BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: OLUT INC d/b/a TAILGATOR 1805 HEWITT AVE EVERETT, WA 98201-3610 LICENSEE LICENSE NO. 352513-3F	LCB NO. 24,058 OAH NO. 2013-LCB-0057 FINAL ORDER OF THE BOARD

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

1. The Licensing Director of the Liquor Control Board issued a Statement of Intent to Renew Liquor License with Restrictions, dated September 20, 2012, in response to an objection to liquor license renewal from the City of Everett asserting that chronic illegal activity was associated with this establishment and its patrons;
2. A timely hearing request was received from the Licensee;
3. Kim O'Neal, Assistant Attorney General, represented the Licensing and Regulation Division of the Board. Attorney James H. Johanson represented Licensee Olut, Inc. d/b/a Tailgator;
4. An administrative hearing was held November 4-6, 2013 before Lisa N.W. Dublin, Administrative Law Judge with the Office of Administrative Hearings;

5. On January 6, 2013, Administrative Law Judge Lisa N.W. Dublin entered her Findings of Fact, Conclusions of Law and Initial Order in this matter, which affirmed the license renewal subject to the following restrictions:

    a. Licensee, or its employees, shall always have control over and be responsible for any person allowed onto its premises and it shall not delegate any control or responsibility to a promoter or any other person or group;

    b. The Licensee shall have its main entrance staffed by security personnel at all times while the business is open after 9:00 p.m. and there are a minimum of fifty (50) occupants present on the licensed premises;

    c. In addition to any security personnel staffing the main entrance, Tailgator shall have one additional security person on duty for every seventy-five (75) occupants present on the licensed premises;

    d. All security personnel must possess a valid Mandatory Alcohol Server Training (MAST) Permit at all times while working on the Tailgator's premises. Tailgator shall provide Licensing with proof of each security personnel's MAST Permit prior to allowing the security personnel to work on the licensed premises; and

    e. Tailgator shall meet quarterly with a designated representative of the Everett Police Department to review operations at the licensed premises.

6. No petition for review was received from the parties.

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;

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 and that the license renewal for Olut Inc. d/b/a Tailgator located at 1805 Hewitt Avenue in Everett, Washington, License 352513 is hereby RENEWED WITH RESTRICTIONS.

DATED at Olympia, Washington this 11 day of February, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthann Kurose

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: Cindy Doughty, 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 11, 2014

James H. Johnson
Attorney at Law
Johnson Law Group, Inc.
7009 212th St SW Ste 203
Edmonds, WA 98026-7742

Boe Lindgren
Olut, Inc. dba Tailgator
4411 California Ave SW
Seattle, WA 98116-4108

S. Kim O'Neal
Senior Counsel
Office of the Attorney General
PO Box 40100
Olympia WA 98504-0100

RE: ***FINAL ORDER OF THE BOARD***
LICENSEE: Olut, Inc.
TRADE NAME: Tailgator
LOCATION: 1805 Hewitt Ave, Everett WA 98201-3610
LICENSE NO. 352513
LCB HEARING NO. 24,058
OAH NO. 2013-LCB-0057
UBI: 602-905-720-001-0001

Dear Parties:

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

If you have any questions, please contact me at (360) 664–1656.

Sincerely,

Cindy Doughty
Board Administrative Assistant

Enclosures (2)
cc: MT Vernon Enforcement and Education Division, WSLCB
Kevin McCarroll, LCB Adjudication Coordinator

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: OLUT, INC. d/b/a TAILGATOR 1805 HEWITT AVE EVERETT, WA 98201-3610 LICENSEE LICENSE NO. 352513-3F	LCB NO. 24,058 OAH NO. 2013-LCB-0057 DECLARATION OF SERVICE BY MAIL

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:

JAMES H JOHNSON ATTORNEY AT LAW JOHNSON LAW GROUP INC 7009 212TH ST SW STE 203 EDMONDS WA 98026-7742	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION KIM O'NEIL ASSISTANT ATTORNEY GENERAL
OLUT, INC. d/b/a TAILGATOR 4411 CALIFORNIA AVE SW SEATTLE WA 98116-4108	

DATED this 11th day of February, 2014 at Olympia, Washington.

