

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

SARAH W. MARTINY
921 130TH STREET SW, APT D201
EVERETT, WA 98204-6339

LICENSEE

MAST PERMIT NO. 120-457-752
AVN NO. 3H2301C

LCB NO. 24,505
OAH NO. 2013-LCB-0004

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 January 30, 2013, alleging that on or about October 27, 2012 the above-named Permit Holder gave, sold and/or supplied liquor to a male person under the age of twenty-one (21), contrary to RCW 66.44.270 and/or WAC 314-11-020(1); and that on or about October 27, 2012 the above-named Permit Holder gave, sold and/or supplied liquor to a female person under the age of twenty-one (21), contrary to RCW 66.44.270 and/or WAC 314-11-020(1); and that on or about October 27, 2012, the above-named Permit Holder allowed persons under twenty-one (21) years of age to enter and remain in an area classified as off-limits to persons under the age of twenty on (21), contrary to RCW 66.44.310 and/or WAC 314-11-020(2).
2. The Permit Holder timely submitted a request for an administrative hearing.
3. The Permit Holder did not appear for the scheduled prehearing conference by telephone on April 29, 2013 at 1:00 p.m. nor request a continuance. Assistant Attorney General Marisa Broggel represented the Enforcement Division of the Board.
4. On June 4, 2013, Administrative Law Judge Lisa N.W. Dublin entered her Corrected Initial Order of Default Dismissing the Appeal of Sarah W. Martiny for Failure to Appear, ordering that the Permit Holder was in default and dismissing the appeal.

5. No request to vacate the default was filed.
6. No petition for review 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 default order for case 24,505 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 24,505 is sustained and that the MAST Permit privileges granted to Sarah W. Martiny, MAST Permit No. 120457752, are hereby suspended for a term of five (5) days. In lieu of a MAST Permit suspension, the Permit Holder may pay a monetary penalty in the amount of one-hundred dollars (\$100.00) due within 30 days of this order. If timely payment is not received, suspension will take place from 10:00 a.m. on Thursday, August 15, 2013 until 10:00 a.m. on Tuesday, August 20, 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

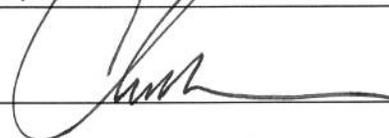
Olympia, WA 98504-3085

DATED at Olympia, Washington this 2 day of July 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

July 10, 2013

Sarah W. Martiny,
MAST Permit Holder
921 130th St SW, Apt D201
Everett, WA 98204-6339

Marisa E. Broggel, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

RE: FINAL ORDER OF THE BOARD
MAST Permit Holder: Sarah W. Martiny
MAST Permit Number: 120-457-752
ADMINISTRATIVE VIOLATION NOTICE NO: 3H2301C
LCB HEARING NO. 24,505
OAH NO. 2013-LCB-0004

Dear Parties:

Please find the enclosed Final Order of the Board and Declaration of Service by Mail in the above-referenced matter.

The applicable monetary penalty is due by Friday, August 9, 2013. If payment is not received timely, then suspension will take place during the dates listed in the Final 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,

A handwritten signature in black ink that reads "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Mt. Vernon Enforcement and Education Divisions, WSLCB
Jamie Marshall, WSLCB

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

3 SARAH W. MARTINY,
4 921 130TH ST SW, APT D201
5 EVERETT, WA 98204-6339

6 PERMIT HOLDER

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8 MAST NO. 120-457-752
9 AVN NO. 3H2301C

LCB NO. 24,505
OAH NO. 2013-LCB-0004

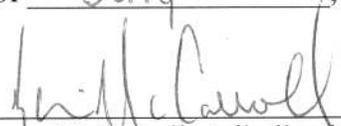
DECLARATION OF SERVICE BY
MAIL

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 SARAH W. MARTINY,
16 MAST PERMIT HOLDER
17 921 130TH ST SW, APT D201
18 EVERETT, WA 98204-6339

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100, GCE DIVISION
MARISA BROGGEL,
ASSISTANT ATTORNEY GENERAL

19 DATED this 10th day of July, 2013, at Olympia, Washington.

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22 Kevin McCarroll, Adjudicative Proceedings Coordinator
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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