

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

INFINITY COMMUNICATIONS, INC
d/b/a HORSESHOE SALOON

12461 NE WOODINVILLE DR
WOODINVILLE, WA 98072

LICENSEE

LICENSE NO. 364713-3J
AVN NO. 2M2027A

LCB NO. 24,051

OAH NO. 2012-LCB-0040

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 September 26, 2012, alleging that on or around January 27, 2012, the Licensee or an employee(s) thereof gave, sold and/or otherwise supplied liquor to an apparently intoxicated person, contrary to RCW 66.44.200(1) and or WAC 314-16-150.

2. The Licensee timely submitted a request for an administrative hearing.

3. A prehearing conference was scheduled for October 30, 2012 at 10:00 a.m. The Liquor Control Board appeared and was represented by Marisa E. Broggel, Assistant Attorney General. The Licensee did not appear nor request a continuance.

4. On November 1, 2012, Administrative Law Judge Terry A. Schuh entered his Initial Order of Default Dismissing Respondent/Licensee's Appeal for Failure to Appeal.

5. No request to vacate the default was filed.

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,

FINAL ORDER OF THE BOARD
LCB NO. 24,051
HORSESHOE SALOON
LICENSE NO. 364713

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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

IT IS HEREBY ORDERED that the default order for case 24,051 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 24,051 is sustained and that the liquor license privileges granted to Infinity Communications, Inc. d/b/a Horseshoe Saloon at 12461 NE Woodinville Drive in Woodinville, Washington, License 364713, 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, then suspension will take place from 7:00 p.m. on Thursday, January 31, 2013 until 7:00 p.m. on Tuesday, February 5, 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:

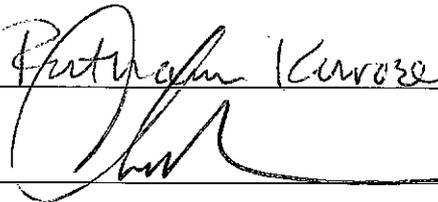
Washington State Liquor Control Board

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 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 11, 2012

Infinity Communications, Inc.
d/b/a Horseshoe Saloon
12461 NE Woodinville Dr
Woodinville, WA 98072-5788

Marisa 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: Infinity Communications, Inc.
TRADE NAME: Horseshoe Saloon
LOCATION: 12461 NE Woodinville Dr, Woodinville, WA 98072-5788
LICENSE NO. 364713-3J
ADMINISTRATIVE VIOLATION NOTICE NO: 2M2027A
LCB HEARING NO. 24,051
OAH NO. 2012-LCB-0040
UBI: 6029725970010002

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 Thursday, January 10, 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: Tukwila Enforcement and Education Division, WSLCB
Teresa Young, WSLCB

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

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

LCB NO. 24,051
OAH NO. 2012-LCB-0040

3 INFINITY COMMUNICATIONS;
4 INC. d/b/a HORSESHOE SALOON
5 12461 NE WOODINVILLE DR
WOODINVILLE, WA 98072-5788

DECLARATION OF SERVICE BY
MAIL

6 LICENSEE

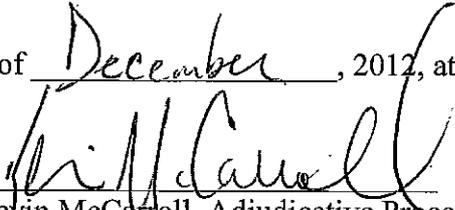
7 LICENSE NO. 364713-3J
8 AVN NO. 2M2027A

9 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
10 referenced matter to be served on all parties or their counsel of record by US Mail Postage
11 Prepaid via Consolidated Mail Service for applicants and licensees, by campus mail for state
12 offices, on the date below to:

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15 INFINITY COMMUNICATIONS, INC. d/b/a
16 HORSESHOE SALOON
17 12461 NE WOODINVILLE DR
WOODINVILLE, WA 98072-5788

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100, GCE DIVISION
MARISA E. BROGDEL, ASSISTANT
ATTORNEY GENERAL

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

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21 Kevin McCarroll, Adjudicative Proceedings Coordinator
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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

