BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: JENNIFER JUNE BAYEUR 1790 SIDNEY AVENUE NO. 6-323 PORT ORCHARD, WA 98366 MAST PERMIT HOLDER MAST PERMIT NO. 120427566 AVN NO. 1U2096A	LCB NO. 24,082 OAH NO. 2013-LCB-0001 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 January 28, 2013, alleging that on or around April 5, 2012, the above-named Mandatory Alcohol Server Training (MAST) Permit Holder consumed liquor while working on a licensed premises, contrary to WAC 314-11-015(3)(d).
2. The MAST Permit Holder made a timely request for a hearing.
3. An administrative hearing was held on June 19, 2013 before Administrative Law Judge Steven C. Smith with the Office of Administrative Hearings in Tacoma, Washington.
4. At the hearing, Assistant Attorney General Marisa Broggel represented the Education and Enforcement Division of the Board and Jennifer June Bayeur represented herself, the MAST Permit Holder.
5. On August 16, 2013, Administrative Law Judge Steven C. Smith 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 ORDERED FURTHER ORDERED that the MAST Permit Holder's privileges granted to Jennifer June Bayeur, MAST Permit No. 120427566, are hereby suspended for a term of five (5) days. In lieu of a license suspension, the MAST Permit Holder may pay a monetary penalty in the amount of one hundred dollars ($100) due within 30 days of this order. If timely payment is not received, suspension will take place from 4:00 p.m. on Thursday, December 12, 2013 until 4:00 p.m. on Tuesday, December 17, 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
Financial Division
PO Box 43085
Olympia, WA 98504-3085

DATED at Olympia, Washington this 22 day of October, 2013.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

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

October 22, 2013

Jennifer J. Bayeur
MAST Permit Holder
1790 Sidney Ave Apt No 6-323
Port Orchard, WA 98366-2485

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***
MAST PERMIT HOLDER: Jennifer June Bayeur
LCB HEARING NO. 24,082
OAH NO. 2013-LCB-0001
AVN NO. 1U2096A

Dear Parties:

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

The applicable monetary penalty is due by Thursday, November 21, 2013. If payment is not received timely, then suspension will take place as directed in the order. If you have any questions, please contact me at (360) 664–1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Tacoma Enforcement and Education Division, WSLCB
Jamie Marshall, WSLCB Enforcement

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: JENNIFER J. BAYEUR MAST PERMIT HOLDER 1790 SIDNEY AVE APT NO 6-323 PORT ORCHARD, WA 98366-2485 LICENSEE MAST PERMIT NO. 120-427-566 AVN NO. 1U2096A	LCB NO. 24,082 OAH NO. 2013-LCB-0001 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:

JENNIFER J. BAYEUR MAST PERMIT HOLDER 1790 SIDNEY AVE APT NO 6-323 PORT ORCHARD, WA 98366-2485	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION MARISA BROGGEL, ASSISTANT ATTORNEY GENERAL

DATED this 22nd day of October, 2013, at Olympia, Washington.

Kevin McCarroll, Adjudicative Proceedings Coordinator

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

RECEIVED
SEP 30 2013
Liquor Control Board
Board Administration

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

In the Matter of:	**OAH Docket No. 2013-LCB-0001**
JENNIFER JUNE BAYEUR	**LCB No. 24,082**
1790 SIDNEY AVENUE NO. 6-323 **PORT ORCHARD, WA 98366**	
RESPONDENT-PERMIT HOLDER	**FINDINGS OF FACT, CONCLUSIONS OF LAW AND INITIAL ORDER**
MAST PERMIT NO. 120427566 **AVN NO. 1U2096A**	

1. ISSUES FOR DETERMINATION[1]:

1.1 **Issue One:** Did Respondent-MAST Permit Holder violate Washington law as alleged in Complaint No. 24,082 issued against Respondent by the Washington Liquor Control Board on January 28, 2013. Specifically, on or about April 5, 2012, did Respondent consume liquor while working on a licensed premise contrary to WAC 314-11-015(3)(d) that states: "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: ... (d) Consume liquor of any kind while working on the licensed premises [except circumstances not applicable to this case]"?

1.2 **Issue Two:** If the determination of Issue One is against the interests of Respondent-Permit Holder, what is the appropriate sanction under Washington law?

