

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

RAMIRO RODNEY DELEON
MARIA MARY DOMINQUEZ
d/b/a OTHELLO BOWL
1312 E MAIN STREET
OTHELLO, WA 99344-1559

LICENSE APPLICANT

LICENSE NO. 363751-4L

LCB NO. 23,716

OAH NO. 2010-LCB-0057

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 Statement of Intent to Deny Liquor License dated July 9, 2010 due to applicant Ramiro Rodney DeLeon's criminal record and non-disclosure of his criminal record on the application. The applicants submitted a timely request for a hearing.
2. The Office of Administrative Hearings scheduled a prehearing conference for November 29, 2010 at 11:00 a.m.
3. The license applicants Ramiro Rodney DeLeon and Maria Mary Dominquez did not appear for the prehearing conference nor did a representative appear on their behalf. Assistant Attorney General Gordon Karg represented the Licensing Division of the Board.
4. Administrative Law Judge Steven C. Smith entered his Initial Order of Default (Failure to Appear at Proceeding) on December 30, 2010 ordering that the applicant was in default and dismissing the request for a hearing.
5. No request to vacate the default was filed.

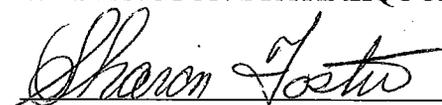
6. The entire record in this proceeding was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises; NOW THEREFORE; IT IS HEREBY ORDERED the Board corrects a typographical error in the applicant's business address listed in the Initial Order of Default by applicant; the correct physical location of the premises is 1312 E Main Street in Othello, Washington.

IT IS HEREBY FURTHER ORDERED that the default order for case 23,716 is adopted.

IT IS HEREBY FURTHER ORDERED that the liquor license application 363751-4L for Ramiro Rodney DeLeon and Maria Mary Dominguez d/b/a Othello Bowl located at 1312 E. Main Street in Othello, Washington is DENIED.

DATED at Olympia, Washington this 18 day of January, 2011.

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).

RECEIVED

JAN 14 2011

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

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

In the Matter of:

**Ramiro Rodney DeLeon
Maria Mary Dominquez
dba Othello Bowl
1212 E. Main Street
Othello, WA 99344,**

License Applicant.

License Application No. 363751-4 L

OAH DOCKET NO. 2010-LCB-0057

LCB No. 23, 716

**INITIAL ORDER OF DEFAULT
(Failure to Appear at Proceeding)**

1. ORDER SUMMARY

1.1. The License Applicant was given due notice, but failed to appear for prehearing proceeding (PHC) without first obtaining an order of postponement. Therefore, the License Applicant was held in default under RCW 34.05.440. Based on the License Applicant's default, the penalties appropriate to the allegations stated in the Statement of Intent to Deny Liquor License in this matter shall be imposed, subject to further Liquor Control Board action.

1.2. Specifically, the penalty shall be: Denial of the liquor license of Othello Bowl.

1.3. The License Applicant's Request for Hearing shall be dismissed.

2. HEARING

2.1 Administrative Law Judge: Steven C. Smith

2.2 Date and Time of Prehearing Proceeding (PHC): November 29, 2010 at 11:00 AM.

2.3 Appearances By Parties:

2.3.1 The License Applicant, Ramiro Rodney DeLeon and Maria Mary Dominguez dba Othello Bowl, did not appear.

2.3.2 No representative appeared for the License Applicant appeared.

2.3.3 Washington State Liquor Control Board appeared through
Assist. Attorney General Gordon Karg.

3. STATEMENT OF THE CASE

3.1 A prehearing proceeding was scheduled for this matter at the date and time above stated. Written notice of the proceeding was timely mailed to the parties by First Class United States Mail, postage prepaid. The notice informed the parties that they were required to attend the proceeding before an Administrative Law Judge of the Washington Office of Administrative Hearings and how to attend. The notice also informed the parties that failure to attend the scheduled proceeding could result in an order of default against the party who failed to attend. The notice provided both parties with instructions on how to apply to the Administrative Law Judge for a postponement of the proceeding.

3.2 The Administrative Law Judge timely convened the proceeding as set forth in the written notice of the proceeding. The Washington State Liquor Control Board timely appeared and was represented by the above-named person. The Administrative Law Judge waited 15 minutes beyond the scheduled start time for the proceeding, but the License Applicant did not appear. Therefore, the Administrative Law Judge deemed the License Applicant to be in default.

3.3 Based on the License Applicant's default, the penalties appropriate to the allegations stated in the Statement of Intent to Deny Liquor License in this matter shall be imposed, subject to further Liquor Control Board action.

3.4 Specifically, the actions and penalties alleged and the penalties to be awarded by this Initial Order of Default are as follows: The License Applicant has held a grocery store liquor license (#071126) for De Leon's Gas and Groceries in Othello Washington since September 1986. License Applicant applied for a snack bar license on February 27, 2010, following which Applicant De León was found to have a criminal history totaling 14 points. That criminal history included supplying liquor to a minor, a Gross Misdemeanor; nondisclosure of the Gross Misdemeanor, and a second conviction for supplying liquor to a minor (second Gross Misdemeanor). Additionally, since May, 1994, the Applicant had been issued four written warnings and eight Administrative Violation Notices by Washington State Liquor Control Board Enforcement with regard to Applicant's existing license (#071126).

