

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

MOSSYROCK LLC d/b/a  
THE ATRIUM LOUNGE

606 BROADWAY ST  
VANCOUVER, WA 98660-3279

LICENSEE

LICENSE NO. 404719-1L  
AVN: 1J2105A

LCB NO. 24,084

OAH NO. 2012-LCB-0052

FINAL ORDER OF THE BOARD

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

1. The Liquor Control Board issued a complaint dated October 30, 2012, alleging that on April 14, 2012 the above-named Licensee, or employee(s) thereof, served and/or sold liquor to an apparently intoxicated person on the licensed premises, and/or allowed an apparently intoxicated person(s) to consume liquor on the licensed premises, contrary to RCW 66.44.200.
2. The Licensee timely submitted a request for an administrative hearing.
3. A prehearing conference was held at 9:00 a.m. on December 18, 2012.
4. The Licensee did not appear for the prehearing conference nor request a continuance. Assistant Attorney General Timothy Ford represented the Enforcement Division of the Board.
5. On January 8, 2013, Administrative Law Judge Katherine Lewis entered her Order of Default, ordering that the appellant was in default and dismissing the hearing.
6. No request to vacate the default was filed.
7. The entire record in this proceeding was presented to the Board for final decision, and the Board

having fully considered said record and being fully advised in the premises; NOW, THEREFORE,

FINAL ORDER OF THE BOARD  
LCB NO. 24,084  
THE ATRIUM LOUNGE  
LICENSE 404719

Page 1 of 3

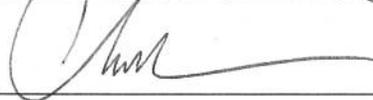
Washington State Liquor Control Board  
3000 Pacific Ave, S.E.  
P.O. Box 43076  
Olympia, WA 98504-3076  
Phone: 360-664-1602

IT IS HEREBY ORDERED that the default order for case 24,084 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 24,084 is sustained and that the liquor license privileges granted to Mossyrock LLC d/b/a The Atrium Lounge at 606 Broadway Street, in Vancouver, Washington, License 404719, are hereby suspended for a term of seven (7) days beginning on 5:00 p.m. on Thursday, March 7, 2013 until 5:00 p.m. on Thursday, March 14, 2013. Failure to comply with the terms of this order will result in further disciplinary action.

DATED at Olympia, Washington this 29 day of January, 2013.

WASHINGTON STATE LIQUOR CONTROL BOARD

  
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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).

MAILED  
JAN 08 2013  
VANCOUVER OFFICE OF  
ADMINISTRATIVE HEARINGS

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

In the Matter of:

Mossyrock, LLC  
dba The Atrium Lounge,

Licensee.

OAH No.: 2012-LCB-0052

LCB Case No.: 24,084

ORDER OF DEFAULT

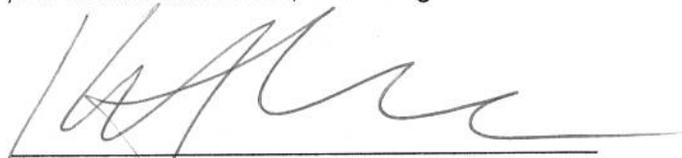
Liquor Control Board

A pre hearing conference was scheduled to convene on December 18, 2012. The Washington State Liquor Control Board was represented by Timothy D. Ford, Assistant Attorney General. The Licensee, Mossyrock, LLC., did not appear.

The Licensee was properly notified of the hearing by an Notice of Conference which was mailed to all parties on November 28, 2012. The notice specifically states, "Parties who fail to attend or participate in the hearing or other stage of an adjudicative proceeding may be held in default..."

IT IS ORDERED that the Licensee is in **DEFAULT** and the hearing is **DISMISSED**.

Dated and mailed this 8<sup>th</sup> day of January , 2013 at Vancouver, Washington.



Katherine A. Lewis  
Administrative Law Judge  
Office of Administrative Hearings  
5300 MacArthur Blvd, Suite 100  
Vancouver, WA 98661  
Telephone: (360) 690-7189  
Toll free: 1-800-243-3451

Address:

RECEIVED

JAN 14 2013

Liquor Control Board  
Board Administration

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 24,084  
OAH NO. 2012-LCB-0052

MOSSYROCK LLC  
d/b/a THE ATRIUM LOUNGE  
606 BROADWAY ST  
VANCOUVER, WA 98660

DECLARATION OF SERVICE BY  
MAIL

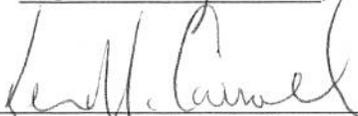
LICENSEE

LICENSE NO. 404719-1L  
AVN NO. 1J2105A

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:

MOSSYROCK LLC d/b/a THE ATRIUM LOUNGE 1909 C STREET VANCOUVER, WA 98663-3329	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION TIMOTHY FORD, ASSISTANT ATTORNEY GENERAL
MOSSYROCK LLC d/b/a THE ATRIUM LOUNGE 606 BROADWAY ST VANCOUVER, WA 98660-3279	

DATED this 29<sup>th</sup> day of January, 2013, at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator