

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

PETER P. ALUMASA
D/B/A AFRIQ RESTAURANT
12619 RENTON AVE S
SEATTLE, WA 98178-3712

LICENSEE

LICENSE NO. 360617
AVN NO. 2L0083A

LCB NO. 23,707
OAH NO. 2010-LCB-0051

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 3, 2010, alleging that on February 14, 2010 the above-named Licensee, or employee(s) thereof, served liquor between the hours of 2:00 a.m. and 6:00 a.m. and/or allowed liquor to be consumed between the hours of 2:00 a.m. and 6:00 a.m., contrary to WAC 314-11-070.
2. A prehearing conference was scheduled for September 13, 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. The Education and Enforcement Division of the Board was represented by Assistant Attorney General Brian Considine.
4. On September 22, 2010, Administrative Law Judge Steven C. Smith entered his Order of Default (Failure to Appear at Pre-Hearing Conference) , ordering that the appellant was in default, that the penalty specified in the Complaint shall be imposed 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 23,707 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 23,707 is sustained and that the liquor license privileges granted to Peter P. Alumasa d/b/a Afriq Restaurant at 12619 Renton Ave S in Seattle, Washington, License 360617, 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 five hundred dollars (\$500.00) due within 30 days of this order. If timely payment is not received, suspension will take place from 6:00 p.m. on December 3, 2010 until 6:00 p.m. on December 8, 2010. 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

PO Box 43085

Olympia, WA 98504-3085

DATED at Olympia, Washington this 12 day of October, 2010.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthann Kurose Kevin McCarroll
per telephonic approval

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

SEP 24 2010

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

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

In the Matter of:

PETER P. ALUMASA d/b/a AFRIQ
RESTAURANT 12619 RENTON AVE.,
SOUTH SEATTLE, WA 98178

LICENSEE

LICENSE NO. 360617
AVN NO. 2L0083A

OAH DOCKET NO. 2010-LCB-0051

LCB No. 23,707

**ORDER OF DEFAULT
(Failure to Appear at Pre-Hearing
Conference)**

1. ORDER SUMMARY

1.1. The Licensee failed to appear for pre-hearing conference without obtaining an order of postponement; therefore, Licensee is held in default pursuant to RCW 34.05.440. Based upon the Licensee's default, the penalties specified in the Complaint and its attached Administrative Violation Notice (AVN) in this matter shall be imposed, subject to further Liquor Control Board action. Specifically, 5 day suspension or \$500 fine.

1.2. The Licensee's Application for Hearing is dismissed.

2. HEARING

2.1 **Administrative Law Judge:** Steven C. Smith

2.2 **Date of Conference:** September 13, 2010

2.3 **Licensee :** PETER P. ALUMASA
d/b/a AFRIQ RESTAURANT
12619 RENTON AVE.
SOUTH SEATTLE, WA 98178

2.3.1 **Licensee Representative:** None of Record or Did Not Appear

2.4 **Agency:** Liquor Control Board

2.4.1 **Agency Representative:** Brian Consideine,
Assistant Attorney General
GCE Division
Office of the Attorney General
PO Box 40100
Olympia, WA 98504-0100
(360) 753-2711

3. STATEMENT OF THE CASE

3.1 A pre-hearing conference (PHC) was scheduled for this matter for September 13, 2010. The Notice of Pre-Hearing Conference, dated and mailed to Licensee on August 24, 2010, informed Licensee that Licensee was required to attend a PHC before an Administrative Law Judge of the Washington Office of Administrative Hearings and that any party's failure to attend the PHC could result in an order of default against that party. The Notice of Pre-Hearing Conference also provided both parties with instructions regarding obtaining a postponement of the PHC.

3.2 The Administrative Law Judge timely convened the PHC as set forth in the Notice of Pre-Hearing Conference. The Washington State Liquor Control Board timely appeared and was represented by the Office of the Attorney General of the State of Washington through the above-named Assistant Attorney General (AAG). The Administrative Law Judge waited 15 additional minutes; the above-named Licensee did not appear. Therefore, the Administrative Law Judge ordered default against the Licensee.

3.3 Based upon the Licensee's default, the penalties specified in the Complaint and its attached Administrative Violation Notice (AVN) in this matter shall be imposed, subject to further Liquor Control Board action. Specifically, 5 day suspension or \$500 fine.

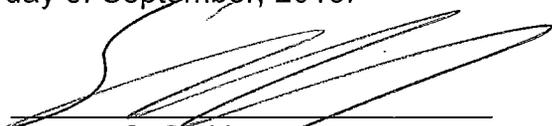
4. ORDER

4.1 IT IS ORDERED that the above-named Licensee is in **DEFAULT**.

4.2 The penalty specified in the Complaint and its attached Administrative Violation Notice (AVN) in this matter shall be imposed against the above-named Licensee, subject to further Liquor Control Board action; that is, a 5 day suspension or \$500 fine.