Cindy Doughty, Administrative Assistant to the Board

Washington State Liquor Control Board
3000 Pacific Avenue SE
PO Box 43076
Olympia, WA 98504-3076
(360) 664-1602

RECEIVED
JAN 16 2014
Liquor Control Board
Board Administration

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

In The Matter Of: **OLUT, INC.,** **LICENSE NO. 352513** **Appellant.**	**OAH Docket No. 2013-LCB-0057** **LCB No. 24,058** **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND INITIAL ORDER**

I. ISSUES PRESENTED

1.1 Whether Appellant's/Licensee's license should be renewed subject to restrictions?

1.2 If so, what are the appropriate restriction(s)?

II. ORDER SUMMARY

2.1 Yes, Appellant's/Licensee's license should be renewed subject to restrictions.

2.2 Appellant's/Licensee's license should be renewed subject to the following restrictions:

(1) Licensee, or its employees, shall always have control over and be responsible for any person allowed onto its premises and it shall not delegate any control or responsibility to a promoter or any other person or group;

(2) The Licensee shall have its main entrance staffed by security personnel at all times while the business is open after 9:00 p.m. and there are a minimum of fifty (50) occupants present on the licensed premises;

(3) In addition to any security personnel staffing the main entrance, the Licensee shall have one additional security person on duty for every seventy-five (75) occupants present on the licensed premises;

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(4) All security personnel must possess a valid Mandatory Alcohol Server Training (MAST) Permit at all times while working on the Licensee's premises. The Licensee shall provide Licensing with proof of each security person's MAST Permit prior to allowing the security person to work on the licensed premises; and

(5) The Licensee shall meet quarterly with a designated representative of the Everett Police Department to review operations at the licensed premises.

III. HEARING

3.1 **Hearing Date:** November 4-6, 2013[1]

3.2 **Administrative Law Judge:** Lisa N. W. Dublin

3.3 **Appellant:** Olut, Inc., dba Tailgator (herein "Tailgator" or "Licensee")

3.3.1 **Representative:** James H. Johanson, Esq.

3.3.2 **Witnesses:**

3.3.2.1 Boe Lindgren, owner

3.4 **Agency:** Liquor Control Board ("Board")

3.4.1 **Representative:** Kim O'Neal, Assistant Attorney General

3.4.2 **Witnesses:**

3.4.2.1 Detective Corey Barrows, Everett Police Department

3.4.2.2 Board Enforcement Officer Roxanne "Dee" Johnson

3.4.2.3 Licensing and Regulation Director Alan Rathbun, Liquor Control Board

3.4.2.4 Sergeant Bruce Bosman, Everett Police Department

3.4.2.5 Lieutenant Kate Miyasato, Liquor Control Board

[1] The hearing in this matter took place concurrently with the hearing on OAH Case Nos. 2013-LCB-0031 and 2013-LCB-0032.

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3.5 **Exhibits:** Board Exhibits 1-25, as well as Appellant's Exhibit 1, were admitted into the record.

IV. FINDINGS OF FACT

I find the following facts by a preponderance of the evidence:

Jurisdiction

4.1 On or around September 20, 2012, the Board issued Tailgator a Statement of Intent to Renew Liquor License With Restrictions and served it by U.S. Mail on Boe Lindgren, Owner of Tailgator.

4.2 On or about October 8, 2012, Mr. Lindgren requested an administrative hearing.

Tailgator

4.3 Tailgator is a restaurant/lounge located at 1805 Hewitt Avenue in Everett, Washington that is licensed with the State of Washington to serve spirits, beer and wine. It is open for business seven days a week from 11:00 a.m. to 2:00 a.m. Mr. Lindgren has owned Tailgator since approximately 2009. The Board first issued Tailgator its liquor license in mid-April 2009. *See* Ex. 7.

4.4 Tailgator is a two-floor establishment, and the biggest of its kind in the neighborhood. That neighborhood has historically required a relatively larger police presence and been a focus of city clean-up efforts. Tailgator is located close to Housing Hope, which provides transitional housing for those addicted to drugs and/or alcohol.

4.5 Tailgator's primary customer base is locals, especially those that live within walking distance. Because it is located near the Everett Convention Center, Tailgator also draws on those who attend sporting events and conferences there. Tailgator's secondary clientele are military servicemembers from the naval base located in Everett, and others from outside of Everett.

4.6 From the beginning of his ownership of Tailgator, Mr. Lindgren has maintained regular, direct communication with the Everett Police Department (EPD), and has been committed to assisting city efforts to improve the Hewitt Avenue neighborhood. Despite this, during 2010 and 2011, the City recorded 267 calls to 9-1-1 regarding Tailgator patrons. *See* Ex. 3. In particular, one call involved a knife and brass knuckles. *Id.* Ten calls involved physical assault including punching and biting. *Id.* Assault calls raised concerns of over-service

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of alcohol by Tailgator. In addition, in approximately July 2010, Tailgator was cited by the Board for allowing an apparently intoxicated person to possess or consume liquor, in violation of State law. Following an administrative hearing, this violation was upheld, and Tailgator paid $500.00 in lieu of a 5-day suspension. Ex. 1. Then in approximately July 2011, the Board cited Tailgator for disorderly conduct. Tailgator did not contest this citation, and paid $500.00 in lieu of a 5-day suspension. *Id.*

4.7 On March 14, 2012, the Board received the City of Everett's request not to renew Tailgator's liquor license due to a significant increase in the number of calls for service at Tailgator involving threats to public and patron safety. Ex. 3. The Board notified Tailgator that it had received this request. *See* Ex. 4.