2. SUMMARY OF DETERMINATION OF ISSUES:

2.1 **Issue One:** Respondent-MAST Permit Holder did violate Washington law as alleged in Complaint No. 24,082 issued against Respondent by the Washington Liquor Control Board on January 28, 2013. Specifically, on or about April 5, 2012, Respondent did consume liquor while working on a licensed premise contrary to WAC 314-11-015(3)(d).

[1] The Issues have been reworded and renumbered for clarity, but remain substantively identical to those originally agreed by the parties during prehearing conference proceedings.

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2.2 **Issue Two:** The determination of Issue One is against the interests of Respondent-MAST Permit Holder. The appropriate sanction (penalty) under Washington law is: 5-Day Suspension or $100.00 payment to Liquor Control Board in lieu of suspension.

3. STATEMENT OF THE CASE:

3.1 **Nature of The Case and Authority for Proceeding:** This case arises from a request by Respondent-Mandatory Alcohol Server Training (MAST) Permit Holder Jennifer June Bayeur (alternatively Respondent or Respondent-MAST Permit Holder) for an administrative hearing under WAC 314-29-010(1)(c) following the issuance against Respondent by Washington Liquor Control Board (LCB) on April 12, 2012 of an Administrative Violation Notice (AVN). The AVN alleged that, on or about April 5, 2012, Respondent, as an employee of a Washington liquor licensee, had been drinking an alcoholic beverage on the licensed premises while working, in violation of WAC 314-11-015(3)(d). The LCB's AVN stated a penalty assessment against Respondent of "5-Day Suspension or $100.00 in lieu of suspension" under WAC 314-17-105.

3.2 After Respondent's request for administrative hearing, LCB issued and filed a formal Complaint (No. 24,082), substantively the same as the AVN, and requested Office of Administrative Hearings to appoint an Administrative Law Judge and conduct an evidentiary hearing under Chapter 34.05 RCW.

3.2 **Proceeding and Appearances:** On June 19, 2013, this case came before Administrative Law Judge (ALJ) Steven C. Smith for a full, in-person, evidentiary hearing as to the issues stated above at paragraphs 1.1 and 1.2. The hearing took place at the Office of Administrative Hearings, Tacoma, Washington. The Washington Liquor Control Board appeared through Susan Anderson, LCB Enforcement Officer 2, and was represented by Assistant Attorney General (AAG) Marissa Broggel. The Respondent-Permit Holder Jennifer June Bayeur appeared without legal counsel[2], thereby exercising her right of self-representation. The proceeding was electronically recorded. The hearing record was closed on June 19, 2013.

3.3 **Witnesses:** The following witnesses appeared, were sworn and testified in this matter; the testimony of each witness was considered by the ALJ and given its due weight:

Susan Anderson, LCB Enforcement Officer 2
Jennifer June Bayeur, Respondent-Permit Holder

[2] Respondent had previous written and oral advice from OAH and the ALJ of her right to legal counsel at her expense.

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3.4 **Exhibits:** The following exhibits were admitted into evidence or excluded from evidence on sustained objections. Each admitted exhibit was considered by the ALJ and given its due weight. Each excluded exhibit is identified for record purposes only, but was given no consideration or weight in the determination of this matter.

LCB Exhibits: 1 through 7 (identification language as used by LCB) were admitted without objection.

1. Administrative Violation Notice No. 1U2096A (April 12, 2012) (4 pages);
2. Permit Holder's Request for Hearing dated April 12, 2012 (1 page);
3. Incident Report and Narrative of Officer Susan Anderson dated April 10, 2012 (3 pages);
4. Photograph of drink and liquid sample taken by Officer Susan Anderson On April 5, 2012 (1 page);
5. Toxicology Report from Washington State Patrol Forensics Laboratory testing of liquid sample taken on April 5, 2012 dated May 1, 2013 (2 pages);
6. Certified License/Permit History for Jennifer J. Bayeur dated May 16, 2013 (1 page); and,
7. Sworn Declaration of Officer Susan M. Anderson with the Washington State Liquor Control Board Enforcement Division dated June 17, 2013 (3 pages).

Respondent-Permit Holder's Exhibits: A was admitted without objection. B was admitted over relevance objection, without prejudice to LCB to renew the objection as additional evidence might suggest appropriate; B was later stricken from the record on renewed objection of LCB. (Identification language as used by Respondent.)

A. "Z" tape printout (4/5/2012) (1 page); and,
B. Timecard for Jennifer Bayeur (Date started 3/27 – date ended 4/7)(1 page).

