

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,945

WESTERN WASHINGTON FAIR
ASSOCIATION
d/b/a PUYALLUP FAIR & EVENT
CENTER (NON-FAIR EVENTS)
110 9TH AVE SW
PUYALLUP, WA 98371-6811

FINAL ORDER OF THE BOARD

LICENSEE

LICENSE NO. 400425-1Q

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

1. The Liquor Control Board issued a Statement of Intent to Deny a Revision of the Non-Fair Operating Plan for the Puyallup Fair & Event Center Under the Current License.
2. The licensee did not submit a request for a hearing.
3. 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 Board affirms the approval of the Operating Plan revision requests referenced in section 2.3 A of the Statement of Intent to Deny.

IT IS HEREBY FURTHER ORDERED that Board affirms the denial of the Operating Plan revision requests referenced in section 2.3 B of the Statement of Intent to Deny.

FINAL ORDER OF THE BOARD
LCB NO. 23,945
PUYALLUP FAIR & EVENT CENTER
(NON-FAIR EVENTS)
LICENSE 400425

DATED at Olympia, Washington this 17 day of April, 2012.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthann Kuwose

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**

April 23, 2012

Western Washington Fair Association
d/b/a Puyallup Fair & Event Center
(PUYALLUP NON-FAIR EVENTS)
110 9th Ave SW
Puyallup, WA 98371-6811

City of Puyallup
Puyallup City Clerk
333 S Meridian
Puyallup, WA 98371-5913

Alan Rathbun
Licensing Director, WSLCB
3000 Pacific Ave SE
PO Box 43098
Olympia, WA 98504-3098

RE: FINAL ORDER OF THE BOARD

LICENSEE: Western Washington Fair Association

TRADE NAME: Puyallup Fair & Event Center, (PUYALLUP NON-FAIR EVENTS)

LOCATION: 110 9th Ave SW, Puyallup, WA 98371-6811

LICENSE NO. 400425-1Q

LCB NO. 23,945

UBI: 275 000 273 001 0001

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: Beth Lehman, Licensing Supervisor, WSLCB
Tacoma Enforcement and Education Division, WSLCB

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

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,945

WESTERN WASHINGTON FAIR
ASSOCIATION d/b/a
PUYALLUP FAIR & EVENT
CENTER (PUYALLUP NON-
FAIR EVENTS)
110 9TH AVE SW
PUYALLUP, WA 98371-6811

DECLARATION OF SERVICE BY MAIL

LICENSEE

LICENSE NO. 400425-1Q

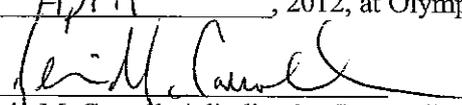
I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-referenced matter to be served on all parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service for Licensees, by Office Mail for the Director of Licensing, on the date below to:

WESTERN WASHINGTON FAIR
ASSOCIATION
d/b/a PUYALLUP FAIR & EVENT
CENTER (PUYALLUP NON-FAIR
EVENTS)
110 9TH AVE SW
PUYALLUP, WA 98371-6811

ALAN RATHBUN
LICENSING DIRECTOR, WSLCB
3000 PACIFIC AVE SE
PO BOX 43098
OLYMPIA, WA 98504-3098

CITY OF PUYALLUP
PUYALLUP CITY CLERK
333 S MERIDIAN
PUYALLUP, WA 98371-5913

DATED this 23rd day of April, 2012, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY
MAIL

STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD

In the Matter of the Denial of a revision of the **Non-Fair** Operating Plan for the current license with the privileges of a Sports-Entertainment Facility for:

Western Washington Fair Association
Puyallup Fair & Event Center
110 9th Ave SW
Puyallup WA 98371

Location Address: 110 9th Ave SW
Puyallup WA 98371

License No. 400425
UBI No. 275 000 273 001 0001

LCB No. 23,945

**STATEMENT OF INTENT TO DENY
A REVISION OF THE NON-FAIR
OPERATING PLAN FOR THE
PUYALLUP FAIR & EVENT
CENTER UNDER THE CURRENT
LICENSE**

The authority of the Washington State Liquor Control Board in this proceeding is based on the provisions of Title 66 Revised Code of Washington (RCW) and Title 314 Washington Administrative Code (WAC).

1. LICENSE HISTORY

- 1.1 Respondent has continuously held a Sports Entertainment Facility liquor license with an approved operating plan since August 2006.

2. SUMMARY OF RELEVANT FACTS

- 2.1 In August 2011, Respondent submitted a revised operating plan for the Puyallup Fair & Event Center.
- 2.2 In November 2011, after meeting with Enforcement Captain Lisa Reinke and Licensing Manager Dora Duval, Respondent submitted two separate revised operating plans—for non-fair events, and for the Puyallup/Spring Fairs.

- 2.3 The revisions to the Non-Fair Events operating plan sought by Respondent would permit the following exceptions to normally approved levels of alcohol service:
- A) Consumption of beer, wine, and spirits in designated food service seating areas with minors allowed when accompanied by an adult. Consumption of alcoholic beverages would be within the confines of the food service seating area.
 - B) Consumption of beer and wine throughout the seating and public areas grounds wide, to include arenas, pavilions, exhibition halls and other buildings.
- 2.4 In support of their request for revision, Respondent submitted a Justification Statement as requested by the Licensing Manager.
- 2.5 Respondent has received four Administrative Violation Notices (AVNs) (three of these were public safety violations), two Written Warnings and one Verbal Warning in the last two years.

3. RELEVANT AUTHORITY AND CONCLUSIONS

- 3.1 RCW 66.08.010 provides that Title 66 RCW shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, morals and safety of the people of the state and all its provisions shall be liberally construed for the accomplishment of that purpose.
- 3.2 RCW 66.24.570(3) provides that the Board may impose reasonable requirements upon a Sports Entertainment Facility licensee, including restriction of the type of events at a Sports Entertainment Facility at which beer, wine, and spirits may be served. When imposing reasonable requirements, the Board must consider the seating accommodations, eating facilities, circulation patterns in such a facility, as well as other amenities available.
- 3.3 WAC 314-02-058(3) contains a matrix that identifies where spirits, beer and wine will normally be permitted in a sports/entertainment facility.
- 3.4 WAC 314-02-058(1)(a) predicates the approval of a Sports Entertainment Facility license on the applicant's submission, and the Board's approval, of an operating plan for the license.

- 3.5 WAC 314-07-065 identifies the reasons that the Board may deny a liquor license application. Under subparagraph (5), the Board may deny a license if the applicant fails to meet the liquor law or rule violation history standards outlined in WAC 314-07-045. Per WAC 314-07-045, the Board will not normally issue a liquor license to an entity that has received three or more public safety violations within the last two years.
- 3.6 Under WAC 314-07-065 subparagraph (9), the Board may deny a license if it determines that the issuance of the license will not be in the best interest of the welfare, health, or safety of the people of the state.
- 3.7 The revision to the Puyallup Fair & Event Center Non-Fair Events operating plan referenced in paragraph 2.3 (A) is **approved**. Consumption of beer, wine, and spirits may take place in designated food service seating areas with minors allowed when accompanied by an adult. Consumption of alcoholic beverages must remain within the confines of the food service seating area.
- 3.8 The revisions to the Puyallup Fair & Event Center Non-Fair Events operating plan referenced in paragraph 2.3 (B) would permit beer and wine in areas of the sports entertainment facility where beer and wine is not normally permitted under WAC 314-02-058(3).
- 3.9 When taking into consideration the event type, Western Washington Fair Association's AVN and Warning history, the number and ages of persons expected to be in attendance at the Puyallup Fair & Event Center, the seating accommodations, eating facilities, circulation patterns, and other amenities available, the revisions to the operating plan referenced in paragraph 2.3 (B) will not be in the best interest of the welfare, health, or safety of the people of the state.
- 3.10 Paragraphs 3.1 through 3.6 and 3.8 through 3.9 above establish sufficient basis for denial of the proposed amendment referenced in paragraph 2.3 (B) to the Puyallup Fair & Event Center Non- Fair Events operating plan.

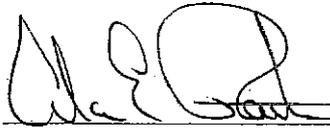
4. REQUEST FOR DENIAL

The below-signed Director of Licensing for the Washington State Liquor Control Board, having reviewed the following materials:

- Decision Memorandum dated November 17, 2011 to Alan Rathbun, Director, Licensing & Regulation Division from Dora M. Duval, Manager.
- November 2011 Operating Plan submitted by the licensee (includes the Justification Statement).
- Sports Entertainment Facility Matrix sample showing the normally approved levels of service.
- E-mail dated August 11, 2011, containing Enforcement Division's official position regarding the operating plan revision requests, including an attachment from Captain Lisa Reinke of Region One.
- E-mail dated November 14, 2011 from Enforcement Captain Lisa Reinke in response to the updated operating plan revision requests.
- Copies of AVNs, Written Warnings and a Verbal Warning issued in the past two years by Enforcement Division to the Western Washington Fair Association/Puyallup Fair & Event Center.

And based on those materials, having concluded as set forth above, seeks the denial of the Operating Plan revision request referenced in paragraph 2.3 (B) for the liquor license of the Western Washington Association/Puyallup Fair & Event Center.

DATED this 20th day of March, 2012



Alan E. Rathbun, Director
Licensing & Regulation Division

The Washington State Liquor Control Board has a policy of providing equal access to its services.

This document was mailed to the following people:

Dan Sharp Commercial Exhibit & Concession Manager Western Washington Fair Association Puyallup Fair & Event Center 110 9th Ave SW Puyallup WA 98371	City of Puyallup Puyallup City Clerk 333 S Meridian Puyallup WA 98371-5913
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