

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

TONQUIN, INC  
d/b/a JOKER PUB AND GRILL

5614 E LAKE SAMMAMISH PKWY SE  
ISSAQUAH, WA 98029

LICENSEE

LICENSE NO. 072566  
AVN NO. 2M2014B

LCB NO. 24,054  
OAH NO. 2012-LCB-0023

FINAL ORDER OF THE BOARD

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

1. The Liquor Control Board issued a complaint dated May 1, 2012, alleging that on January 14, 2012, the above-named Licensee, or employee(s) thereof, was apparently intoxicated on the licensed premises, contrary to WAC 314-11-015(3)(a).
2. The Licensee made a timely request for a hearing.
3. An administrative hearing was held on October 29, 2012, before Administrative Law Judge Jason H. Grover with the Office of Administrative Hearings, in Seattle, Washington.
4. At the hearing, the Education and Enforcement Division of the Board was represented by Assistant Attorney General Marisa Broggel. Joseph Wingen, Owner/President, represented the Licensee, Tonquin, Inc.
5. On December 28, 2012, Administrative Law Judge Grover entered his Findings of Fact, Conclusions of Law and Initial Order in this matter, which sustained the Complaint.
6. The parties filed no petitions for review.

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 Administrative Law Judge's Findings of Fact, Conclusions of Law and Initial Order are AFFIRMED and adopted as the Findings of Fact, Conclusions of Law and Final Order of the Board.

IT IS HEREBY FURTHER ORDERED that the liquor license privileges granted to Tonquin, Inc. d/b/a Joker Pub and Grill, License No. 072566, 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 8:00 p.m. on Thursday, March 28, 2013 until 8:00 p.m. on Tuesday, April 2, 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  
Enforcement and Education Division  
PO Box 43085  
Olympia, WA 98504-3085**

DATED at Olympia, Washington this 5 day of February, 2013.

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

---

February 6, 2013

Joseph Wingen  
Tonquin, Inc.  
d/b/a Joker Pub and Grill  
5614 E Lake Sammamish Pkwy SE  
Issaquah, WA 98029

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

Chad Standifer, 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: Tonquin, Inc.**  
**TRADE NAME: Joker Pub and Grill**  
**LOCATION: 5614 E Lake Sammamish Pkwy SE, Issaquah, WA 98029**  
**LICENSE NO. 072566-2M**  
**ADMINISTRATIVE VIOLATION NOTICE NO: 2M2014B**  
**LCB HEARING NO. 24,054**  
**OAH NO. 2012-LCB-0023**  
**UBI: 6018542010010001**

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 was received by the WSLCB Finance Division on 1/22/13.** 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:

3 TONQUIN, INC.  
4 d/b/a JOKER PUB AND GRILL

5 5614 E LAKE SAMMAMISH PKWY SE,  
6 ISSAQUAH, WA 98029-8921

7 LICENSEE

8 LICENSE NO. 072566  
9 AVN NO. 2M2014B

LCB NO. 24,054  
OAH NO. 2012-LCB-0023

DECLARATION OF SERVICE  
BY MAIL

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

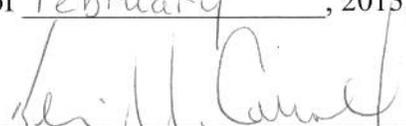
15 JOSEPH WINGEN  
16 TONQUIN, INC.  
17 d/b/a JOKER PUB AND GRILL  
18 5614 E LAKE SAMMAMISH PKWY SE  
19 ISSAQUAH, WA 98029-8921

OFFICE OF THE ATTORNEY GENERAL  
MAIL STOP 40100, GCE DIVISION  
MARISA BROGGEL, ASSISTANT  
ATTORNEY GENERAL

18 JOSEPH WINGEN  
19 TONQUIN, INC.  
20 d/b/a JOKER PUB AND GRILL  
21 1601 NE KATSURA STREET UNIT 701  
22 ISSAQUAH, WA 98029-6901

OFFICE OF THE ATTORNEY GENERAL  
MAIL STOP 40100, GCE DIVISION  
CHAD STANDIFER, ASSISTANT  
ATTORNEY GENERAL

23 DATED this 6<sup>th</sup> day of February, 2013, at Olympia, Washington.

24   
25 Kevin McCarroll, Adjudicative Proceedings Coordinator  
26

FEB 01 2013

Liquor Control Board  
Board Administration

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

IN THE MATTER OF:

**TONQUIN, INC. dba THE JOKER PUB  
AND GRILL**  
5614 E. Lake Sammamish Pkwy SE  
Issaquah, WA 98029-8921

Licensee.

