASHINGTON STATE LIQUOR CONTROL BOARD







**Washington State
Liquor Control Board**

December 4, 2009

La Barca, Inc., Licensee
d/b/a Juan Colorado Mexican Restaurant
8709 14th Ave S
Seattle, WA 98108-4808

Captain Joseph Kessler (City of Seattle)
Southwest Precinct Commander
Seattle Police Dept.
PO Box 34986
Seattle, WA 98124-4986

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

***RE: ORDER OF THE BOARD GRANTING CITY OF SEATTLE'S REQUEST FOR A
HEARING***

LICENSEE: La Barca, Inc.

TRADENAME: Juan Colorado Mexican Restaurant

LOCATION: 8709 14th Ave S, Seattle, WA 98108-4808

LICENSE NO. 077501-2L

LCB HEARING NO. 23,562

Dear Parties:

Enclosed please find a Declaration of Service by Mail and a copy of the Order of the Board in the above referenced matter

If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Alan Rathbun, Director of Licensing, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NOS. 23,562

LA BARCA, INC.
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RESTAURANT
8709 14TH AVE S
SEATTLE, WA 98108-4808

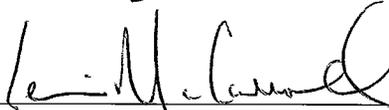
DECLARATION OF SERVICE BY
MAIL

LICENSEE

LICENSE NO. 077501-2L

I declare under penalty of perjury under the laws of the state of Washington that on December 4, 2009, I served a true and correct copy of the ORDER OF THE BOARD GRANTING CITY OF SEATTLE'S REQUEST FOR A HEARING in the above-referenced matter, by placing a copy of said documents in the U.S. mail, postage prepaid, to all parties or their counsel of record.

DATED this 4th day of December, 2009, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator

LA BARCA, INC., LICENSEE
d/b/a JUAN COLORADO MEXICAN
RESTAURANT
8709 14TH AVE S
SEATTLE, WA 98108-4808

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

CAPTAIN JOSEPH KESSLER (CITY OF
SEATTLE)
SOUTHWEST PRECINCT COMMANDER
SEATTLE POLICE DEPT.
PO BOX 34986
SEATTLE, WA 98124-4986

DECLARATION OF SERVICE BY
MAIL