

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

PW VENTURE INC  
d/b/a CLUB LAVA  
5306 154<sup>TH</sup> AVE SE  
BELLEVUE, WA 98006-5152

LICENSEE

LICENSE NO. 351800-3D  
AVN 3D0065A

LCB NO. 23,697  
OAH NO. 2010-LCB-0038

FINAL ORDER OF THE BOARD

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

1. The Liquor Control Board issued a complaint dated August 31, 2010, alleging that on March 6, 2010 the above-named licensee permitted an apparently intoxicated person(s) to consume liquor and/or possess liquor on the licensed premises, contrary to WAC 314-16-150.
2. A prehearing conference was scheduled for October 6, 2010 at the licensee's timely request for a formal administrative hearing.
3. The Appellant did not appear for the prehearing conference nor request a continuance. Attorney Kirk Davis appeared in order to provide information on behalf of the Licensee, but was not authorized to represent the Licensee in these proceedings. Assistant Attorney General Timothy Ford represented the Education and Enforcement Division of the Board.
4. On October 15, 2010, Administrative Law Judge Thomas P. Rack entered his Order of Default, ordering that the appellant was 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 23,697 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 23,697 is sustained and that the liquor license privileges granted to PW Venture, Inc. d/b/a Club Lava at 930 SE Pioneer Way in Oak Harbor, Washington, License 351800, are hereby suspended for a term of thirty (30) days beginning at 11:00 a.m. on December 15, 2010 until 11:00 a.m. on January 14, 2011. Failure to comply with the terms of this order will result in further disciplinary action.

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

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthann Kewse

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

---

November 9, 2010

PW Venture Inc.  
d/b/a Club Lava  
5306 154<sup>th</sup> Ave SE  
Bellevue, WA 98006-5152

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

**RE: FINAL ORDER OF THE BOARD**

**LICENSEE: PW Venture Inc.**

**TRADE NAME: Club Lava**

**LOCATION: 930 SE Pioneer Way, Oak Harbor, WA 98277-4058**

**LICENSE NO. 351800-3D**

**AVN NO. 3D0065A**

**LCB HEARING NO. 23,697**

**OAH NO. 2010-LCB-0038**

**UBI: 602 689 345 001 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: Amber Harris, WSLCB  
Mount Vernon Enforcement and Education Division, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

PW VENTURE INC.  
d/b/a CLUB LAVA  
930 SE PIONEER WAY  
OAK HARBOR, WA 98277-4058

LICENSEE

LICENSE NO. 351800-3D  
AVN 3D0065A

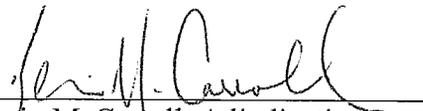
LCB NO. 23,697  
OAH NO. 2010-LCB-0038

DECLARATION OF SERVICE BY  
MAIL

I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-referenced matter to be served on all parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office of Attorney General, on the date below to:

PW VENTURE INC. d/b/a CLUB LAVA 5306 154 <sup>TH</sup> AVE SE BELLEVUE, WA 98006-5152	TIMOTHY FORD, ASSISTANT ATTORNEY GENERAL, GCE DIVISION OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100
PW VENTURE INC. d/b/a CLUB LAVA 930 SE PIONEER WAY OAK HARBOR, WA 98277-5730	

DATED this 9<sup>th</sup> day of November, 2010, at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY  
MAIL