

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

HUTCH HANDMADE SPIRITS INC.
d/b/a HUTCH HANDMADE SPIRITS
2320 E CHERRY STREET #4
SEATTLE, WA 98122

APPLICANT

LICENSE NO. 407436-6B

LCB NO. 23,833

FINAL ORDER OF THE BOARD

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

1. Hutch Handmade Spirits applied to the Board for a craft distillery license, as authorized by RCW 66.24.145. The Seattle Chief of Police John Diaz submitted a letter dated February 11, 2011 requesting restrictions on the license, but also stating that "in the alternative, the City objects to the license".
2. The Liquor Control Board, through its Director of Licensing, issued a Statement of Intent to Approve with Restriction on Liquor License dated April 27, 2011 to Kyle Rex Hutchins d/b/a Hutch Handmade Spirits. The Statement of Intent recited the City of Seattle's request for restrictions, including the reasons cited by the City for its request. The Statement of Intent properly noted that there is no authority for the City of Seattle (City) to request a restriction on a Craft Distillery license, and that the letter submitted by the City would be regarded as an objection to the issuance of the license. The Statement of Intent also stated that the City's request for a hearing was denied.
3. The City of Seattle filed a Motion for Adjudicatory Hearing, asking that the Board grant it a hearing on its reasons for objecting to the license. The Board's Licensing Division, through its attorney Gordon Karg, Assistant Attorney General, filed a Response to the City's motion; the City

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HUTCH HANDMADE SPIRITS
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subsequently filed a Reply to the Licensing Division's Response, and the Licensing Division filed a Rejoinder to the City's Reply.

4. The Board has considered all of the documents referenced in par. 3, plus all attachments. RCW 66.24.010 describes the process of the Board's consideration of a license application. Subsection (8)(a) directs the Board to provide notice of a liquor license application to the local jurisdiction within which the licensee proposes to operate. Notice was provided to the City of Seattle in this case. RCW 66.24.010(8)(c) gives the city the right to file written objections against the applicant or against the premises for which a license is sought. The City of Seattle filed objections against the location at which the applicant proposes to operate, but did not object to the applicant.

5. RCW 66.24.010(8)(d) requires the local jurisdiction that objects to the issuance of a liquor license to "include a statement of all facts upon which such objections are based" and, when the objection is made in written form, also provides "the city....may request and the liquor control board may in its discretion, hold a hearing..." Whether to provide the City with an opportunity for an administrative hearing on the decision to grant the liquor license is a matter left entirely to the Board's discretion.

6. The objections presented by the City of Seattle are not specific to the location of the licensed premises, but merely reflect concerns about activity in the general neighborhood. The majority of the letters submitted with the City's Motion, purportedly supporting its objection to the issuance of a craft distillery license to Hutch Handmade Spirits, refer to the Cherry Corner Market, or to "a grocery store license". The Cherry Corner Market is not the applicant, nor is the application in this

case one for a grocery store or convenience store with sales of beer and wine for off-premises consumption.

7. The nature of a craft distillery license is vastly different from a convenience store. The City's objection to the license does not state facts particular to the license applied for, nor to the applicant. In light of the location of the licensed premises within an Alcohol Impact Area, the Board approves of the decision of the Licensing Director to impose the restriction that there be no tasting of product at the licensed premises, a privilege that otherwise is included in the license under RCW 66.24.145. NOW THEREFORE; IT IS HEREBY ORDERED that that City of Seattle's Motion for Adjudicatory Hearing is DENIED.

DATED at Olympia, Washington this 21 day of June, 2011.

WASHINGTON STATE LIQUOR CONTROL BOARD





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).

FINAL ORDER OF THE BOARD
HUTCH HANDMADE SPIRITS
LICENSE NO. 407436-6B
LCB NO. 23,833



Washington State
Liquor Control Board

June 22, 2011

James Kenny, Assistant City Attorney
Seattle City Attorney
PO Box 94667
Seattle, WA 98667-4667

Hutch Handmade Spirits Inc.
d/b/a Hutch Handmade Spirits
169 24th Ave
Seattle, WA 98122-6017

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

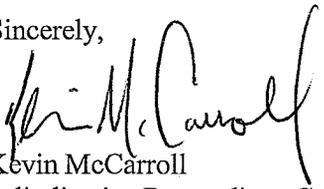
RE: FINAL ORDER OF THE BOARD
APPLICANT: Hutch Handmade Spirits Inc.
TRADE NAME: Hutch Handmade Spirits
LOCATION: 2320 E Cherry St #4, Seattle, WA 98122-4830
LICENSE NO. 407436-6B
LCB NO. 23,833
UBI: 602 949 486 001 0002

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the Final Order of the Board in the above-referenced matter.

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

Sincerely,


Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Dora Duval, Licensing Manager, WSLCB
Seattle and Tukwila Enforcement and Education Divisions, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,833

5 HUTCH HANDMADE SPIRITS INC.
6 d/b/a HUTCH HANDMADE SPIRITS
7 2320 E CHERRY ST #4
8 SEATTLE, WA 98122-4830

DECLARATION OF SERVICE BY
MAIL

9 APPLICANT

10 LICENSE NO. 407436-6B
11

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 JAMES KENNY,
18 ASSISTANT CITY ATTORNEY
19 SEATTLE CITY ATTORNEY
20 PO BOX 94667
21 SEATTLE, WA 98667-4667

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

22 HUTCH HANDMADE SPIRITS INC.
23 d/b/a HUTCH HANDMADE SPIRITS
24 169 24TH AVE
25 SEATTLE, WA 98122-6017

26 DATED this 22nd day of June, 2011, at Olympia, Washington.


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