

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

In the Matter of the Application for a Nightclub
License of:

Stage54, Inc., Jayme Cozzetto
d/b/a Stage 54
25 E Lincoln Rd
Spokane, WA 99208

License No. 406083

LCB No. 23,717

ORDER DISMISSING APPEAL

On September 29, 2010, the Board issued an order setting the hearing in this matter for determination on a written record. No party submitted any objections to the Order within 10 days. The issue to be determined by the hearing was whether the restriction of "no minors in the premises after 11 PM", requested by the City of Spokane on the Nightclub license applied for by Stage 54 should be imposed on the License or the restriction should be removed.

By Motion dated October 13, 2010, the Licensing Division of the Board filed a Motion to Dismiss the appeal. The Licensing Division's motion is based on the argument that the Licensee has abandoned his appeal of the restriction imposed on his application for a nightclub license, namely, that no minors may be allowed on the premises after 11 PM.

The Licensing Division's Motion is supported by a Declaration of Dora Duval, a Retail/Non-Retail Licensing Manager with the Liquor Control Board Licensing and Regulation Division. Ms. Duval's declaration states that the Licensing Division received Stage54 Inc's request to withdraw it application for a nightclub license and to change its application to an application for a Spirits/Beer/Wine Restaurant license.

No response to the Motion, by the licensee/applicant or the city of Spokane, has been received.

PROCEDURAL BACKGROUND

1. Stage54, Inc., through its Owner and Operator, Jayme Cozzetto, applied to the Board for a Nightclub License, pursuant to RCW 66.24.600(5). The Board notified the City of Spokane of the application, as required by RCW 66.24.010(8)(a).
2. The City of Spokane, by notation on the form provided by the Board, and by letter from the Spokane Police Department notified the Board, pursuant to RCW 66.24.600(5) that it wanted the Board to impose certain restrictions on the license.
3. By Notice dated May 26, 2010, the Liquor Control Board, through the Director of the Licensing and Regulation Division notified the applicant, Stage54, Inc. and Jayme Cozzetto, that the Board would issue the applied-for license with the following restriction:

Will not allow minors on the premises after 11 PM. This is with the acknowledgement that the licensee may host venues on the premises on certain nights when no alcohol is served or consumed and minors 18 years or older are allowed on the premises.

The letter notified the applicant of the right to appeal the Board's decision.

4. The Board notified the City of Spokane by letter dated May 26, 2010, of its commitment to issue the requested license with the restriction noted in par. 3 above, and that the Board declined to impose the other restrictions requested by the City. The City was also notified of the ability to appeal the Board's decision not to impose conditions 1, 2, 3 and 4 requested by the City.
5. Jayme Cozzetto, and Stage54, Inc., filed a timely appeal of the Board's decision to impose the restriction limiting the access of minors to the premises to before 11 PM and on certain other occasions when no alcohol would be served. The City of Spokane did not file an appeal.
6. The Board determined that it would decide the appeal of Stage54, Inc., as a hearing panel, and the matter would be decided based on a written record. The Board attached certain

documents to the order, which provided the deadline of October 15, 2010 for receipt of any additional documents any party wished the Board to consider. The Board received no additional documents, other than the Licensing Division's Motion to Dismiss. The Scheduling Order provided a deadline of October 22, 2010 for any party to respond to documents submitted by another party. No additional documents relating to this case have been received by the Board as of the date of this Order.

ORDER

IT IS HEREBY ORDERED that the appeal of Stage54, Inc., Jayme Cozzetto, is dismissed.

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



Sharon Foster, Chair



Ruthann Kurose, Member

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 2, 2010

Jayme Cozzetto
Stage 54, Inc.
d/b/a Stage 54
1611 E Weile Ave
Spokane, WA 99217-8609

Anne E. Kirkpatrick
Chief of Police
Spokane Police Department
1100 West Mallon Ave
Spokane, WA 99260-2043

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

RE: Order Dismissing Appeal
Licensee: Stage 54, Inc.
Trade Name: Stage 54
Location: 25 E Lincoln Rd, Spokane, WA 99208-5684
Liquor License No. 406083-4P
LCB Hearing No. 23,717
UBI: 602-988-829-001-0001

Dear Parties:

Enclosed is an Order Dismissing Appeal 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

cc: Dora Duval, Licensing Manager, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602
www.liq.wa.gov

1
2
3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,717

5 STAGE 54, INC.
6 d/b/a STAGE 54
7 25 E LINCOLN RD
8 SPOKANE, WA 99208-5684

DECLARATION OF SERVICE BY
MAIL

LICENSEE

9 LICENSE NO. 406083

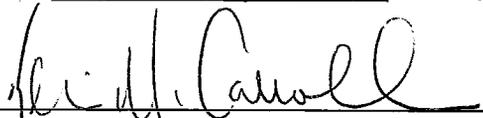
10
11 I certify that I caused a copy of the ORDER DISMISSING APPEAL in the
12 above-referenced matter to be served on all parties or their counsel of record by US
13 Mail Postage Prepaid via Consolidated Mail Service for Licensees; by Campus Mail
14 for the Office of Attorney General, on the date below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

16 JAYME COZZETTO
17 STAGE 54, INC.
18 d/b/a STAGE 54
19 1611 E WEILE AVE
20 SPOKANE, WA 99217-8609

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

19 ANNE E. KIRKPATRICK
20 CHIEF OF POLICE
21 SPOKANE POLICE DEPARTMENT
22 1100 WEST MALLON AVE
23 SPOKANE, WA 99260-2043

24 DATED this 2nd day of November, 2010, at Olympia, Washington.

25 
26 Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE
BY MAIL