3.5 **Non-Evidentiary Presentations Considered:**

3.5.1 The following non-evidentiary documents were filed with OAH and considered by the Administrative Law Judge (some of the following may also have been included by the parties as part of their evidentiary presentation): The Administrative Violation Notice, the Complaint, the Respondent's Request for Administrative Hearing, the Notice of Hearing and Order Following Prehearing Conference of April 2, 2013, and the LCB Hearing Brief (Respondent-Permit Holder did not file a hearing brief).

3.5.2 The opening statements and closing arguments of the parties.

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Having duly considered the entire file, including the parties' pleadings, the preponderance of evidence and reasonable inferences to be drawn from their evidence, the parties' arguments and contentions, and the relevant law, I hereby make the following Findings of Fact and Conclusions of Law.[3]

4. FINDINGS OF FACT[4]:

Jurisdictional Facts

4.1 At all relevant times, Respondent Jennifer June Bayeur was a Washington State Liquor Control Board Mandatory Alcohol Server Training (MAST) Permit Holder of MAST Permit No. 120427566. Respondent obtained her MAST permit after undertaking mandatory LCB training regarding relevant Washington law, rules, and regulations including, among other things, the prohibition against MAST permit holders drinking at licensed premises while working (that is, while "on duty"). (Exhibits 3 & 6; testimony of Respondent; testimony of Officer Anderson.)

4.2 During all relevant times, Respondent was an employee and alcohol server of Empire Pizza, 12292 Sydney Rd. SW, Port Orchard, Washington, holder of LCB Liquor License No. 077964. (Exhibits 3 & 6; testimony of Respondent; testimony of Officer Anderson.)

4.3 At all relevant times, Susan M. Anderson was a Liquor Enforcement Officer 2 (Officer Anderson) with the Washington State Liquor Control Board Enforcement & Education Division (Enforcement). At the time of the evidentiary hearing, Officer Anderson had 14.5 years of law enforcement experience, approximately 2.5 years of which was with LCB Enforcement.

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[3] / Party contentions not specifically addressed in this Order were considered, but deemed unnecessary for comment.

[4] / Some Findings also may be appropriate as Conclusions of Law. Wherever a reviewing authority may determine that any of these Findings would be more appropriate as a Conclusion of Law, such Finding is hereby deemed a Conclusion of Law.

Citations to the record are used intermittently throughout these Findings of Fact as a convenience to the reader. If a referenced citation is to an exhibit for which only a portion was admitted, then only the admitted portion was considered (the reader is respectfully reminded that while a portion of an exhibit may have been excluded, the same evidence may have come into the record by way of testimony). The absence of any citation to any specific Finding of Fact is not intended to imply an absence of support in the record for that Finding; nor, is citation to only one or a few locations in the record intended to imply that support is limited to, or that the specific Finding was based solely on, the citation(s) given. All Findings of Fact are based on a totality of the evidence, including reasonable inferences to be drawn from the evidence.

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4.4 As an LCB Enforcement officer, Ofc. Anderson was assigned to enforce state liquor and tobacco laws and regulations through citations, arrests, and administrative actions applicable to liquor and tobacco retailers and non-retailers, and liquor and tobacco employees, including Class 12 and Class 13 MAST permit holders, in her assigned geographic area of West Washington Region 1 which included Port Orchard, Washington. By her training and experience, Ofc. Anderson was well qualified to undertake her assigned liquor control enforcement duties. (Exhibit 7; testimony of Ofc. Anderson.)

4.5 On April 12, 2012, in her official capacity on behalf of LCB, Ofc. Anderson issued an Administrative Violation Notice (AVN) against Respondent. The AVN alleged that, on or about April 5, 2012, Respondent, as an employee of Empire Pizza, had been drinking an alcoholic beverage on the licensed premises while working, in violation of WAC 314-11-015(3)(d). The AVN stated a penalty assessment against Respondent of "5-Day Suspension or $100.00 in lieu of suspension" under WAC 314-17-105. (Exhibits 1, 2 & 3; testimony of Ofc. Anderson; testimony of Respondent.)

4.6 On April 12, 2012, Respondent requested an administrative appeal hearing under WAC 314-29-010(1)(c) to dispute the subject AVN (Respondent's written request was received by LCB Enforcement Division April 23, 2012. (Exhibit 2.)

4.7 On February 1, 2013, LCB issued, served on Respondent and filed with OAH, a formal Complaint (No. 24,082), substantively the same as the AVN, and requested that OAH appoint an Administrative Law Judge and conduct an evidentiary hearing under Chapter 34.05 RCW. (OAH Case File, Tab 1.)