LICENSE NO. 072566

OAH DOCKET NO. 2012-LCB-0023  
Agency Case No. 24054

**PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
INITIAL ORDER**

### I. ISSUES

1.1 Whether the Licensee, or an employee thereof, was apparently intoxicated on the licensed premises, contrary to WAC 314-11-015(3)(a)?

1.2 Whether the assessment of a 5 day suspension or a \$500.00 penalty in lieu of suspension by the Washington State Liquor Control Board is an appropriate penalty under WAC 314-29-020 for a first violation of WAC 315-16-150?

### II. ORDER SUMMARY

2.1 The Licensee was apparently intoxicated on the licensed premises, contrary to WAC 314-11-015(3)(a). The Board's Complaint issued January 26, 2012 is

**SUSTAINED.**

2.2 On a date to be established in the Board's Final Order, the license privileges of Tonquin, Inc., under License No. 072566, shall be suspended for a period of five (5) days. In lieu of a license suspension, the Licensee may pay a civil monetary penalty in the amount of Five Hundred Dollars (\$500.00).

### III. HEARING

- 3.1 **Administrative Law Judge:** Jason H. Grover
- 3.2 **Appellant:** Tonquin, Inc. dba Joker Pub and Grill
- 3.2.1 **Appellant's Representative:** Joseph Wingen, Owner/President
- 3.3 **Agency:** Washington State Liquor Control Board's Education and Enforcement Division ("Board")
- 3.3.1 **Department Representative:** Marisa Broggel, Assistant Attorney General
- 3.3.2 **Department Witnesses:** Officer Joshua Bolender, Liquor Control Board; Officer Dee Johnson, Liquor Control Board; Corporal Paul Fairbanks, Issaquah Police Department; Sergeant Chris Wilson, Issaquah Police Department; Officer Joseph Steele, Issaquah Police Department; and Officer Nathan Lane, Issaquah Police Department.
- 3.4 **Exhibits:** The Board's Exhibits 1 through 8 were admitted at the time of hearing.
- 3.5 **Date of Hearing:** October 29, 2012.

### IV. FINDINGS OF FACT

I find the following facts more probable than not under the preponderance of the evidence standard:

- 4.1 The Washington State Liquor Control Board regulates the conduct of licensees and their patrons to ensure compliance with applicable laws and administrative rules.
- 4.2 The Licensee, Tonquin, Inc. (Licensee), operates a bar located at 5614 E. Lake Sammamish Pkwy SE, Issaquah, WA 98029-8921. The premises is licensed by the Board for the sale of beer, wine and liquor for on-premises consumption pursuant to License No. 072566.

4.3 On the evening of January 14, 2012, Officer Joshua Bolender and Officer Dee Johnson, conducted a premises check at the Licensee's premises. Officer Bolender and Officer Johnson are liquor enforcement officers with the Washington State Liquor Control Board Enforcement and Education Division. Both officers have prior law enforcement experience, both have attended law enforcement academies, and have received annual training through the liquor control board. Both have extensive experience contacting apparently intoxicated persons and have received training to recognize the signs of apparent intoxication.

4.4 Signs of apparent intoxication include flushed face, bloodshot, watery eyes, fixed gaze, slurred speech, staggered gait, boisterous, contentious or loud behavior and the odor of intoxicants on the apparently intoxicated individual. Testimony of Officer Bolender.

4.5 On January 14, 2012 at approximately 1:35 AM, Officer Bolender and Officer Johnson entered the Licensee's premises through the main entrance. After entering the Licensee's premises, they observed two bartenders and one other employee cleaning up. Lighting was sufficient to observe everything in the bar. Testimony of Officer Bolender.

4.6 Joseph Wingen is the Owner and President of Tonquin Inc. At the time the officers entered, he was sitting on the short side of an L-shaped bar next to the hallway leading to the bathrooms. Officer Bolender pointed him out to Officer Johnson and told her that Mr. Wingen was the licensee. Testimony of Officer Bolender.

\\

4.7 The officers looked for minors, overservice, employees drinking on duty and other violations of the law.

4.8 The officers went over to where Mr. Wingen was sitting and stood behind him. Officer Bolender noticed that Mr. Wingen had a flushed face and he wanted to listen to Mr. Wingen's speech. As he got close, Officer Bolender could hear that Mr. Wingen's speech was slurred. Officer Johnson noted that Mr. Wingen was demonstrative with his hands, had slurred speech and was speaking in a louder voice than was necessary. Testimony of Officer Johnson.

