

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

RAMIRO RODNEY DE LEON
MARIA DOMINGUEZ DE LEON
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

ORDER DENYING
RECONSIDERATION OF FINAL
ORDER

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

I. FINDINGS OF FACT

1. The Washington State Liquor Control Board (Board) entered its Final Order in this case on January 18, 2011, and served the Order by mail on January 19, 2011. The Final Order was mailed to the address on file for the licensed establishment by Hearings Coordinator Kevin McCarroll, and the copy mailed to the licensee has not been returned to the Board as undeliverable. The address in the Board's files for the licensee, both physical address and mailing address, is 1312 E. Main St., Othello, WA.
2. Rodney DeLeon sent a letter to Assistant Attorney General Gordon Karg dated January 27, 2011, and received by Mr. Karg's office on January 31, 2011, asking that the letter be considered "my formal request for reconsideration, pursuant to RCW 34.05.470." In the letter, Mr. DeLeon stated that he does not receive mail at 1312 E. Main Street, Othello, WA, but that

he receives his mail at 1212 E. Main St, Othello, WA. If the request had been received by the Board on the date of the letter, January 27, 2011, it would have been a timely request.

3. The Board has never received a request for reconsideration from the licensee, but only became aware of the request because AAG Gordon Karg provided the Board with a copy of the letter, along with his response letter to Mr. DeLeon reminding him of the proper address for filing a petition for review or reconsideration. The Board received a copy of Mr. Karg's letter, and the copy of the licensee's letter to Mr. Karg, on February 9, 2011.
4. The Final Order was entered to affirm the Initial Order that was granted by default, as the Licensee failed to appear for a Prehearing Conference set for November 29, 2010 at 11:00 AM. The Notice of Prehearing Conference dated October 25, 2010, was mailed to Mr. DeLeon at the 1212 E. Main St address that he claims is his proper mailing address¹. It appears from the documents on file that the Licensee received proper notice of the Prehearing Conference and failed to appear.
5. On December 30, 2010, the Administrative Law Judge mailed an Initial Order of Default to all parties. The Initial Order was mailed to the licensee as follows:

Ramiro Rodney DeLeon
Maria Mary Dominguez
d/b/a Othello Bowl
1212 E. Main St.
Othello, WA 99344-1558
6. The Initial Order included information on the required time frames for requesting that the default order be vacated, and for filing a Petition for Review with the Board. The Licensee did

¹ The file also contains a Notice of Prehearing Conference dated Sept. 30, 2010, setting a prehearing conference for October 14, 2010, but it appears that one of the parties may have requested a different date, and the prehearing conference was rescheduled for the November 29, 2010 date.

not file a Motion to Vacate Default or a Petition for Review of the Initial Order. On January 18, 2011, the Board considered the Initial Order, and determined it should be affirmed.

7. It further appears that the Licensee did receive a copy of the Final Order, despite his assertion that he does not receive mail at the 1312 E. Main St. address, as he did send a letter to Assistant Attorney General Gordon Karg, stating it was a request for reconsideration of the Final Order. Even if the reconsideration request mailed to Mr. Karg is deemed to be timely and properly filed, the letter fails to cite any circumstances that support reconsideration.
8. The Final Order included language that informs the parties of the timeframes required to file a request for reconsideration: within 10 days of the date of mailing of the order; and where to send it: by mailing or delivery 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 parties and their representative.
9. RCW 34.05.470(1) states as follows:
 - (1) Within ten days of the service of a final order, any party may file a petition for reconsideration, stating the specific grounds upon which relief is requested. The place of filing and other procedures, if any, shall be specified by agency rule.
10. Mr. DeLeon's letter dated January 27, 2011 was not addressed to, nor served on the Board. In addition, the only "grounds" for granting relief from the Final Order is that it was not mailed to the proper mailing address. The request for reconsideration does not contain any basis or reason for overturning the Final Order of the Board. The Licensee does not assert that he did not receive the Notice of Prehearing Conference. The Initial Order, from which the Licensee could have sought review by the Board, shows that it was mailed to him at what he asserts is his proper mailing address, 1212 E. Main St., Othello, WA 99344.

II. CONCLUSIONS OF LAW

1. The Licensee has not filed a proper Request for Reconsideration. To date, the Board has not received a Request for Reconsideration from the Licensee. The request forwarded to the Board by the Assistant Attorney General who represented the Education and Enforcement Division in the case does not state any grounds for reconsideration or overturning the Final Order or the Initial Order.
2. The Licensee had ample time to request the Board review the Initial Order, or to request that the Initial Order of Default be vacated. The Licensee did not contend that the Initial Order was mailed to the wrong address and, in fact, the Initial Order reflects that it was mailed to the address the licensee asserts is his proper mailing address.
3. The Initial Order of Default should be affirmed, as the Final Order of the Board found. The request for reconsideration should be denied.

III. ORDER

The Request for Reconsideration is denied, and the Final Order is affirmed. The liquor license application, 363751-4L for Ramiro Rodney DeLeon and Maria Mary Dominguez d/b/a Othello Bowl located at 1312 E. Main St. in Othello, WA is DENIED.

DATED at Olympia, Washington this 15 day of February, 2011.

WASHINGTON STATE LIQUOR CONTROL BOARD





Service. This Order was served on you the day it was deposited in the United States mail. RCW

34.05.010(19).

ORDER DENYING
RECONSIDERATION OF FINAL ORDER
LCB NO. 23,716
OTHELLO BOWL
LICENSE APPLICATION 363751-4L



Washington State
Liquor Control Board

February 16, 2011

Ramiro Rodney De Leon,
Maria Dominguez De Leon, Applicants
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: ORDER DENYING RECONSIDERATION OF FINAL ORDER

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: Beth Lehman, Licensing Division Supervisor, WSLCB
Spokane Enforcement and Education Divisions, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,716

5 RAMIRO RODNEY DE LEON,
6 MARIA DOMINGUEZ DE LEON,
7 APPLICANTS
8 d/b/a OTHELLO BOWL
9 1312 E MAIN STREET
10 OTHELLO, WA 99344-1559

DECLARATION OF SERVICE BY
MAIL

LICENSE APPLICANT

LICENSE NO. 363751-4L

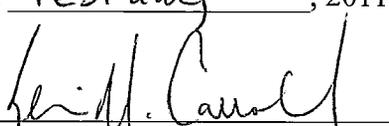
11 I certify that I caused a copy of the *ORDER DENYING RECONSIDERATION OF FINAL ORDER*
12 in the above-referenced matter to be served on all parties or their counsel of record by US Mail
13 Postage Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office
14 of Attorney General, on the date below to:
15
16

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

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

20 RAMIRO RODNEY DE LEON, MARIA
21 DOMINGUEZ DE LEON, APPLICANTS
22 d/b/a OTHELLO BOWL
1212 E MAIN STREET
OTHELLO, WA 99344-1559

23 DATED this 16th day of February, 2011, at Olympia, Washington.

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25 
26 Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY
MAIL

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Washington State Liquor Control Board
3000 Pacific Avenue SE
PO Box 43076
Olympia, WA 98504-3076
(360) 664-1602