

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

WU'S INVESTMENT, INC.
d/b/a CHOPSTICKS
7601 E MILL PLAIN BLVD
VANCOUVER, WA 98664-1331

APPLICANT

LICENSE APPLICATION NO. 354980

LCB NO. 24,083

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 Approve with Restriction on Liquor License* dated May 14, 2012 to Wu's Investments, Inc d/b/a Chopsticks.
2. The Licensing Director's intent is to place a restriction on the license barring Jian Hua Wu from having any involvement in the licensed business to include ownership, management, and employment due to an accumulation of 36 criminal record points against him.
3. No hearing request was received from the applicant.
4. 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 that Board affirms the approval of the license restriction referenced in section 2.5 of the Statement of Intent to Approve with Restriction on Liquor License.

FINAL ORDER OF THE BOARD
CHOPSTICKS
LCB NO. 24,083
LICENSE NO. 354980

DATED at Olympia, Washington this 5 day of June, 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).

**STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD**

In the Matter of Intent to Approve Change
of Corporate Officer with Restriction for the
privileges of a Spirits/Beer/Wine
Restaurant Lounge + from:

Wu's Investment, Inc.
Chopsticks
7601 E Mill Plain Blvd
Vancouver WA 98664-1331

Location Address: 7601 E Mill Plain Blvd
Vancouver WA 98664

License Application No. 354980
UBI 602-787-308-001-0001

LCB No. 24,083

**STATEMENT OF INTENT TO
APPROVE WITH RESTRICTION ON
LIQUOR LICENSE**

The authority of the Washington State Liquor Control Board in this proceeding is based on the provisions of Title 66 Revised Code of Washington (RCW) and Title 314 Washington Administrative Code (WAC).

1. LICENSE HISTORY

- 1.1 Applicant has held a liquor license since February 2008 with one written warning for over service in July 2011.

2. SUMMARY OF RELEVANT FACTS

- 2.1 Applicant Jian Hua Wu's three felony convictions in Clark County Washington on October 6, 2011 resulted in an accumulation of 36 criminal record points under the provisions of WAC 314-07-040.
- 2.2 A Statement of Intent to Revoke Liquor License (LCB Case No. 23,908) was issued on December 2, 2011 based on Mr. Wu's no longer qualifying as a principal of the licensed entity to hold a liquor license. A Request for Hearing was received by the LCB on December 13, 2011.
- 2.3 Applicant applied for a Change in Corporate Officers and/or Stockholders on February 16, 2012 to remove Jian Hu Wu from the corporate entity as President and 50% stockholder.
- 2.4 Paperwork is on file with the Secretary of State's Office documenting Yan Ke Chan (spouse) as President and 100% shareholder of Wu's Investment, Inc.

- 2.5 Director's intent is to approve this change but place a special condition on the license to restrict Jian Hua Wu from having any involvement in the licensed business to include ownership, management and employment.
- 2.6 Applicant may apply to have said restriction lifted in conjunction with any future renewal of this license. Any request for lifting this restriction must be received by the Director of Licensing thirty (30) days before the date of license expiration.

3. RELEVANT AUTHORITY AND CONCLUSIONS

- 3.1 The conduct outlined in paragraph 2.1 constitutes grounds for a restriction of the liquor license application under the provisions of RCW 66.24.010 where the board may consider any prior criminal conduct of the applicant.
- 3.2 The conduct outlined in paragraph 2.1 also constitutes grounds for license denial under the provisions of WAC 314-07-065 (4) where the applicant fails to meet the criminal history standards outlined in WAC 314-07-045. Further, under the provisions of WAC 314-07-015 (1), a person or entity must meet certain qualifications to receive a liquor license, which are continuing qualifications in order to maintain the license; and WAC 314-07-015 (3). In approving a liquor license, the board reserves the right to impose special conditions as to the involvement in the operations of the licensed business of any former licensees, their former employees, or any person who does not qualify for a liquor license.
- 3.3 Paragraphs 3.1 and 3.2 above each establish a separate and independently sufficient basis for placing restrictions on this license.
- 3.4 By accepting this Intent to Restrict, the applicant agrees to withdraw their request for an administrative hearing as referenced in paragraph 2.2. Said request for withdrawal shall be submitted in writing to the Board office.

4. REQUEST FOR INTENT TO APPROVE WITH RESTRICTION

The below-signed Director of Licensing for the Washington State Liquor Control Board, having reviewed the following materials:

- Application Processing Report signed and dated May 4, 2012 by Dora M. Duval, Manager.

- Change in Corporate Officers and/or Stockholders application
- Secretary of State's Corporations Division website page documenting Yan Ke Chen as President and 100% shareholder of Wu's Investment, Inc.
- A copy of Revocation request Interoffice Communication dated October 25, 2011
- A copy of the Statement of Intent to Revoke Liquor License dated December 2, 2011.

And based on those materials, having concluded as set forth above, seeks the restriction on the liquor license of Chopsticks.

DATED this 14th day of May, 2012.



Alan E. Rathbun, Director, Licensing & Regulation Division

The Washington State Liquor Control Board has a policy of providing equal access to its services.

This document was mailed to the following people:

Wu's Investment, Inc. Chopsticks 7601 E Mill Plain Blvd Vancouver WA 98664-1331	Timothy D Leavitt, Mayor City of Vancouver 415 West 6th Street, 2nd Floor Vancouver WA 98668
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**Washington State
Liquor Control Board**

June 5, 2012

Wu's Investment, Inc.
Chopsticks
7601 E Mill Plain Blvd
Vancouver, WA 98664-1331

Alan Rathbun, Licensing Director
Washington State Liquor Control Board
PO Box 43098
Olympia, WA 98504-3098

RE: FINAL ORDER OF THE BOARD
LICENSE APPLICANT: Wu's Investment, Inc.
TRADE NAME: Chopsticks
LOCATION: 7601 E Mill Plain Blvd, Vancouver, WA 98664-1331
LICENSE NO. 354980-1J-
LCB HEARING NO. 24,083
UBI: 602 787 308 001 0001

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the Final Order of the Board in the above-referenced matter as well as a copy of the Statement of Intent.

If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Beth Lehman, Licensing Supervisor, WSLCB
Tacoma and Vancouver Enforcement and Education Divisions, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 24,083

5 WU'S INVESTMENT, INC.
6 d/b/a CHOPSTICKS
7 7601 E MILL PLAIN BLVD
8 VANCOUVER, WA 98664-1331

DECLARATION OF SERVICE BY MAIL

LICENSEE

9 LICENSE NO. 354980-1J

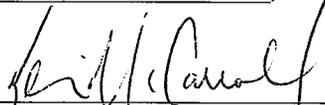
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11 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-referenced
12 matter to be served on all parties or their counsel of record by US Mail Postage Prepaid via
13 Consolidated Mail Service the for Licensee and Local Authority, by Office Mail for the Director on the
14 date below to:

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16 WU'S INVESTMENT, INC.
17 d/b/a CHOPSTICKS
18 7601 E MILL PLAIN BLVD
19 VANCOUVER, WA 98664-1331

ALAN RATHBUN, LICENSING DIRECTOR
WASHINGTON STATE LIQUOR
CONTROL BOARD
PO BOX 43098
OLYMPIA, WA 98504-3098

20 TIMOTHY D. LEAVITT,
21 MAYOR OF VANCOUVER
22 PO BOX 1995
23 VANCOUVER, WA 98668-1995

24 DATED this 5th day of June, 2012, at Olympia, Washington.

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Kevin McCarroll, Adjudicative Proceedings Coordinator

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