4.9 The officers observed Mr. Wingen for several minutes. They observed Mr. Wingen drinking an amber colored liquid with froth on the surface from a pounder glass. It appeared to be beer. Testimony of Officers Bolender and Johnson.

4.10 After a few minutes, Officer Johnson walked around the corner of the bar so that she could observe Mr. Wingen's face and demeanor. She noted that his face was flushed and that he had droopy, bloodshot, watery eyes. Testimony of Officer Johnson.

4.11 Officer Johnson returned to Officer Bolender's location and the two conferred. They agreed that Mr. Wingen was apparently intoxicated based on their observations. Testimony of Officers Bolender and Johnson.

4.12 At that point, Mr. Wingen turned around. Both Officers spoke with Mr. Wingen. Officer Bolender told Mr. Wingen that he seemed intoxicated and asked him how much he had to drink. Testimony of Officer Bolender. Mr. Wingen told him, "one beer". *Id.* Officer Bolender noted that Mr. Wingen seemed uncooperative. He refused to answer

a question about whether the beer he was drinking was the "one beer". *Id.*

He also refused to provide his identification when Officer Bolender asked for it. *Id.*

Mr. Wingen said that he would not provide it to Officer Bolender, but would provide it to Issaquah PD. *Id.* When Mr. Wingen told Officer Bolender that he would provide it to the police, Officer Bolender told him that the LCB officers were police. Mr. Wingen still refused to produce it. *Id.*

4.13 Officer Bolender called the Issaquah Police Department and requested that they send officers. Testimony of Officer Bolender. Officer Bolender spoke with Mr.

Wingen again and Mr. Wingen briefly flashed his ID from his wallet. *Id.*

Officer Bolender asked Mr. Wingen if he was refusing to cooperate. *Id.* Mr. Wingen . paused and then finally provided his identification. *Id.*

4.14 Officer Johnson was present during Officer Bolender's interactions with Mr. Wingen detailed in Findings of Fact 4.12 and 4.13. Her observations were consistent with the testimony of Officer Bolender.

4.14 Four Issaquah Police Officers responded to the scene: Corporal Paul Fairbanks, Sergeant Chris Wilson, Officer Joseph Steele and Officer Nathan Lane.

4.15 Officer Bolender observed Mr. Wingen speak with Officer Steele. He noted that Mr. Wingen seemed both aggressive and evasive during the interaction. Testimony of Officer Bolender.

4.16 Officer Joseph Steele is a commissioned officer with the Issaquah Police Department. Testimony of Officer Steele. He has been with the Department for approximately one year. *Id.* Prior to that, he served as a police officer in Arizona for

more than three years. *Id.* Officer Steele has attended law enforcement training. *Id.* As a result of his training and experience, he is familiar with the signs of apparent intoxication. *Id.*

4.17 Officer Steele arrived at the Joker Pub and Grill at approximately 1:47 AM on January 14, 2012. Testimony of Officer Steele. Upon entering, he noticed that Mr. Wingen was verbally combative with Officer Bolender. *Id.* Officer Steele then contacted Officer Bolender and Officer Bolender asked him to look for signs of apparent intoxication. *Id.* Officer Steele spoke with Mr. Wingen briefly. *Id.* Officer Steele could tell that Mr. Wingen had been drinking based on his watery eyes and combativeness. *Id.* Officer Steele did not observe any other signs of apparent intoxication and did not interact with other staff. *Id.*

4.18 Sergeant Chris Wilson is a sergeant with the Issaquah Police Department. Testimony of Sergeant Wilson. He has been with IPD for fourteen years. *Id.* He has received between 100-200 hours of training per year. *Id.* As a result of his training, he is familiar with the signs of apparent intoxication. *Id.*

4.19 Sergeant Wilson arrived at the Joker Pub and Grill on January 14, 2012 at approximately 1:45 AM. Upon entering, Sergeant Wilson approached Mr. Wingen and Officer Bolender. *Id.* He was "a couple of feet away" and could see and hear them clearly. *Id.* Sergeant Wilson observed that Mr. Wingen's speech was both slowed and slurred, and that he was argumentative with Officer Bolender. Sergeant Wilson observed Mr. Wingen repeatedly ask Officer Bolender "what the purpose of this was" after Officer Bolender had clearly explained it. *Id.* Sergeant Wilson observed

