

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

CARNICERIA LA MAS BARATA, INC.  
d/b/a CARNICERIA LA MAS BARATA

317 B STREET  
MABTON, WA 98935  
LICENSEE

LICENSE NO. 084086  
AVN NO. 4D2165A  
UBI: 602-582-047-001-0004

LCB NO. 24,219  
OAH NO. 2014-LCB-0016

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 June 13, 2014, alleging that on or about June 13, 2012 the above-named Licensee and/or an employee of the licensee sold alcohol to a minor in violation of RCW 66.44.270(1).
2. The Licensee made a timely request for a hearing.
3. A prehearing conference was held on May 15, 2014 before Administrative Law Judge Mark H. Kim with the Office of Administrative Hearings.
4. At the hearing, the Enforcement and Education Division of the Board was represented by Assistant Attorney General Kim O'Neal. The Licensee was represented by Ruby Orozco.
5. At the hearing, Ms. Orozco withdrew the Licensee's request for a hearing and stipulated to violation 4D2165A.
6. On July 2, 2014, Administrative Law Judge Mark H. Kim entered his Initial Order affirming the Complaint.

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 Complaint in this matter is AFFIRMED.

IT IS HEREBY FURTHER ORDERED that the liquor license privileges granted to Carniceria La Mas Barata Inc. d/b/a Carniceria La Mas Barata, located at 317 B Street in Mabton, Washington, License No. 084086, are hereby CANCELLED.

DATED at Olympia, Washington this 9 day of September, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster  
Richmann Kurose

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. The applicant stipulated to withdraw its request for an administrative hearing. Because there was no hearing held, no judicial review is available for this case.

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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September 11, 2014

Joel Orozco, President  
Carniceria La Mas Barata, Inc.  
d/b/a Carniceria La Mas Barata  
405 Westridge Dr  
Grandview, WA 98930-1141

Kim O'Neal, 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: Carniceria La Mas Barata, Inc.**  
**TRADE NAME: Carniceria La Mas Barata**  
**LOCATION: 317 B St, Mabton, WA 98935**  
**LICENSE NO. 084086**  
**LCB HEARING NO. 24,219**  
**OAH NO. 2014-LCB-0016**  
**AVN NO. 4D2165A**  
**UBI: 602-582-047-001-0004**

Dear Parties:

Please find the enclosed Final Order of the Board and Declaration of Service by Mail 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 and Pasco Enforcement and Education Divisions, WSLCB  
Jamie Marshall, Enforcement and Education, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

CARNICERIA LA MAS BARATA,  
INC. d/b/a  
CARNICERIA LA MAS BARATA

317 B ST  
MABTON, WA 98935

LICENSEE

LICENSE NO. 084086  
AVN NO. 4D2165A

LCB NO. 24,219

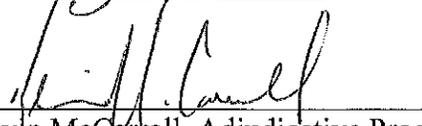
OAH NO. 2014-LCB-0016

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:

JOEL OROZCO, PRESIDENT CARNICERIA LA MAS BARATA, INC. d/b/a CARNICERIA LA MAS BARATA 405 WESTRIDGE DR GRANDVIEW, WA 98930-1141	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION KIM O'NEAL, ASSISTANT ATTORNEY GENERAL
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DATED this 11<sup>th</sup> day of September, 2014 at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator

RECEIVED

JUL 10 2014

Liquor Control Board  
Board Administration

MAILED

JUL 02 2014

Office of Administrative Hearings  
Spokane

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

In the Matter of:

CARNICERIA LA MAS BARATA,  
INC.  
d/b/a CARNICERIA LA MAS  
BARATA  
317 B Street  
Mabton, WA 98935,

Licensee.

AVN No. 4D2165A  
License No. 084086

NO. OAH Docket No. 2014-LCB-0016

INITIAL ORDER

FINDINGS OF FACT

1. On May 15, 2014, this matter came before this Tribunal for a Prehearing Conference. The Licensee appeared through Ruby Orozco, and the Board appeared through its counsel Assistant Attorney General Kim O'Neal.
2. Ms. Orozco informed the Tribunal that the Licensee was withdrawing its request for a hearing on the Complaint issued in this matter which alleges a violation of RCW 66.44.270(1) by selling alcohol to a minor. Ms. Orozco admitted on the record that she understood the nature of the violation alleged, and that by withdrawing the request for a hearing she and the Licensee were agreeing that the violation stated in the Complaint would be affirmed. She also agreed on the record

1 that she understood that the sanction imposed for this violation would be license  
2 cancellation.

3 Based upon the record in this matter, and the representations of the Licensee through  
4 Ms. Orozco, the Tribunal makes the following:

5 CONCLUSIONS OF LAW

- 6 1. The Licensee has withdrawn its request for a hearing on AVN 4D2165A, and the  
7 Complaint issued against it on March 2014 in case number 24,219 and OAH  
8 Docket No. 2014-LCB-0016.
- 9 2. The violation alleged in AVN 4D2165A and the Complaint issued in this matter is  
10 affirmed. The Licensee and/or its employees did sell alcohol to a minor on or  
11 about June 13, 2012 in violation of RCW 66.44.270(1) as alleged.
- 12 3. The penalty to be imposed for this violation is license cancellation.

13 DATED this 2<sup>nd</sup> day of July, 2014.

14  
15   
16 \_\_\_\_\_  
JUDGE MARK KIM

17 Presented by:

18 Kim O'Neal, WSBA #12939  
19 Assistant Attorney General  
20 Attorney for Liquor Control Board

21 Copy Received, Notice of Entry Waived

22 Ruby Orozco  
23 For Carniceria La Mas Barata, Inc.

## Appeal Rights

### Petition for Review:

Either the licensee 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).

### Certificate of Service

I certify that true copies of the foregoing document were served from Spokane Valley, Washington, upon the following as indicated:

Address: <b>Carniceria La Mas Barata, Inc.</b> <b>Attn: Ruby Orozco</b> <b>405 Westridge Dr.</b> <b>Grandview, WA 98930</b>	<input checked="" type="checkbox"/> First Class US Mail, postage prepaid
Address: <b>Ruby Orozco</b> <b>111 N. 6th St.</b> <b>Sunnyside, WA 98944</b>	<input checked="" type="checkbox"/> First Class US Mail, postage prepaid
Address: <b>Kim O'Neal, Senior Counsel</b> <b>Office of the Attorney General</b> <b>P.O. Box 40100</b> <b>Olympia, WA 98504-0100</b>	<input checked="" type="checkbox"/> First Class US Mail, postage prepaid
Address: <b>Kevin McCarroll, APC</b> <b>Washington State Liquor Control Board</b> <b>P.O. Box 43076</b> <b>Olympia, WA 98504-3076</b>	<input checked="" type="checkbox"/> First Class US Mail, postage prepaid

Date this 2<sup>nd</sup> day of July, 2014.

  
\_\_\_\_\_  
Mark Kim  
Office of Administrative Hearings  
16201 E. Indiana Ave., Ste. 5600  
Spokane Valley, WA 99216  
(509) 456-3975 or (800) 366-0955  
Fax: (509) 456-3997