Resolution of Conflicting Testimony

4.8 The testimony of the witnesses conflicted on material points. The conflicting testimony presented as genuinely held differences in recollections and opinions as to what had happened, rather than lack of candor. The ALJ, carefully considered and weighed all of the evidence, including witness demeanor (as determined in part by posture, voice, attitude, straightforwardness, hesitancy or lack of hesitancy in responses), party and witness motivations, the reasonableness and consistency of testimony as related to the opposing witnesses and exhibits, whether the testimony was of first-hand knowledge or hearsay, and the totality of circumstances presented. Based on the foregoing, the ALJ resolved the conflicting testimony in favor of the Agency.

Substantive Facts

4.9 On Thursday, April 5, 2012, at approximately 12:39 AM, Ofc. Anderson arrived at Empire Pizza to undertake a routine liquor licensee premises check. To Ofc. Anderson, it appeared that the premises were closed or in the process of closing. Ofc. Anderson parked her car, approached the premises, and observed Respondent inside the

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premises through a glass window. Officer Anderson saw Respondent "holding a fluted type drinking glass with brownish liquid inside" and drinking through a straw. Ofc. Anderson attempted to enter the premises, but the entry door was locked. Ofc. Anderson then knocked on the door and was admitted to the premises by Respondent.

4.10 Ofc. Anderson identified herself as an Enforcement officer, questioned Respondent, learned that Respondent was an employee at the licensed premises, and had been drinking an alcoholic beverage known generally as "Jack [Daniels] and Coke." Ofc. Anderson advised Respondent that employees of licensed premises could not drink alcoholic beverages while working. Respondent contended to Ofc. Anderson, and at hearing, that she was not working (that is, "off-duty") at the time and therefore was allowed to drink what she termed a "shift drink." Respondent told Ofc. Anderson that licensed premises had closed at midnight and that Respondent was simply relaxing from a difficult evening while completing a logbook and preparing to lock-up and leave the premises. (Exhibits 3, 4 & 5; testimony of Ofc. Anderson; testimony of respondent.)

4.11 Officer Anderson explained to Respondent that it was unlawful for her to serve herself or self-monitor her liquor consumption on licensed premises; rather, to drink on the licensed premises as an employee of those premises, she would have to be both off-duty and served by another MAST permit holder. Ofc. Anderson then informed Respondent that because Respondent had violated WAC 314-11-015(3)(d), Ofc. Anderson would be issuing an Administrative Violation Notice at a future date. The AVN was issued and served on Respondent April 12, 2012. (Exhibit 3; testimony of Ofc. Anderson.)

4.12 While at the licensed premises on October 5, 2012, Ofc. Anderson took a sample of the acknowledged alcoholic beverage that had been partially consumed by Respondent at the time of Ofc. Anderson's arrival. Ofc. Anderson also took a photograph of the scene depicting Respondent's beverage glass and Ofc. Anderson's sample container. Ofc. Anderson then submitted the sample for laboratory analysis, and received written confirmation from the Washington State Patrol Toxicology Laboratory that the sample was composed in part of "acetone, ethanol, isopropanol and methanol" with an average of 10% ethanol by volume; in other words, Respondent's drink was an alcoholic beverage. This toxicology report was consistent with, and corroborative of, Ofc. Anderson's observations and Respondent's acknowledgments to officer Anderson on October 5, 2012. (Exhibits 3, 4 & 5; testimony of Ofc. Anderson; testimony of respondent.)

4.13 At the evidentiary hearing, Respondent readily acknowledged that she had been drinking "Jack and Coke" as represented by Ofc. Anderson. However, Respondent passionately and credibly testified that she believed that because she completed all of her other activities and was "closed", that she was off duty and therefore entitled a "shift drink." She further testified that the logbook she was completing when Ofc. Anderson

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arrived was not a requirement of her employer, rather a self-protective measure of memorializing the events that had taken place during her shift. She had been instructed to keep such a logbook during her MAST class. However, Respondent also acknowledged that she had a remaining responsibility to secure licensed premises before she left them.

