

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

D.A. WORTNER, INC
d/b/a ANACORTES PIZZA FACTORY
3219 COMMERCIAL AVE
ANACORTES, WA 98221

LICENSEE

LICENSE NO. 074941

LCB NO. 23,568

FINAL ORDER OF THE BOARD

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

1. An administrative violation for liquor license cancellation was issued on September 25, 2008 alleging the licensee engaged in criminal conduct on the licensed premises on June 5, 2008 and August 19, 2008, contrary to WAC 314-11-015(2).
2. The licensee timely requested a settlement conference to discuss resolution of the matter.
3. In a letter dated August 14, 2009, attorney for the licensee, Donald J. Bisagna, issued a withdrawal of request for settlement conference and indicated acceptance of the original penalty of license cancellation on behalf of his client Derek Alan Wortner.
4. The entire record in this matter was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises;

5. NOW THEREFORE; IT IS HEREBY ORDERED that the acceptance of the original penalty be finalized and AFFIRMED and that the liquor license privileges granted to D.A. Wortner, Inc. d/b/a Anacortes Pizza Factory at 3219 Commercial Avenue, Anacortes, WA 98221, License Number 074941, are hereby cancelled effective September 1, 2009.

DATED at Olympia, Washington this 1st day of September, 2009.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Fato

Ruthann 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 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).