4.3 The request for hearing by the above-named Licensee is dismissed.

Signed at Olympia, Washington, this ^{22nd}~~21st~~ day of September, 2010.



Steven C. Smith
Administrative Law Judge
Office of Administrative Hearings

FURTHER APPEAL RIGHTS

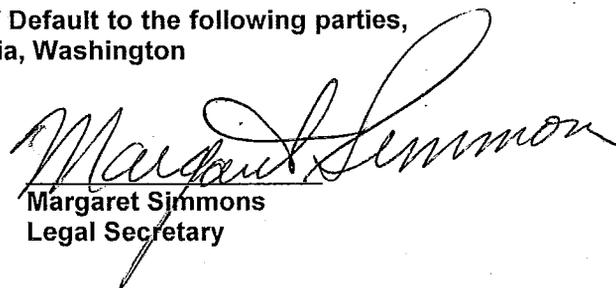
The foregoing order is an "initial order" as that term is intended by WAC 314-42-095(2). Any party may file a petition for review of the initial order with the Liquor Control Board within twenty days of the date of service of the initial order. RCW 34.05.464, WAC 10-08-211, and WAC 314-42-095(2)(a). The petition for review must (a) identify the parts of the initial order the petitioner objects to and (b) refer to the evidence in the record that supports the petitioner's position.

A petitioner must mail a copy of the petition for review to each of the other parties and their representatives at the same time the petitioner files the petition. Within ten days after service of the petition for review, any other parties may file a response to the petition. WAC 314-42-095(2)(b). A responding party must likewise mail a copy of the response to each of the other parties and their representatives at the same time the responding party files the response.

The members of the Liquor Control Board will review the administrative record, the initial order, the petition for review, and any responses. WAC 314-42-095(3). Following this review, the Board will enter a final order WAC 314-42-095(4). Within ten days of when the Board issues the final order, any party may file a petition for reconsideration, stating the specific grounds upon which relief is requested. RCW 34.05.470(1) and WAC 10.08.215. A party may appeal the Liquor Control Board's final order to the Superior Court under RCW 34.05.510 *et seq.*

CERTIFICATE OF SERVICE

I certify that I mailed true and exact copies of the Order of Default to the following parties, postage prepaid this 22nd day of September 2010 at Olympia, Washington


Margaret Simmons
Legal Secretary

Peter P. Alumasa
D/B/A Afrig Restaurant
12619 Renton Ave.
South Seattle, Wa 98178

Brian Consideine
Assistant Attorney General
GCE Division
Office of the Attorney General
PO Box 40100
Olympia, WA 98504-0100

Kevin McCarroll
Adjudicative Proceedings Coord.
PO Box 43076
Olympia, WA 98504-3076



Washington State
Liquor Control Board

October 12, 2010

Peter P. Alumasa
d/b/a Afriq Restaurant
12619 Renton Ave S
Seattle, WA 98178-3712

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
LICENSEE: Peter P. Alumasa
TRADE NAME: Afriq Restaurant
LOCATION: 12619 Renton Ave S, Seattle, WA 98178-3712
LICENSE NO. 360617-2L
AVN NO. 2L0083A
LCB HEARING NO. 23,707
OAH NO. 2010-LCB-0051
UBI: 602 089 879 001 0002

Dear Parties:

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

The applicable monetary penalty is due by November 11, 2010 or suspension will take place on the dates indicated in the Final Order.

When you are sending in payment, please mail it to the address indicated in the Final Order and label the check with your License and Administrative Violation Notice numbers listed above.

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

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Amber Harris, WSLCB
Tukwila Enforcement and Education Division, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 PETER P. ALUMASA
6 d/b/a AFRIQ RESTAURANT
7 12619 RENTON AVE S
8 SEATTLE, WA 98178-3712

9 LICENSEE

LICENSE NO. 360617-2L

LCB NO. 23,707

OAH NO. 2010-LCB-0051

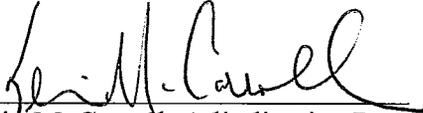
DECLARATION OF SERVICE BY
MAIL

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

14
15
16 PETER P. ALUMASA
17 d/b/a AFRIQ RESTAURANT
18 12619 RENTON AVE S
19 SEATTLE, WA 98178-3712

BRIAN CONSIDINE, ASSISTANT
ATTORNEY GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100

20 DATED this 12th day of October, 2010, at Olympia, Washington.

21 
22 Kevin McCarroll, Adjudicative Proceedings Coordinator

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DECLARATION OF SERVICE BY
MAIL