4.8 On March 31, 2012, Tailgator's liquor license expired. Tailgator continued to sell and serve alcoholic beverages with a Temporary Operator's Permit.

4.9 On April 2, 2012, the Board received Mr. Lindgren's response to the Board's March 14, 2012 notice. *See* Ex. 5. In his response, Mr. Lindgren outlined his personal efforts to address the problems identified in the City's letter. These efforts included (1) meeting with Deputy Chief Templeton and Lieutenant Phillips of EPD to discuss the service calls, (2) meeting with EPD Sergeant Bosman to determine how to work to help each other make Tailgator and the Hewitt neighborhood safer, (3) personnel changes and training; and (4) implementing a written policy regarding the sale and service of alcoholic beverages. *Id.*

4.10 On April 20, 2012, the Board issued internal correspondence that showed the number of complaints to the Board regarding Tailgator had decreased from nine during Tailgator's second year of licensure (mid-April 2010 through mid-April 2011) to four during its third year of licensure (mid-April 2011 through mid-April 2012. *See* Ex. 7. However, DUI ("Driving Under the Influence") charges against Tailgator patrons from mid-April 2011 through mid-April 2012 remained average over the last three years. *Id.* Board Enforcement Captain Thomas Dixon recommended to Chief of Enforcement Justin Nordhorn that Tailgator's liquor license not be renewed, given Tailgator's "pervasive pattern of activity that threatens the public health, safety, and welfare of the City of Everett." *Id.* According to Captain Dixon, alcohol likely played a part in each of the assaults identified above, and the disproportionate number of service calls to Tailgator substantially drew on law enforcement resources. *Id.* Although Captain Dixon acknowledged that Lindgren presented sound strategies to reduce this burden, and few problems had been reported to the Board since, Captain Dixon still recommended that Chief Nordhorn recommend against renewing Tailgator's liquor license. *Id; see* Ex. 8.

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4.11 On September 20, 2012, Alan Rathbun, Director of the Board's Licensing and Regulation Division, elected against the non-renewal of Tailgator's liquor license, given the recent reduction in service calls, Tailgator's personnel changes, and Tailgator's implementation of house policies regarding alcohol service. Because Tailgator seemed to be turning things around, Mr. Rathbun believed non-renewal was not appropriate. Instead, the Board issued a Statement of Intent to Renew [Tailgator's] Liquor License With Restrictions (herein "Statement of Intent"). *See* Ex. 1. These restrictions, which Mr. Rathbun derived from previous application to other establishments, were the following:

> (1) The Licensee, or its employees, shall always have control over and be responsible for any person allowed onto its premises and it shall not delegate any control or responsibility to a promoter or any other person or group;
>
> (2) The Licensee shall have its main entrance staffed by security personnel at all times while the business is open after 9:00 p.m.;
>
> (3) In addition to any security personnel staffing the main entrance, the Licensee shall have one additional security person on duty for every seventy-five (75) occupants present on the licensed premises;
>
> (4) All security personnel must possess a valid Mandatory Alcohol Server Training (MAST) Permit at all times while working on the Licensee's premises. The Licensee shall provide Licensing with proof of each security personnel's MAST Permit prior to allowing the security personnel to work on the licensed premises;
>
> (5) The Licensee shall meet quarterly with a designated representative of the Everett Police Department to review operations at the licensed premises;
>
> (6) The Licensee understands and agrees that if the Licensee commits any two (2) public safety violations, as listed in WAC 314-29-020, within the twenty-four (24) month period following entry of the Board's final order in this matter, Licensing may and will seek cancellation of the liquor license. The Licensee further understands and agrees that it has a right to a hearing on the sole issue of whether it committed two (2) public safety violations within the twenty-four (24) month period, but not to the agreed penalty of license cancellation.

Id., pp. 3-4.

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4.12 Tailgator did not object to the renewal of its liquor license subject to restrictions (1), (3), (4), and (5) above. Tailgator raised concern with restriction (2) to the extent it required security personnel after 9:00 p.m. on weeknights, which are traditionally quite slow. Tailgator agreed with this restriction for Friday and Saturday nights, for which it already provides security personnel due to the volume of patrons present. However, Tailgator worried that the financial burden of providing security from 9:00 p.m. to 2:00 a.m. when the patron levels would not justify such security financially, let alone practically, would cause Tailgator to ultimately go out of business.

