BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: GOLDEN GRILL ON THE BAY INC d/b/a GOLDEN GRILL ON THE BAY 1014 BAY ST PORT ORCHARD, WA 98366-5243 LICENSEE LICENSE NO. 361557 AVN NO. 1U2351A	LCB NO. 24,707 OAH NO. 2013-LCB-0055 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 July 10, 3013, alleging that on or around December 16, 2012, the Licensee or an employee(s) thereof gave, sold and/or supplied liquor to an apparently intoxicated person, contrary to RCW 66.44.200(1) and WAC 314-16-150.

2. A prehearing conference was scheduled for October 7, 2013 at the Licensee's timely request for a formal administrative hearing.

3. The Licensee did not appear for the prehearing conference nor request a continuance. Assistant Attorney General Marisa Broggel represented the Enforcement Division of the Board.

4. On December 10, 2013, Administrative Law Judge Leslie Birnbaum entered her Corrected Order of Default, ordering that the appellant 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,

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 24,707 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 24,707 is sustained and that the liquor license privileges granted to Golden Grill on the Bay Inc d/b/a Golden Grill on the Bay at 1014 Bay Street in Port Orchard, WA 98366-5243, License 361557, 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 1:00 p.m. on Thursday, March 20, 2014 until 1:00 p.m. on Tuesday, March 25, 2014. 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
Financial Division
PO Box 43085
Olympia, WA 98504-3085

DATED at Olympia, Washington this 28TH day of JANUARY, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthanne Kurose

Chair

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 29, 2014

Tia Hua Pablo
Golden Grill on the Bay Inc
d/b/a Golden Grill on the Bay
1014 Bay St
Port Orchard, WA 98366-5243

Jennifer Elias, 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: Golden Grill on the Bay Inc
TRADE NAME: Golden Grill on the Bay
LOCATION: 1014 Bay St, Port Orchard, WA 98366-5243
LICENSE NO. 361557
LCB HEARING NO. 24,707
OAH NO. 2013-LCB-0055
AVN NO. 1U2351A
UBI: 602-557-495-001-0001

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, February 28, 2014. If payment is not received timely, then suspension will take place during the dates specified in the order. If you have any questions, please contact me at (360) 664–1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)
cc: Tacoma Enforcement and Education Division, WSLCB
Jamie Marshall, WSLCB Enforcement

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: GOLDEN GRILL ON THE BAY INC d/b/a GOLDEN GRILL ON THE BAY 1014 BAY ST PORT ORCHARD, WA 98366-5243 LICENSEE LICENSE NO. 361557 AVN NO. 1U2351A	LCB NO. 24,707 OAH NO. 2013-LCB-0055 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:

TIA HUA PABLO GOLDEN GRILL ON THE BAY INC d/b/a GOLDEN GRILL ON THE BAY 1014 BAY ST PORT ORCHARD, WA 98366-5243	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION JENNIFER ELIAS, ASSISTANT ATTORNEY GENERAL

DATED this 29th day of January, 2014, at Olympia, Washington.

Kevin McCarroll, Adjudicative Proceedings Coordinator

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

RECEIVED
JAN 10 2013
Liquor Control Board
Board Administration

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

In the Matter of:	**OAH Docket No. 2013-LCB-0055**
Golden Grill on the Bay Inc. **dba Golden Grill on the Bay**	**LCB No. 24,707**
LICENSEE	***CORRECTED* ORDER OF DEFAULT***
LICENSE NO. 361557 **AVN No. 1U2351A**	

***This is a Corrected Order of Default. Changes appear in bold, italicized and underlined text. Deletions appears in strikethrough text.**

BACKGROUND

1.1 The above-captioned matter was scheduled for a prehearing conference by telephone on October 7, 2013, at 2:00 p.m. and December 2, 2013 pursuant to due and proper notice to all interested parties.

SUMMARY OF CONFERENCES

2.1. On October 7, 2013 at 2:00 p.m., the Respondent/Licensee did not appear for the prehearing conference and did not request a continuance.

2.2. The Liquor Control Board appeared and was represented by Marissa Broggel, Assistant Attorney General.

2.3. The Administrative Law Judge waited until 2:15 p.m. before going on the record. The Respondent/Licensee did not appear. The Liquor Control Board moved for an Order of Default dismissing this matter, due to the Respondent/Licensee's failure to appear. The Administrative Law Judge issued an Order of Continuance with the correct conference call-in number, 1-877-668-4490. At the time of the issuance of the original Notice of Hearing, the former conference call-in number was listed.

2.4. On October 8, 2013, the Order of Continuance was mailed to the parties. The Order provided notice the information about the new prehearing conference scheduled on December 2, 2013, at 10:00 a.m. The Certificate of Service included the Respondent/Licensee's address of record as:

Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402
Tel: (253) 476-6888 • Fax: (253) 593-2200

Golden Grill on the Bay Inc.
d/b/a Golden Grill on the Bay
1014 Bay St.
Port Orchard, WA 98366-5242

2.5. On December 2 2013 at 10:00 a.m., the Respondent/Licensee did not appear for the second prehearing conference and did not request a continuance.

2.6. The Liquor Control Board appeared and was represented by Jennifer Elias, Assistant Attorney General.

2.7. The Administrative Law Judge waited until 10:16 a.m. before going on the record. The Respondent/Licensee did not appear. The Liquor Control Board moved for an Order of Default dismissing this matter, due to the Respondent/Licensee's failure to appear.

2.8. The Administrative Law Judge reviewed the case file and confirmed that the Order of Continuance was sent to the Respondent/Licensee's correct address of record. Because the Respondent/Licensee failed to appear on October 7, 2013 and December 2, 2013, the Liquor Control Board's request for an Order of Default should be granted.

ORDER

1. Now, therefore, it is ORDERED that the Respondent/Licensee is in DEFAULT pursuant to RCW 34.05.440 and the appeal is **DISMISSED**.

Signed and Issued at Tacoma, Washington, on December ~~3~~***10***, 2013.

Leslie A. Birnbaum

Leslie Birnbaum
Administrative Law Judge
Office of Administrative Hearings

Notice of Appeal Rights

Motion to Vacate Default

RCW 34.05.440(3) provides: "Within seven days after service of a default order under subsection (2) of this section, or such longer period as provided by agency rule, the party against whom it was entered may file a written motion with the Administrative Law Judge who issued the Initial Order of Default requesting that

Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402
Tel: (253) 476-6888 • Fax: (253) 593-2200

the order be vacated, and stating the grounds relied upon. During the time at which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings." By agency rule (WAC 10-08-110), service is complete upon mailing of this order. Therefore, any motion to vacate a default order must be received by this OAH office within a total of seven (7) days after the date of the mailing of the default order.

~~The defaulted party may file a written motion requesting the Office of Administrative Hearings vacate the Default Order. Such a motion must be filed within seven (7) days from the date that the default order was mailed and must include the reason why the default order should be vacated. RCW 34.05.440; WAC 10-08-110.~~

Mail the Motion to Vacate Default to:

The Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402

Petition for Review of Initial Order

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 34.04.464, 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 20 (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 10 (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 314-40 20-095(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 SE
PO Box 43076
Olympia, Washington 38504-3076

Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402
Tel: (253) 476-6888 • Fax: (253) 593-2200

Final Order and Additional Appeal Rights:

The administrative record, the initial order, and 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 10 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 State Administrative Procedure Act).

CERTIFICATION OF MAILING IS ATTACHED

Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402
Tel: (253) 476-6888 • Fax: (253) 593-2200

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 2013-LCB-0055

I certify that true copies of this document were served from Tacoma, Washington upon the following as indicated:

Tai Hua Pablo **Golden Grill on the Bay Inc.** **d/b/a Golden Grill on the Bay** **1014 Bay St** **Port Orchard, WA 98366-5242**	☒ First Class US mail, postage prepaid ☐ Certified mail, return receipt ☐ Campus Mail ☐ Facsimile ☐ First Class, postage prepaid, Certified mail, return receipt
Jennifer Elias **Assistant Attorney General** **Office of the Attorney General** **PO Box 40100** **Olympia, WA 98504-0100**	☒ First Class US mail, postage prepaid ☐ Certified mail, return receipt ☐ Campus Mail ☐ Facsimile ☐ First Class, postage prepaid, Certified mail, return receipt
Kevin McCarroll **Adjudicative Proceedings Coordinator** **Washington State Liquor Control Board** **PO Box 43076** **Olympia, WA 98504-3076**	☒ First Class US mail, postage prepaid ☐ Certified mail, return receipt ☐ Campus Mail ☐ Facsimile ☐ First Class, postage prepaid, Certified mail, return receipt

Date: Tuesday, December 10, 2013 OFFICE OF ADMINISTRATIVE HEARINGS

By: Debbie Saulsman

Debbie Saulsman
Legal Secretary

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
949 Market Street, Suite 500 • Tacoma, Washington 98402
253-476-6888 • 253-593-2200 fax • www.oah.wa.gov