Mr. Wingen repeatedly cut off Officer Bolender and continually ask the same questions "over and over." *Id.* There was no doubt in Sergeant Wilson's mind that Mr. Wingen was apparently intoxicated. *Id.* Sergeant Wilson observed Mr. Wingen for approximately three to five minutes. *Id.*

4.20 Corporal Paul Fairbanks is a Detective Corporal with the Issaquah Police Department. Testimony of Corporal Fairbanks. He has been with the Department for approximately fourteen years. *Id.* Corporal Fairbanks has attended approximately 200 hours of law enforcement training per year. As a result of his training and experience, he is familiar with the signs of apparent intoxication. *Id.*

4.21 Corporal Fairbanks arrived at the Joker Pub and Grill at approximately 1:47 AM on January 14, 2012. Testimony of Corporal Fairbanks. When he entered, he saw Mr. Wingen on a bar stool talking with an LCB officer. *Id.* Mr. Wingen seemed agitated and exhibited red, bloodshot eyes, slurred speech. Corporal Fairbanks was approximately six feet away from Mr. Wingen and Officer Bolender and could see and hear them clearly. *Id.* Corporal Fairbanks was familiar with Mr. Wingen based on previous bar checks. *Id.* Corporal Fairbanks overheard at least one bartender tell Officer Bolender that Mr. Wingen had consumed at least five beers. *Id.* Corporal Fairbanks overheard Mr. Wingen making fun of Officer Bolender. *Id.* Based on his observations, he believed that Mr. Wingen was impaired and angry. *Id.* In his previous contacts, Mr. Wingen "didn't act like that." *Id.*

4.22 Officer Johnson conducted interviews with the two bartenders. Testimony of Officer Johnson. One bartender told her that Mr. Wingen had consumed four beers

that evening. *Id.* The other bartender told her that Mr. Wingen had consumed four or five beers. *Id.*

4.23 Joseph Wingen is the Owner and President of Tonquin Inc. dba Joker Pub and Grill and is listed on the liquor license. Testimony of Mr. Wingen. He is familiar with the law concerning apparent intoxication. *Id.* He is responsible for following the liquor act. *Id.* He knows that LCB officers are commissioned law enforcement officers. *Id.* Mr. Wingen does not believe that he was intoxicated on January 14, 2012. *Id.*

He does not dispute that he drank between four and five drinks that evening. *Id.*

That night, he was drinking with a friend who is a Seattle Police Officer. *Id.* They were discussing another SPD officer who had committed suicide and Mr. Wingen was consoling his friend. *Id.* Mr. Wingen was emotional and cried during the conversation. *Id.* He believes that the crying may have caused him to have bloodshot watery eyes and may have affected his face. *Id.* He was not working that evening and did not consider himself to be representing the bar. *Id.*

4.24 Officer Bolender issued an Administrative Violation Notice to Tonquin Inc on January 26, 2012. Exhibit 1. The AVN noted a violation of WAC 314-11-015(3)(a) based on Mr. Wingen's apparent intoxication on the licensed premises. The AVN imposed a five day suspension of the liquor license, or a fine of \$500 in lieu of suspension. *Id.*

4.25 Mr. Wingen requested a hearing on February 7, 2012. Exhibit 2.

4.26 Neither party offered evidence of any prior violations by the licensee.

## V. CONCLUSIONS OF LAW

5.1 The Office of Administrative Hearings has jurisdiction over the parties and subject matter pursuant to chapters 66.44, 34.12, and 34.05 RCW, and chapters 10-08, 314-11, 314-16, and 314-29 WAC.

5.2 As the holder of a liquor license, the licensee, Tonquin, Inc., is subject to the jurisdiction of the Washington State Liquor Control Board. The license is subject to the conditions and restrictions imposed by Title 66 RCW, and chapters 314-11, 314-16, and 314-29 WAC. Proceedings involving agency action are adjudicative proceedings under chapter 34.05 RCW. The Board has authority to assign such proceedings to an administrative law judge pursuant to chapter 34.12 RCW. A proper hearing was provided in this case.

5.3 WAC 314-11-015 provides in relevant part: “(3) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, *licensees* or employees *may not*:

(a) *Be disorderly or apparently intoxicated* on the licensed premises;

...

[Emphasis added].