4.13 Tailgator also took issue with restriction (6) above, given that Officer Johnson admitted it conducted more enforcement efforts on Tailgator than other establishments. Mr. Lindgren feels Enforcement Officer Johnson, unlike her predecessor, is personally out to get Tailgator, and that if this restriction were imposed, Tailgator would inevitably and unjustifiably lose its liquor license based on this restriction alone.

4.14 Enforcement Officer Johnson admitted going to Tailgator more than the other establishments in her assigned region. Officer Johnson also admitted that her Administrative Violation Notice against Tailgator for service of alcohol to minors on April 13, 2013, and the Superform she completed and gave to local law enforcement regarding this incident, contained factual errors including the date of the event and the container one beer was served in. Mr. Lindgren speculated that Officer Johnson's additional enforcement efforts were in part due to personal bias against him. Mr. Lindgren finds it difficult to communicate with Officer Johnson and work with her toward the common goal of public safety at Tailgator and in the neighborhood.

4.15 In the thirteen-plus months since the Board's Statement of Intent, EPD Detective Barrows has met with Mr. Lindgren to discuss concerns with Tailgator and methods for improving safety there. Mr. Lindgren has been responsive to Detective Barrows' concerns and suggestions. In August 2013, an alleged minor disturbance inside Tailgator led to a shooting outside Tailgator. In Fall 2013, according to Detective Barrows, a minor incident took place at Tailgator. Although the problems have not gone away, criminal activity at Tailgator has significantly decreased.

V. CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, I make the following Conclusions of Law:

//

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Jurisdiction

5.1 I have jurisdiction to hear and decide this matter under Chapters 34.05 and 66.24 RCW, and chapter 10-08 WAC.

Tailgator's Liquor License is Renewed With Restrictions.

5.2 For the purpose of considering the renewal of a license, the Board may inquire into all matters in connection with the construction and operation of the premises, and may consider an administrative violation history record with the Board. RCW 66.24.010(2). The Board may, in its discretion, grant or deny the license renewal applied for. Denial may be based on, without limitation, the existence of documented, chronic illegal activity. *Id.*

5.3 "Chronic illegal activity" means, in part, a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, assaults, disturbances, disorderly conduct, or other criminal law violations. RCW 66.24.010(12).

5.4 In determining whether to renew a liquor license, the Board must give substantial weight to objections from an incorporated city or town based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed, or the conduct of the applicant's patrons inside or outside the licensed premises. *Id.*

5.5 Every liquor license issued is subject to all conditions and restrictions imposed by the Board. RCW 66.24.010(6).

5.6 Tailgator has a documented history, over its first three years of licensure, of chronic illegal activity both on its premises, and outside its premises, by its patrons. Mr. Lindgren attempts to deflect responsibility for this history by calling attention to Tailgator's neighbor, a halfway house for drug addicts, and Tailgator's status as a landmark in the neighborhood. Although these factors may explain a small number of service calls, neither of these factors fully accounts for the history of chronic illegal activity by Tailgator patrons on record with the City of Everett.

5.7 In addition, Mr. Lindgren had little experience with bar/club management and operations when he purchased Tailgator, and has not yet reached a level of expertise in recognizing and addressing security threats and accurately reading his patrons. One example of this is the alleged felony assault by one Tailgator patron against another Tailgator patron, where Mr. Lindgren did not accurately

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identify the extent of the assault and injury to the victimized patron.[2] Although he strives to improve, Mr. Lindgren continues to underestimate the level of his responsibility for the safety of his patrons and the community. For example, he does not make regular headcounts of his patrons. In addition, Mr. Lindgren does not sufficiently communicate with and direct his security personnel throughout the evenings; while he generally talks to his security staff every evening, on some evenings he admittedly does not talk to his security personnel at all.

5.8 Yet, Tailgator worked hard during its third year of licensure to reduce the illegal activity in and around its premises, and met with success; law enforcement and the Board received half if not less than half the complaints it received in prior years. Mr. Lindgren has also shown a commitment toward reducing crime, complying with state liquor laws, and cooperating with local law enforcement and the Board on these matters. Although Mr. Lindgren has been unable to establish the cooperative working relationship with Officer Johnson that he had with previous Board enforcement officers, and may fare better if the Board assigned another Officer to Tailgator, Mr. Lindgren will continue to work with the Board toward common goals of public safety and crime reduction.

