

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

ALEJANDRO RUIZ
d/b/a CASA MIGUEL
125 CAMELIA ST NW
ROYAL CITY, WA 99357

LICENSEE

LICENSE NO. 083102
AVN NO. 4G0279A

LCB NO. 23,767
OAH NO. 2010-LCB-0085

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 November 8, 2010, alleging that on October 2, 2010 the above-named licensee, or employee(s) thereof, sold, gave or otherwise supplied liquor to a person(s) under twenty-one (21) years of age, contrary to RCW 66.44.270 and WAC 314-11-020(1).
2. A prehearing conference was scheduled for February 1, 2011 at the licensee's timely request for a formal administrative hearing.
3. The licensee did not appear for the prehearing conference. Assistant Attorney General Timothy Ford represented the Enforcement Division of the Board.
4. On February 2, 2011, Administrative Law Judge (ALJ) David G. Hansen entered his Proposed Order of Default, ordering that the licensee was in default and dismissing the licensee's request for a hearing.
5. A request to vacate the default was filed by the licensee.
6. A Notice of Hearing on Petition to Vacate was issued by the ALJ on March 11, 2011.

7. A hearing took place on March 29, 2011 for the purpose of hearing the licensee's Petition to Vacate the Order of Default. Licensee Alejandro Ruiz d/b/a Casa Miguel appeared and represented himself. Assistant Attorney General Timothy Ford represented the Enforcement Division of the Board.

8. On April 6, 2011, ALJ David G. Hansen issued his Initial Order Denying Licensee's Motion to Vacate, determining that the licensee's Petition to Vacate the Order of Default was untimely and therefore denied.

9. No Petition for Review was received.

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 Proposed Order of Default for case 23,767 is adopted.

IT IS HEREBY FURTHER ORDERED that the Initial Order Denying Licensee's Motion to Vacate for case 23,767 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 23,767 is sustained and that the liquor license privileges granted to Alejandro Ruiz d/b/a Casa Miguel at 125 Camelia St NW, Royal City, Washington, License 083102, 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 10:00 a.m. on June 17, 2011 until 10:00 a.m. on June 22, 2011. 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:

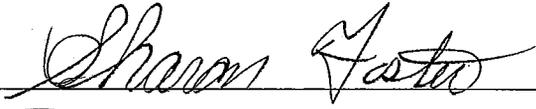
Washington State Liquor Control Board

PO Box 43085

Olympia, WA 98504-3085

DATED at Olympia, Washington this 4 day of May, 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).



**Washington State
Liquor Control Board**

May 4, 2011

Alejandro Ruiz, Licensee
d/b/a Casa Miguel
PO Box 1202
Royal City, WA 99357-1202

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: Alejandro Ruiz
TRADE NAME: Casa Miguel
LOCATION: 125 Camelia St NW, Royal City, WA 99357
LICENSE NO. 083102-4G
ADMINISTRATIVE VIOLATION NOTICE NO: 4G0279A
LCB HEARING NO. 23,767
OAH DOCKET NO. 2010-LCB-0085
UBI: 602 607 720 001 0001

Dear Parties:

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

The applicable monetary penalty is due by June 3, 2011. If payment is not received timely, then suspension will take place during the dates indicated in the Final Order.

The address for payments is WSLCB, P.O. Box 43085, Olympia, WA 98504-3085. Please label the check with your License Number and Administrative Violation Notice Number listed above. 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: Spokane and Wenatchee Enforcement and Education Divisions, WSLCB
Amber Harris, WSLCB

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

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 ALEJANDRO RUIZ
6 d/b/a CASA MIGUEL
7 125 CAMELIA ST NW
8 ROYAL CITY, WA 99357

9 LICENSEE

10 LICENSE 083102
11 AVN NO. 4G0279A

LCB NO. 23,767
OAH NO. 2010-LCB-0085

DECLARATION OF SERVICE BY
MAIL

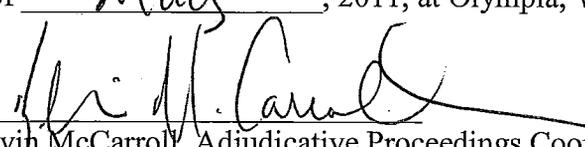
12 I certify that I caused a copy of the *FINAL ORDER OF THE BOARD* in the above-
13 referenced matter to be served on all parties or their counsel of record by US Mail Postage
14 Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office of
15 Attorney General, on the date below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

17 ALEJANDRO RUIZ
18 d/b/a CASA MIGUEL
19 PO BOX 1202
ROYAL CITY, WA 99357-1202

TIMOTHY FORD, ASSISTANT ATTORNEY
GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100

20 ALEJANDRO RUIZ
21 d/b/a CASA MIGUEL
125 CAMELIA ST NW
ROYAL CITY, WA 99357

22
23 DATED this 4th day of May, 2011, at Olympia, Washington.