4.14 If the foregoing facts establish a violation of Washington law, it will be the first such violation of its kind within a three year penalty period. (LCB Hearing Brief)

5. CONCLUSIONS OF LAW:

Based on the above Findings of Fact, I make the following Conclusions of Law:

Jurisdiction

5.1 Based on the foregoing Findings of Fact, the LCB issued an AVN for which the Respondent timely requested a formal administrative hearing. Following Respondent's request for an administrative hearing, LCB issued, served and filed the instant Complaint. Therefore, OAH has jurisdiction over this case under Title 66 RCW, Chapter 34.05 RCW and Title 314 WAC.

Substantive Violation of Law

5.2 MAST permit holders are responsible for the operation of the licensed premises left in their charge and the undertaking of their MAST duties in compliance with the liquor laws and rules of the board. (Title 66 RCW (see for example, RCW 66.20.300 through 66.20.350) and Title 314 WAC (see for example, WAC 314-11-015))

5.3 MAST alcohol server employees of licensed premises are prohibited from drinking alcoholic beverages while working. (WAC 314-11-015(3)(d))

5.4 Therefore, based on the Findings of Fact, Respondent was, at all relevant times, a MAST permit holder and alcohol server at Empire Pizza, a licensed liquor premises. Accordingly, she was subject to the foregoing legal authorities.

5.5 On the date in question, Respondent was the only person left in the licensed premises. At the time, she had remaining work-related activities that she was completing. First, she was completing her logbook. While she maintained, and it is accepted as true, that the logbook entries were for her benefit, she was completing them on, and within the context of, her employment. The logbook completion activities therefore amounted to "work" as that term was intended by WAC 314-11-015(3)(d). Second, by her own acknowledgment at hearing, Respondent had yet to secure and leave the licensed premises because she was completing the logbook. Thus, whether a reviewing authority should determine that the logbook completion

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was personal and not work-related, Respondent was still "on-duty" (that is, "working") until she locked up the premises and left. Because she was drinking an alcoholic beverage while still working, she was in violation of WAC 314-11-015(3)(d). The Complaint shall be sustained.

Penalty (Sanction)

5.6 The standard penalty for a first time of violation within a three-year period is a 5-day suspension of the Respondent's MAST permit or a $100.00 monetary penalty. WAC 314-17-105. Based on the foregoing Finds of Fact, this is a first violation by the Respondent of WAC 314-11-015(3)(d) within a three-year penalty period. Therefore, the standard first time penalty shall be applied.

6. ORDER:

NOW THEREFORE, IT IS ORDERED:

6.1 The Office of Administrative Hearings has jurisdiction over this case.

6.2 Respondent-MAST Permit Holder Jennifer June Bayeur did violate Washington law as alleged in Complaint No. 24,082 issued against Respondent by the Washington Liquor Control Board on January 28, 2013. Specifically, on or about April 5, 2012, Respondent did consume liquor while working on a licensed premise contrary to WAC 314-11-015(3)(d).

6.3 The Complaint No. 24,082 herein is **SUSTAINED**.

6.4 Subject to the Liquor Control Board's further determination, Respondent's liquor license shall be suspended for 5 days or Respondent shall pay a monetary penalty of $100.00.

Signed and Issued this August 16, 2013 at Tacoma, Washington.

Steven C. Smith
Administrative Law Judge
Office of Administrative Hearings

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NOTICE TO PARTIES OF APPEAL RIGHTS

Petition for Review of Initial Order

Either the Respondent or permit holder or the assistant attorney general may file a petition for the 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.

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 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).

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Certificate of Service – OAH Docket No. 2013-LCB-0001

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

Jennifer June Bayeur **1790 Sidney Avenue, No. 6-323** **Port Orchard, WA 98366**	☒First Class US mail, postage prepaid ☐Certified mail, return receipt ☐Campus Mail ☐Facsimile ☐1st Class, postage prepaid, Certified mail, return receipt
Marisa Broggel **Assistant Attorney General** **Office of Attorney General** **Government Compliance & Enforcement Div.** **PO Box 40100** **Olympia, WA 98504-0100**	☒First Class US mail, postage prepaid ☐Certified mail, return receipt ☐Campus Mail ☐Facsimile ☐1st Class, postage prepaid, Certified mail, return receipt
Kevin McCarroll **Adjudicative Proceedings Coordinator** **Washington State Liquor Control Board** **P.O. Box 43076** **Olympia, WA 98504-3076**	☒First Class US mail, postage prepaid ☐Certified mail, return receipt ☐Campus Mail ☐Facsimile ☐1st Class, postage prepaid, Certified mail, return receipt

Date August 16, 2013

Authorized Representative
Office of Administrative Hearings

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