

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

ALEJANDRO RUIZ
d/b/a CASA MIQUEL

125 CAMELIA ST NW
ROYAL CITY, WA 99357

LICENSEE

LICENSE NO. 083102
AVN NO. 4E2067A

LCB NO. 24,091

OAH NO. 2012-LCB-0038

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 July 19, 2012, alleging that on February 10, 2012, the above-named Licensee, or employee(s) thereof, failed to maintain hours of operations for a spirits, beer, and wine restaurant license as required pursuant to WAC 314-02-015.
2. The Licensee timely submitted a request for an administrative hearing.
3. A prehearing conference was scheduled for 10:30 a.m. on December 11, 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 December 21, 2012, Administrative Law Judge Mark Kim entered his Order of Default, ordering that the appellant was in default and dismissing the hearing.
6. No request to vacate the default was filed.

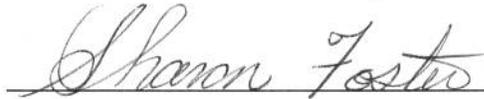
7. The entire record in this proceeding was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises; NOW, THEREFORE,

IT IS HEREBY ORDERED that the Order of Default for case 24,091 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 24,091 is SUSTAINED. Due to the fact that the Licensee's business was discontinued on April 30, 2012 and its liquor license was discontinued on December 12, 2012, no penalty shall be scheduled or due in reference to this order.

DATED at Olympia, Washington this 29 day of January, 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

January 30, 2013

Alejandro Ruiz
d/b/a Casa Miguel
PO Box 1202
Royal City, WA 99357-1202

Timothy Ford, 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: Alejandro Ruiz
TRADE NAME: Casa Miguel
LOCATION: 125 Camelia St NW, Royal City, WA 99357
LICENSE NO. 083102-4T
ADMINISTRATIVE VIOLATION NOTICE NO: 4E2067A
LCB HEARING NO. 24,091
OAH NO. 2012-LCB-0038
UBI: 602 607 720 001 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.

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 (2)

cc: Spokane Enforcement and Education Division, WSLCB
Teresa Young, WSLCB

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

3 ALEJANDRO RUIZ
4 d/b/a CASA MIGUEL
5 125 CAMELIA ST NW
6 ROYAL CITY, WA 99357

7 LICENSEE

8 LICENSE NO. 083102-4T
9 AVN NO. 4E2067A

LCB NO. 24,091
OAH NO. 2012-LCB-0038

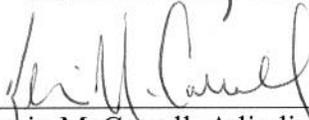
DECLARATION OF SERVICE BY
MAIL

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:

14
15 ALEJANDRO RUIZ
16 D/B/A CASA MIGUEL
17 PO BOX 1202
18 ROYAL CITY, WA 99357-1202

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100, GCE DIVISION
TIMOTHY FORD, ASSISTANT ATTORNEY
GENERAL

19 DATED this 30th day of January, 2013, at Olympia, Washington.

20 
21 Kevin McCarroll, Adjudicative Proceedings Coordinator

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25
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DECLARATION OF SERVICE BY
MAIL

1

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

RECEIVED

JAN 28 2013

Liquor Control Board
Board Administration

RECEIVED

DEC 19 2012

Office of Administrative Hearings
Spokane

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

IN THE MATTER OF:

ALEJANDRO RUIZ d/b/a
CASA MIGUEL
125 CAMELIA ST NW
ROYAL CITY, WA 99357

LICENSEE

LICENSE NO. 083102
AVN NO. 4E2067A

OAH DOCKET NO. 2012-LCB-0038

LCB Case No. 24,091

~~PROPOSED~~ ORDER OF DEFAULT

MAILED

DEC 21 2012

Office of Administrative Hearing
Spokane

I. ORDER SUMMARY

1.1 Based upon the Licensee's failure to appear at the December 11, 2012 prehearing conference, the Board's motion for default judgment is granted. The penalties specified in the Administrative Violation notice in this matter shall be imposed, subject to further Liquor Control Board action.

1.2 The Licensee's request for hearing is dismissed.

II. PREHEARING CONFERENCE

- 2.1 Administrative Law Judge: Mark Kim
- 2.2 Date of Conference: December 11, 2012
- 2.3 Licensee: ALEJANDRO RUIZ d/b/a
CASA MIGUEL
125 CAMELIA ST NW
ROYAL CITY, WA 99357
- 2.4 Department: Liquor Control Board
- 2.41 Department Representative: Timothy D. Ford, AAG

III. STATEMENT OF THE CASE

3.1 A prehearing conference was scheduled on this matter for December 11, 2012 at 10:30 a.m. by telephone conference call. The Order for Telephonic Prehearing Conference, dated and mailed on November 28, 2012, provided instructions for the telephone hearing which

informed the above-named Licensee of the telephone number to dial for the hearing. The instructions included a statement in Spanish language for contacting a free interpreter for assistance with the instructions.

3.2 Administrative Law Judge Mark Kim convened this prehearing conference at 10:30 a.m. on December 11, 2012. The Washington State Liquor Control Board appeared and was represented by Assistant Attorney General Timothy D. Ford. The Licensee did not call in to appear at this pre-hearing conference. The Licensee has made no appearance by counsel to request a continuance.

3.3 The Washington State Liquor Control Board verbally moved for a default judgment to be entered based on the failure of the licensee to appear.

3.4 The motion was **GRANTED**.

IV. ORDER

4.1 IT IS ORDERED that the above-named Licensee is in DEFAULT. Based upon the Licensee's default, the penalties specified in the Administrative Violation Notice, in this matter, shall be imposed, subject to further Board action. The Licensee's request for a hearing is dismissed.

DATED this 21st day of December, 2012.



Mark Kim
Administrative Law Judge
Office of Administrative Hearings

NOTICE TO PARTIES

RCW 34.05.440(3) provides that you have **seven (7) days** from the date of service of this Order of Default to file a request to have this Order vacated and your hearing reinstated. A Petition to Reinstate Hearing should be mailed to: The Office of Administrative Hearings, 221 N. Wall St., Suite 540, Spokane, WA 99201-0826.

A copy was mailed to the following:

ALEJANDRO RUIZ d/b/a
CASA MIGUEL
PO BOX 1202
ROYAL CITY, WA 99357-1202