

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

MANUEL JUAN PRECIADO
d/b/a LA TROPICANA

101 W COLUMBIA ST
PASCO, WA 99301-5630

LICENSEE

LICENSE NO. 083766-4C
AVN NO. 4F1363A

LCB NO. 23,950

OAH NO. 2012-LCB-0034

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 June 26, 2012, alleging that on or around December 29, 2011, the above-named Licensee failed to submit plans to the Board and/or failed to obtain approval of the Board prior to making alterations of its premises affecting the size of its customer service area, in violation of WAC 314-02-130(2); and that on or around December 29, 2011, the above-named Licensee failed to meet food-service requirements by failing to have adequate and/or edible food items on its premises to maintain its menu, in violation of WAC 314-02-035(6).
2. The Licensee timely submitted a request for an administrative hearing;
3. On September 24, 2012, the Licensee did not appear for the prehearing conference nor request a continuance. The Enforcement Division of the Board appeared and was represented by Assistant Attorney General Marisa Broggel;
4. On November 14, 2012, Administrative Law Judge Mark H. Kim entered his Amended Initial Order of Default Dismissing Licensee's Appeal for Failure to Appear;
5. No request to vacate the default was filed;

FINAL ORDER OF THE BOARD
LCB NO. 23,950
LA TROPICANA
LICENSE 083766

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Washington State Liquor Control Board
3000 Pacific Ave, S.E.
P.O. Box 43076
Olympia, WA 98504-3076
Phone: 360-664-1602

6. No petition for review was filed;

7. 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 default order for case 23,950 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 23,950 is sustained and that the liquor license privileges granted to Manuel Juan Preciado d/b/a La Tropicana located at 101 W Columbia Street in Pasco, Washington, License 083766, are hereby suspended for a term of ten (10) days. In lieu of a license suspension, the Licensee may pay a monetary penalty in the amount of One Thousand Six Hundred Dollars (\$1,600.00) due within 30 days of this order. If timely payment is not received, suspension will take place from 11:00 a.m. on Tuesday, February 12, 2013 until 11:00 a.m. on Friday, February 22, 2013. 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:

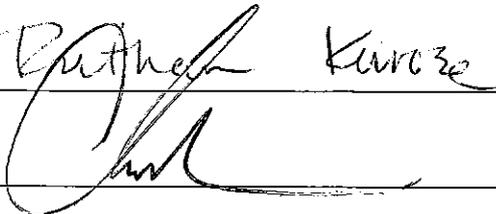
Washington State Liquor Control Board

PO Box 43085

Olympia, WA 98504-3085

DATED at Olympia, Washington this 11th day of DECEMBER, 2012.

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

FINAL ORDER OF THE BOARD
LCB NO. 23,950
LA TROPICANA
LICENSE 083766

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Washington State Liquor Control Board
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P.O. Box 43076
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Phone: 360-664-1602

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

December 12, 2012

Manuel Juan Preciado
d/b/a La Tropicana
222105 E Bowles Rd
Kennewick, WA 99337-8604

Marisa E. Broggel, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

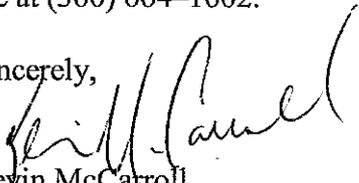
RE: FINAL ORDER OF THE BOARD
LICENSEE: Manuel Juan Preciado
TRADE NAME: La Tropicana
LOCATION: 101 W Columbia St, Pasco, WA 99301-5630
LICENSE NO. 083766-4C
ADMINISTRATIVE VIOLATION NOTICE NO: 4F1363A
LCB HEARING NO. 23,950
OAH NO. 2012-LCB-0034
UBI: 602 140 986 001 0001

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.

The applicable monetary penalty is due by Friday, January 11, 2013 or suspension will take place on the dates indicated in the 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,


Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Spokane and Pasco Enforcement and Education Divisions, WSLCB
Teresa Young, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,950
OAH NO. 2012-LCB-0034

MANUEL JUAN PRECIADO
d/b/a LA TROPICANA
101 W COLUMBIA ST
PASCO, WA 99301-5630

DECLARATION OF SERVICE BY
MAIL

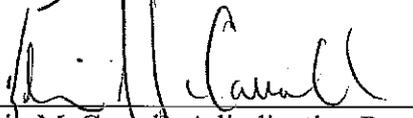
LICENSEE

LICENSE NO. 083766-4C
AVN NO. 4F1363A

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 applicants and licensees, by campus mail for state offices, on the date below to:

MANUEL JUAN PRECIADO d/b/a LA TROPICANA 101 W COLUMBIA ST PASCO, WA 99301-5630	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION MARISA E. BROGDEL, ASSISTANT ATTORNEY GENERAL
MANUEL JUAN PRECIADO d/b/a LA TROPICANA 222105 E BOWLES RD KENNEWICK, WA 99337-8604	

DATED this 12th day of December, 2012, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY
MAIL