5.9 Renewing Tailgator's liquor license subject to restrictions will help Tailgator to continue to reduce illegal activity in and around it while maintaining the vibrant community-centered business it desires, and ultimately improving the Hewitt Avenue neighborhood. The restrictions on Tailgator's liquor license prescribed below are identical to those set out in the Board's Statement of Intent, which appears in Paragraph 4.11 above, except in two respects: they omit the Board's restriction regarding liquor license cancellation after only two violations, and they provide for a security person on duty when Tailgator is open after 9:00 p.m. and has a minimum of 50 people on the premises (see phrase in bold-face type). The prescribed restrictions are as follows:

> (1) The Licensee, or its employees, shall always have control over and be responsible for any person allowed onto its premises and it shall not delegate any control or responsibility to a promoter or any other person or group;
>
> (2) The Licensee shall have its main entrance staffed by security personnel at all times while the business is open after 9:00 p.m. **and there are a minimum of fifty (50) occupants present on the licensed premises**;
>
> (3) In addition to any security personnel staffing the main entrance, The Licensee shall have one additional security person on duty

[2] OAH Case No. 2013-LCB-0032 involving AVN #3F3091A.

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for every seventy-five (75) occupants present on the licensed premises;

(4) All security personnel must possess a valid Mandatory Alcohol Server Training (MAST) Permit at all times while working on the Licensee's premises. The Licensee shall provide Licensing with proof of each security personnel's MAST Permit prior to allowing the security personnel to work on the licensed premises;

(5) The Licensee shall meet quarterly with a designated representative of the Everett Police Department to review operations at the licensed premises;

5.10 Restriction (2) above includes a threshold number of fifty (50) occupants because it is unreasonable to require Tailgator to incur the significant cost of security personnel when patronage and thus security risk are low. However, in light of the history of chronic illegal activity at Tailgator and the burden this has placed on local law enforcement, a security presence is warranted on nights when at least fifty (50) people are present at Tailgator.

5.11 The Board's restriction (6) is omitted because Officer Johnson has admittedly focused enforcement efforts on Tailgator. If restriction (6) were in place, it would be difficult for Tailgator to succeed in business given the admitted targeting of Tailgator. State law currently provides for liquor license revocation after four violations against public safety in a two-year window. WAC 314-29-020. Tailgator already has one violation currently under appeal dated November 2012, and another violation from April 2013 affirmed on appeal. Under the present heightened scrutiny, Tailgator will need to continue its concerted efforts to secure its premises and monitor patrons in order to retain its liquor license. Though illegal activity is not currently chronic at Tailgator under RCW 66.24.010(12), to keep its liquor license, Tailgator must also continue its efforts to reduce if not eliminate illegal activity on and around its premises.

INITIAL ORDER

IT IS HERBY ORDERED THAT:

Tailgator's liquor license is renewed subject to the following restrictions:

(1) Licensee, or its employees, shall always have control over and be responsible for any person allowed onto its premises and it shall not delegate any control or responsibility to a promoter or any other person or group;

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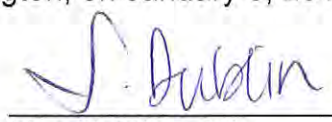
(2) The Licensee shall have its main entrance staffed by security personnel at all times while the business is open after 9:00 p.m. and there are a minimum of fifty (50) occupants present on the licensed premises;

(3) In addition to any security personnel staffing the main entrance, Tailgator shall have one additional security person on duty for every seventy-five (75) occupants present on the licensed premises;

(4) All security personnel must possess a valid Mandatory Alcohol Server Training (MAST) Permit at all times while working on Tailgator's premises. Tailgator shall provide Licensing with proof of each security personnel's MAST Permit prior to allowing the security personnel to work on the licensed premises; and

(5) Tailgator shall meet quarterly with a designated representative of the Everett Police Department to review operations at the licensed premises.

Signed and Issued at Tacoma, Washington, on January 6, 2014.



Lisa N. W. Dublin
Administrative Law Judge
Office of Administrative Hearing

NOTICE OF APPEAL RIGHTS – PLEASE READ CAREFULLY

Petition for Review of Initial Order

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; 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

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(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

Office of Administrative Hearings
949 Market Street, Suite 500
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CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 2013-LCB-0057

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

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James H. Johanson **Attorney at Law** **Johanson Law Group, Inc.** **7009 212th St SW Ste 203** **Edmonds, WA 98026**	☒ First Class US mail, postage prepaid ☐ Certified mail, return receipt ☐ Campus Mail ☐ Facsimile ☐ First Class, postage prepaid, Certified mail, return receipt
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