5.4 The Licensee does not dispute that it has a liquor license issued by the Washington State Liquor Control Board or that Mr. Wingen was on the premises and possessed and consumed liquor on the premises on January 14, 2012. Therefore, those elements are not in dispute.

5.5 The next issue to be determined is whether Mr. Wingen was apparently intoxicated while he was on the licensed premises. "Apparently under the influence" has been defined as being "seemingly drunk". *Barrett v. Lucky Seven Saloon, Inc.*, 152 Wn.2d 259, 268, 96 P.3d 386 (2004).

5.6 In the present case, the Licensee argued that his signs of apparent intoxication were due to a combination of the emotional conversation that he was having with his friend, and his irritation with the Liquor Control Board Officers Bolender and Johnson for interrupting him.

5.7 Testimony of several of the officers establish that Mr. Wingen was exhibiting several signs of apparent intoxication including, flushed face, droopy, bloodshot, watery eyes, slowed slurred speech, combativeness, agitation, failure to comprehend or or confusion about the reason for the contact.

5.8 Mr. Wingen's testimony established that he was drinking that evening. His testimony also provides a possible reason for his bloodshot, watery eyes. However, many other signs of intoxication were noted by both the LCB Officers and the Issaquah PD Officers. Based on their collective training and experience, the officers present believed that Mr. Wingen was apparently intoxicated.

5.9 Based on the testimony and exhibits presented, I conclude by a preponderance of the evidence, or more likely than not standard, that Mr. Wingen, the licensee, was apparently intoxicated on the licensed premises on January 14, 2012.

5.10 Based on the foregoing analysis, the Department has established all elements of the violation. The Board's complaint should be sustained.

5.11 This violation constitutes a first violation in a twenty-four month period.

5.12 The Board has the authority to establish an appropriate penalty as a matter of its discretion. Under RCW 66.24.010, the Board has the authority to suspend the Licensee's liquor license. The Board has adopted as rules a set of "standard penalties" which may be applied to certain offenses. WAC 314-29-015. This regulatory provision states that the standard penalties are meant to serve as guidelines, and that the Board retains discretion to impose a different penalty based upon the existence of mitigating or aggravating circumstances. An escalating penalty scheme is adopted based upon the existence of any prior violations that the Licensee may have incurred within a prior two year period. WAC 314-29-015.

5.13 The standard penalty in this matter for a first violation of WAC 314-11-015 is a five day suspension of the Licensee's liquor license. In lieu of license suspension, the Licensee is afforded a monetary penalty option in the amount of \$500.00. WAC 314-29-020.

5.14 In the matter of penalties, the role of the Administrative Law Judge is to draw the Board's attention to those aggravating or mitigating circumstances which the Board may wish to consider in deciding whether to deviate from the standard penalty established by regulation. Examples of mitigating or aggravating circumstances are set forth at WAC 314-29-015(4).

5.15 WAC 314-29-015(4) provides that penalty schedules are meant to serve as guidelines. Based on mitigating or aggravating circumstances, the liquor control board may impose a different penalty than the standard penalties outlined in these schedules.

Mitigating circumstances that may result in fewer days of suspension and/or a lower monetary option may include demonstrated business policies and/or practices that reduce the risk of future violations.

5.16 In the present case, neither party offered evidence of mitigating or aggravating factors to be considered by the Board when imposing its penalty in accordance with WAC 314-29-020.

## VI. INITIAL ORDER

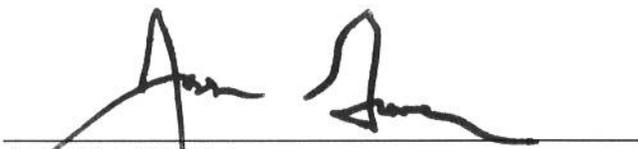
From the foregoing Conclusions of Law, NOW THEREFORE:

6.1 The Licensee was apparently intoxicated on the licensed premises, contrary to WAC 314-11-015(3)(a). The Board's Complaint issued January 26, 2012 is

**SUSTAINED.**

6.2 On a date to be established in the Board's Final Order, the license privileges of Tonquin, Inc., under License No. 072566, shall be suspended for a period of five (5) days. In lieu of a license suspension, the Licensee may pay a civil monetary penalty in the amount of Five Hundred Dollars (\$500.00).

SERVED on the date of mailing.



---

Jason H. Grover  
Administrative Law Judge  
Office of Administrative Hearings

## 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 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 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 (10) days of the service of a final order, any party may file a petition for reconsideration, 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).