NOV 16 2012

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

Liquor Control Board
Board Administration

In The Matter Of:

**INFINITY COMMUNICATIONS, INC.,
dba HORSESHOE SALOON**

**12461 NE Woodinville Dr.
Woodinville, WA 98072**

Respondent/Licensee

**License No. 364713
AVN No. 2M2027A**

**OAH Docket No. 2012-LCB-0040
LCB No. 24,051**

**INITIAL ORDER OF DEFAULT
DISMISSING
RESPONDENT/LICENSEE'S
APPEAL FOR FAILURE TO
APPEAR**

HEARING

The above-captioned matter was scheduled for a prehearing conference by telephone before Administrative Law Judge Terry A. Schuh of the Office of Administrative Hearings on October 30, 2012, at 10:00 a.m., pursuant to due and proper notice to all interested parties.

The Liquor Control Board appeared and was represented by Marisa E. Broggel, Assistant Attorney General. The Respondent/Licensee did not appear.

The prehearing conference was scheduled to commence at 10:00 a.m. Administrative Law Judge Terry A. Schuh waited for the Respondent/Licensee until 10:16 a.m. before commencing.

MOTION

The Liquor Control Board moved for an order of default dismissing the administrative appeal.

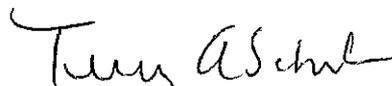
Administrative Law Judge Terry A. Schuh granted the motion for default.

ORDER

Now, therefore, it is ORDERED that the Respondent/Licensee is in DEFAULT

pursuant to RCW 34.05.440 and the administrative appeal is hereby **DISMISSED**.

Signed and Issued at Tacoma, Washington, on the date of mailing.



Terry A. Schuh
Administrative Law Judge
Office of Administrative Hearings

NOTICE OF APPEAL RIGHTS – PLEASE READ CAREFULLY

Motion to Vacate Default

RCW 34.05.440(3) provides: “Within seven days after service of a default order under subsection (2) of this section, or such longer period as provided by agency rule, the party against whom it was entered may file a written motion with the Administrative Law Judge who issued the Initial Order of Default requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings.” By agency rule (WAC 10-08-110), service is complete upon mailing of this order. Therefore, **any motion to vacate a default order must be received by this OAH office within a total of seven (7) days after the date of the mailing of the default order.**

Petition for Review of Initial Order

Either the licensee or permit holder of 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; 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 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 ten (10) 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 the all other parties and their representatives at the time the reply is filed.

Address for filing a petition for review with the board:

Washington State Liquor Control Board
Attention: Kevin McCarroll
3000 Pacific Avenue, PO Box 43076
Olympia, Washington 98504-3076.

Final Order and Additional Appeal Rights: 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 granted. RCW 34.05.470; 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).

CERTIFICATION OF MAILING IS ATTACHED

Certificate of Service – OAH Docket No. 2012-LCB-0040

I certify that true copies of this document were served from Tacoma, Washington upon the following as indicated:

Infinity Communications, Inc. d/b/a Horseshoe Saloon 12461 NE Woodinville Drive Woodinville WA 98072-5788	<input checked="" type="checkbox"/> First Class US mail, postage prepaid <input type="checkbox"/> Certified mail, return receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> 1st Class, postage prepaid, Certified mail, return receipt
Marisa Broggel Assistant Attorney General Office of the Attorney General PO Box 40100 Olympia WA 98504-0100	<input checked="" type="checkbox"/> First Class US mail, postage prepaid <input type="checkbox"/> Certified mail, return receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> 1st Class, postage prepaid, Certified mail, return receipt
Kevin McCarroll Adjudicative Proceedings Coordinator Washington State Liquor Control Board PO Box 43076 Olympia WA 98504-3076	<input checked="" type="checkbox"/> First Class US mail, postage prepaid <input type="checkbox"/> Certified mail, return receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> 1st Class, postage prepaid, Certified mail, return receipt

Date: November 1, 2012



Linda Ve'e
Office of Administrative Hearings