The foregoing criminal history constitutes grounds for denial of the liquor license application by the Liquor Control Board under RCW 66.24.010(2) and WAC 314-07-040(1). The foregoing administrative violation history constitutes grounds for denial of the liquor license application by the Liquor Control board under WAC 314-07-045. Accordingly, pursuant to the foregoing authorities, the liquor license application shall be denied.

3.5 The License Applicant's Request for Hearing shall be dismissed.

4.0 **THEREFORE, IT IS ORDERED:**

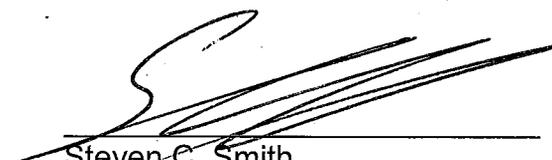
4.1 The above-named License Applicant is in DEFAULT.

4.2 Based on License Applicant DeLeon's criminal history, the liquor license application is denied under RCW 66.24.010(2) and WAC 314-07-040(1).

4.3 Based on the License Applicants' administrative violation history, the liquor license application is denied under WAC 314-07-045..

4.4 The License Applicant's Request for Hearing is dismissed.

Signed and Issued at Tacoma, Washington, on the date of mailing.



Steven C. Smith
Administrative Law Judge
Office of Administrative Hearings

NOTICE OF APPEAL RIGHTS – PLEASE READ CAREFULLY

Motion to Vacate Default: RCW 34.05.440 provides, "(3) Within seven days after service of a default order under subsection (2) of this section, or such longer period as provided by agency rule, the party against whom it was entered may file a written motion with the Administrative Law Judge who issued the Initial Order of Default requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of that party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings. By agency rule (WAC 10-08-110), service is complete upon mailing of this order; therefore, **any motion to vacate a default order must be made within a total of seven (7) days after the date of the mailing of the default order.**

Petition for Review of Initial Order: The foregoing order is an "initial order" as that term is intended by WAC 314-42-095. **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 two which the petitioner objects and (b) refer to the evidence in the record that supports the petitioner's position.

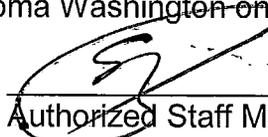
A petitioner must mail a copy of the petition for review to each of the other parties and their representatives at the same time the petitioner files the petition. Within ten days after service of the petition for review, any other parties may file a response to the petition. WAC 314-42-095(2)(b). A 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 and following (see especially, RCW 34.05.514).

INITIAL ORDER MAY BECOME FINAL IF NO TIMELY ACTION IS TAKEN: If a party in default does not timely file a Motion to Vacate Default, or a party in disagreement with the Initial Order does not timely file a Petition for Review of Initial Order, the order may become a Final Order.

Certificate of Service

I certify that true copies of the foregoing document were mailed to the following parties, US First Class Postage prepaid from Tacoma Washington on December 30, 2010.



Authorized Staff Member
Office of Administrative Hearings

Ramiro Rodney DeLeon
Maria Mary Dominguez
d/b/a Othello Bowl
1212 E Main St
Othello, WA 99344-1558

PO Box 40100
Olympia, WA 98504

Gordon Karg
Assistant Attorney General
Office of the Attorney General

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



**Washington State
Liquor Control Board**

January 19, 2011

Ramiro Rodney De Leon, Applicant
d/b/a Othello Bowl
1312 E Main Street
Othello, WA 99344-1559

Gordon Karg, 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: Ramiro Rodney De Leon
TRADE NAME: Othello Bowl
LOCATION: 1312 E Main Street, Othello, WA 99344-1559
LICENSE NO. 363751-4L
LCB HEARING NO. 23,716
OAH NO. 2010-LCB-0057
UBI: 600 175 328 001 0004

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: Sharon Hendricks, Licensing Manager, WSLCB
Spokane Enforcement and Education Divisions, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 RAMIRO RODNEY DE LEON
6 d/b/a OTHELLO BOWL
7 1312 E MAIN STREET
8 OTHELLO, WA 99344-1559

9 APPLICANT

10 LICENSE NO. 353751-41

LCB NO. 23,716
OAH NO. 2010-LCB-0057

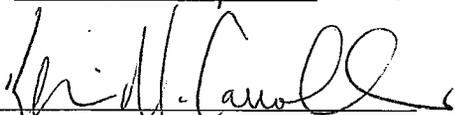
DECLARATION OF SERVICE BY
MAIL

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

16
17 RAMIRO RODNEY DE LEON
18 d/b/a OTHELLO BOWL
19 1312 E MAIN STREET
20 OTHELLO, WA 99344-1559

GORDON KARG, ASSISTANT ATTORNEY
GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100

21 DATED this 19th day of January, 2011, at Olympia, Washington.

22 
23 Kevin McCarroll, Adjudicative Proceedings Coordinator

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DECLARATION OF SERVICE BY
MAIL