

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

ROOM 38 LLC  
d/b/a ROOM 38

38 FRONT ST N  
ISSAQUAH, WA 98027

LICENSEE

LICENSE NO. 077810  
AVN NO. 2K2236B

LCB NO. 24,215  
OAH NO. 2012-LCB-0055

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 December 4, 2012, alleging that on August 23, 2012 the above-named Licensee, or employee(s) thereof, gave, sold and/or supplied liquor to a person under the age of twenty-one (21), contrary to RCW 66.44.270(1);
2. The Licensee timely submitted a request for an administrative hearing;
3. A prehearing conference was scheduled for February 19, 2013 at 9:00 a.m.;
4. The Licensee did not appear for the prehearing conference nor request a continuance. The Enforcement Division of the Board appeared and was represented by Assistant Attorney General Isaac Williamson;
5. On February 26, 2013, Administrative Law Judge Terry A. Schuh entered his Initial Order of Default Dismissing Respondent/Licensee's Appeal for Failure to Appear dismissing the appeal;
6. A request to vacate the default was timely filed by the Licensee;
7. On April 3, 2013, a Hearing on Respondent/Licensee's Motion to Vacate Default took place;

8. On April 8, 2013, Administrative Law Judge Terry A. Schuh entered his Order Denying Respondent/Licensee's Motion to Vacate Default Order, which affirmed his Initial Order of Default Dismissing Respondent/Licensee's Appeal for Failure to Appear;

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 default order for case 24,215 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 24,215 is sustained and that the liquor license privileges granted to Room 38, LLC d/b/a Room 38 at 38 Front Street North in Issaquah, Washington, License 077810, are hereby suspended for a term of five (5) days. In lieu of a license suspension, the Licensee may pay a monetary penalty in the amount of five hundred dollars (\$500.00) due within 30 days of this order. If timely payment is not received, suspension will take place from 11:00 a.m. on Thursday, June 13, 2013 until 11:00 a.m. on Tuesday, June 18, 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**

**PO Box 43085**

**Olympia, WA 98504-3085**

DATED at Olympia, Washington this 15 day of May, 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).



Washington State  
Liquor Control Board

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May 2, 2013

Gregory Coxey  
Room 38, LLC  
d/b/a Room 38  
38 Front St N  
Issaquah, WA 98027-3236

Isaac Wiliamson, 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: Room 38, LLC**  
**TRADE NAME: Room 38**  
**LOCATION: 38 Front St N, Issaquah, WA 98027-3236**  
**LICENSE NO. 077810-2M**  
**ADMINISTRATIVE VIOLATION NOTICE NO: 2K2236B**  
**LCB HEARING NO. 24,215**  
**OAH NO. 2012-LCB-0055**  
**UBI: 602 217 433 001 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.

**The applicable monetary penalty is due by Monday, June 3, 2013. If payment is not received timely, then suspension will take place on the dates stated in the order.** The address for payments is WSLCB, P.O. Box 43085, Olympia, WA 98504-3085. Please label the check with your License Number and Administrative Violation Notice Number listed above. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll  
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Tukwila Enforcement and Education Division, WSLCB  
Lisa Red, WSLCB

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

3 ROOM 38, LLC  
4 d/b/a ROOM 38  
5 38 FRONT ST N  
6 ISSAQUAH, WA 98027-3236

6 LICENSEE

7 LICENSE NO. 077810  
8 AVN NO. 2K2236B

LCB NO. 24,215  
OAH NO. 2012-LCB-0055

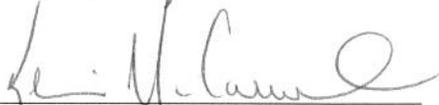
DECLARATION OF SERVICE BY  
MAIL

9  
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 GREGORY COXEY  
16 ROOM 38, LLC  
17 d/b/a ROOM 38  
18 38 FRONT ST N  
19 ISSAQUAH, WA 98027-3236

OFFICE OF THE ATTORNEY GENERAL  
MAIL STOP 40100, GCE DIVISION  
ISAAC WILLIAMSON,  
ASSISTANT ATTORNEY GENERAL

20 DATED this 2nd day of May, 2013, at Olympia, Washington.

21   
22 Kevin McCarroll, Adjudicative Proceedings Coordinator