24
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

MAILED

FEB 02 2011

Office of Administrative Hearings
Spokane

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

IN THE MATTER OF:

ALEJANDRO RUIZ d/b/a
CASA MIGUEL
125 Camelia St NW
Royal City, WA 99357

LICENSEE

LICENSE NO. 4G0279A
AVN NO. 4G0279A

OAH DOCKET NO. 2010-LCB-0085

LCB Case No. 23,767

PROPOSED ORDER OF DEFAULT

I. ORDER SUMMARY

1.1 Based upon the Licensee's failure to appear at the February 1, 2011 prehearing conference, the Board's motion for default judgment is granted. The penalties specified in the Administrative Violation notice in this matter shall be imposed, subject to further Liquor Control Board action.

1.2 The Licensee's request for hearing is dismissed.

II. PREHEARING CONFERENCE

2.1	Administrative Law Judge:	David G. Hansen
2.2	Date of Conference:	February 1, 2011
2.3	Licensee:	ALEJANDRO RUIZ d/b/a CASA MIGUEL 125 Camelia St NW Royal City, WA 99357
2.4	Department:	Liquor Control Board
2.41	Department Representative:	Timothy D. Ford, AAG

III. STATEMENT OF THE CASE

3.1 A prehearing conference was scheduled on this matter for February 1, 2011 at 9:00 a.m. by telephone conference call. The Order for Telephonic Prehearing Conference, dated and

mailed on January 24, 2011, provided instructions for the telephone conference which informed the above-named Licensee of the telephone number to dial for the prehearing conference.

3.2 Administrative Law Judge David G. Hansen convened this prehearing conference at 9:00 a.m. on February 1, 2011. The Washington State Liquor Control Board appeared and was represented by Assistant Attorney General Timothy D. Ford. The licensee did not call in to appear at this prehearing conference. The licensee has made no appearance by counsel to request a continuance.

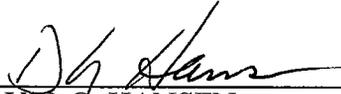
3.3 The Washington State Liquor Control Board verbally moved for a default judgment to be entered based on the failure of the licensee to appear.

3.4 The motion was **GRANTED**.

IV. ORDER

4.1 IT IS ORDERED that the above-named Licensee is in DEFAULT. Based upon the Licensee's default, the penalties specified in the Administrative Violation Notice, in this matter, shall be imposed, subject to further Board action. The Licensee's request for a hearing is dismissed.

DATED this 2nd day of February, 2011.



DAVID G. HANSEN
Administrative Law Judge
Office of Administrative Hearings

NOTICE TO PARTIES

RCW 34.05.440(3) provides that you have **seven (7) days** from the date of service of this Order of Default to file a request to have this Order vacated and your hearing reinstated. A Petition to Reinstate Hearing should be mailed to: The Office of Administrative Hearings, 221 North Wall St., Suite 540, Spokane, Washington 99201-0826.

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

MAILED
APR 06 2011
Office of Administrative Hearings
Spokane

IN THE MATTER OF THE HEARING OF:

OAH NO. 2010-LCB-0085

ALEJANDRO RUIZ
dba CASA MIGUEL
125 CAMELIA STREET NW
ROYAL CITY, WA 99357

CASE NO. 23,767

LICENSEE

**INITIAL ORDER DENYING LICENSEE'S
MOTION TO VACATE**

LICENSE NO. 083102
AVN. NO. 4G0279A

A hearing was held in the above-referenced matter before Administrative Law Judge (ALJ) David G. Hansen on Tuesday, March 29, 2011, for the purpose of hearing the Licensee's Petition to Vacate the Order of Default. Alejandro Ruiz, d/b/a Casa Miguel, (Licensee) appeared and represented himself. The Washington State Liquor Control Board (LCB) appeared and was represented by Timothy Ford, Assistant Attorney General.

The Spanish-English translation service for this matter is Morales Dimmick Translation Service Inc. The translator who appeared at the hearing was Fatima Cornwall. Licensee may receive a free, telephonic translation of this Order by calling 208-365-2622.

Based upon the statements and agreements of the parties and the pleadings and documents on file herein, the undersigned enters the following Findings of Fact:

1. On October 7, 2010, LCB issued an Administrative Violation Notice to Licensee alleging that Licensee had sold or served minors alcoholic beverages in violation of RCW 66.44.270(1). On October 11, 2010, Licensee requested a formal hearing.
2. On January 24, 2011, the Office of Administrative Hearings (OAH) mailed to Licensee and LCB a Notice of Telephonic Pre-hearing Conference. The Notice scheduled the pre-hearing conference to be conducted by telephone at 9 a.m. on Tuesday, February 1, 2011. The Notice was mailed to the Licensee's home, as well as Licensee's business location.

RECEIVED

APR 27 2011

LIQUOR CONTROL BOARD
BOARD ADMINISTRATION

3. Licensee failed to appear at the hearing. Accordingly, the Order of Default was issued by the undersigned on February 2, 2011. The Order of Default provided the following appeal rights:

“RCW 34.05.440(3) provides that you have **seven (7) days** from the date of service of this Order of Default to file a request to have this Order vacated and your hearing reinstated. A Petition to Reinstatement Hearing should be mailed to: The Office of Administrative Hearings, 221 North Wall St., Suite 540, Spokane, WA 99201-0826.”

4. Licensee received its copy of the Order of Default on Friday, February 4, 2011. Licensee also received the Notice of Telephonic Pre-hearing Conference on February 4, 2011. Licensee filed its Petition to Vacate the Default Order and Reinstatement Hearing by mail, postmarked February 9, 2011, and received by OAH February 10, 2011.

Based on the above Findings of Fact, the undersigned enters the following Conclusions of Law:

1. Parties who fail to attend or participate in a hearing, or other stage of the adjudicative proceedings, may be held in default. RCW 34.05.440(2). Licensee failed to appear and participate in the pre-hearing conference of February 1, 2011, and an Order of Default was properly issued on February 2, 2011.

2. Licensee received the Order of Default, along with the Notice of Pre-hearing Conference, on Friday, February 4, 2011.

3. A party who has been defaulted has seven days from the date of service of a Default Order to file a request to vacate that Order and reinstate the hearing. RCW 34.05.440(3). In computing the number of days in which Licensee has to file its Petition to Vacate, the date of mailing of the Default Order is not included. WAC 10-08-080. Accordingly, the seven days in this matter commences on Thursday, February 3, 2011.

4. Documents that are required to be filed with an agency are deemed filed upon actual receipt during office hours at any office of the agency. WAC 10-08-110(1)(a). Accordingly, Licensee's Petition to Vacate the Order of Default needed to be received by the Spokane office, before the close of business, on Wednesday, February 9, 2011, in order to be considered timely filed. Licensee's Petition to Vacate was mailed by Licensee on February 9, 2011, and not received until Thursday, February 10, 2011. Accordingly, Licensee's Petition to Vacate was not timely filed.

5. Licensee received its copy of the Order of Default on Friday, February 4, 2011, giving Licensee ample time to perfect a timely Petition to Vacate. Furthermore, the Order

of Default advised Licensee of the necessity to file any Petition to Vacate within seven days. Licensee's Petition to Vacate is untimely pursuant to RCW 34.05.440(3) and is accordingly denied.

DATED at Spokane, Washington, this 6th day of April 2011.



David G. Hansen
Administrative Law Judge
Office of Administrative Hearings
221 North Wall St., Suite 540
Spokane, WA 99201-0826
(509) 456-3975 1-800-366-0955
Fax: (509) 456-3980

NOTICE TO PARTIES

Either the licensee or permit holder or the assistant attorney general may file a petition for review of the initial order with the liquor control board within twenty (20) days of the date of service of the initial order. RCW 34.05.464, WAC 10-08-211 and WAC 314-42-095.

The petition for review must:

- (i) Specify the portions of the initial order to which exception is taken;
- (ii) Refer to the evidence of record which is relied upon to support the petition;
and
- (iii) Be filed with the liquor control board and within twenty (20) days of the date of service of the initial order.

A copy of the petition for review must be mailed to all of the other parties and their representatives at the time the petition is filed. Within (10) ten days after service of the petition for review, any of the other parties may file a response to that petition with the liquor control board. WAC 314-42-095(2) (a) and (b). Copies of the reply must be mailed to all other parties and their representatives at the time the reply is filed.

The administrative record, the initial order, any petitions for review, and any replies filed by the parties will be circulated to the board members for review. WAC 314-42-095(3). Following this review, the board will enter a final order. WAC 314-42-095(4). Within ten

days of the service of a final order, any party may file a petition for reconsideration with the board, stating the specific grounds upon which relief is requested. RCW 34.05.470 and WAC 10-08-215.

The final decision of the board is appealable to the Superior Court under the provisions of RCW 34.05.510 through 34.05.598 (Washington Administrative Procedure Act).

Address for filing petition with the board: Washington State Liquor Control Board, Attention: Kevin McCarroll, 3000 Pacific Avenue, PO Box 43076, Olympia, Washington 98504-3076

Mailed to the following:

LICENSEE:

Alejandro Ruiz
dba Casa Miguel
PO Box 1202
Royal City WA 99357-1202

Alejandro Ruiz
dba Casa Miguel
125 Camelia Street NW
Royal City WA 99357
(509)-346-2467

LIQUOR CONTROL BOARD:

Timothy Ford
Assistant Attorney General
Office of the Attorney General
1125 Washington St SE
PO Box 40100
Olympia, WA 98504-0100
Telephone: (360) 586-0740

INTERPRETER:

Chris Dimmick
Morales Dimmick Translation
1409 W South Slope
Emmitt, ID 83617
208-365-2622