

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

FDC ENTERTAINMENT LLC  
d/b/a SABOR LATINO  
9629 EVERGREEN WAY STE 202  
EVERETT, WA 98204-7113

LICENSEE

LICENSE NO. 085732  
AVN NO. 3G2279A

LCB NO. 24,723  
OAH NO. 2013-LCB-0044

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 18, 2013, alleging that on or around at least October 5, 2012, the above-named Licensee and/or the holder of the above-named liquor license committed the following violation(s) of Title 66 RCW and/or chapter 314 WAC: Misuse and/or unauthorized use of the liquor license contrary to RCW 66.24.010(1) and/or WAC 314-12-030(1) and (3), to wit: Licensee and/or the holder of the above-named liquor license failed to represent the true party in interest and/or allowed another person to use the liquor license.
2. The Licensee timely submitted a request for an administrative hearing.
3. A prehearing conference was scheduled for July 30, 2013 before Administrative Law Judge Jane Cantor Shefler.
4. The Enforcement Division of the Board appeared and was represented by Assistant Attorney General Marisa E. Broggel. A representative for the Licensee/Appellant did not appear for the prehearing conference or request a continuance.

5. On August 15, 2013, Administrative Law Judge Jane Cantor Shefler entered her (Amended) Initial Order of Default Dismissing the Appeal of the Licensee for Failure to Appear.

6. No motion to vacate default was filed.

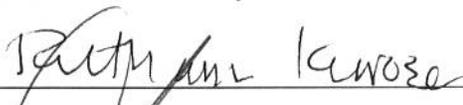
7. No petition for review was filed.

8. 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 24,723 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 24,723 is sustained and that the liquor license privileges granted to FDC Entertainment LLC d/b/a Sabor Latino located at 9629 Evergreen Way, Suite 2202 in Everett, Washington, License 085732, are hereby CANCELLED.

DATED at Olympia, Washington this 24<sup>th</sup> day of SEPTEMBER, 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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September 25, 2013

FDC Entertainment LLC  
d/b/a Sabor Latino  
8825 34<sup>th</sup> Ave NE #L-418  
Tulalip, WA 98271-8085

Marisa 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**  
**LICENSEE: FDC Entertainment LLC**  
**TRADE NAME: Sabor Latino**  
**LOCATION: 9629 Evergreen Way Ste 202, Everett, WA 98204-7113**  
**LICENSE NO. 085732-3G**  
**LCB HEARING NO. 24,723**  
**OAH NO. 2013-LCB-0044**  
**AVN NO. 3G2279A**  
**UBI: 602-970-038-001-0001**

Dear Parties:

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

**The license cancellation is effective on October 25, 2013.** If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll  
Adjudicative Proceedings Coordinator

Enclosures (2)

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

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

3 FDC ENTERTAINMENT LLC  
4 d/b/a SABOR LATINO  
5 9629 EVERGREEN WAY STE 202  
6 EVERETT, WA 98204-7113

LCB NO. 24,723  
OAH NO. 2013-LCB-0044

DECLARATION OF SERVICE BY  
MAIL

7 LICENSEE

8 LICENSE NO. 085723  
9 AVN NO. 3G2279A

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:

16 FDC ENTERTAINMENT LLC d/b/a SABOR LATINO 17 8825 34 <sup>TH</sup> AVE NE #L-418 TULALIP, WA 98271-8085	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION MARISA BROGGEL, ASSISTANT ATTORNEY GENERAL
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18 FDC ENTERTAINMENT LLC 19 d/b/a SABOR LATINO 20 9629 EVERGREEN WAY STE 202 EVERETT, WA 98204-7113	
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21 DATED this 25<sup>th</sup> day of September, 2013, at Olympia, Washington.

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23 \_\_\_\_\_  
24 Kevin McCarroll, Adjudicative Proceedings Coordinator

25 DECLARATION OF SERVICE BY  
26 MAIL

RECEIVED

SEP 18 2013

Liquor Control Board  
Board Administration

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

In the Matter of:

FDC ENTERTAINMENT LLC dba  
SABOR LATINO

9629 EVERGREEN WAY STE 202  
EVERETT, WA 98204

LICENSEE

LICENSE NO. 085732  
AVN NO. 3G2279A

OAH Docket No. 2013-LCB-0044

LCB No. 24,723

(AMENDED)  
INITIAL ORDER OF DEFAULT  
DISMISSING THE APPEAL OF  
THE LICENSEE FOR FAILURE  
TO APPEAR

STATEMENT REGARDING AMENDED ORDER

This Order is an **Amended Order**. It supersedes and overrides the Initial Order of Default issued in this matter on August 1, 2013.

This Order is amended to include the notices of the right to appeal an Initial Order (Petition for Review of Initial Order) and to appeal a Final Order. See, pages 3 – 4, below. No other corrections or modifications have been made.

PRE-HEARING CONFERENCE

The above-captioned matter was scheduled for a pre-hearing conference by telephone on July 30, 2013, at 10:00 a.m. (PDT), pursuant to due and proper notice to all interested parties.

The Liquor Control Board/Enforcement Division appeared and was represented by Marisa E. Broggel, Assistant Attorney General. A representative of the Licensee/Appellant FDC Entertainment LLC dba Sabor Latino. did not appear for the pre-hearing conference or request a continuance.

## MOTION

The Liquor Control Board moved for an order of default dismissing the administrative appeal.

The ALJ reviewed the file and observed that the Notice of Prehearing Conference issued in this matter provided notice to the parties of the date and time of the prehearing conference by telephone, along with the necessary phone number, code, and instructions for appearing. The Notice of Prehearing Conference was mailed to the Licensee/Appellant at both of its addresses of record on July 3, 2013.

The Notice of Prehearing Conference sent to the address in Everett, Washington was returned to the Office of Administrative Hearings, with the notation: "Return to Sender/Attempted – Not Known – Unable to Forward."

The Notice of Prehearing Conference sent to the Licensee/Appellant at its address in Tulalip, Washington, was not returned to the Office of Administrative Hearings as undelivered.

The Notice of Prehearing Conference included a warning that failure to participate in the Prehearing Conference could result in entry of a default order that would cost the Appellant his opportunity to challenge the action of the Department of Labor and Industries.

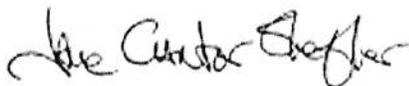
## CONCLUSIONS OF LAW

RCW 34.05.440(2) states: "If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, other than failing to timely request an adjudicative proceeding as set out in subsection (1) of this section, the presiding officer may serve upon all parties a default or other dispositive order, which shall include a statement of the grounds for the order." In this case, the Licensee/Appellant failed to attend and participate in the July 30, 2013 telephone pre-hearing conference. Consequently, the Appellant is in default and the administrative appeal should be dismissed.

## ORDER

Now, therefore, it is ORDERED that the Appellant is in default under RCW 34.05.440 and its administrative appeal is hereby **DISMISSED**.

**Signed and Issued** at Tacoma, Washington, on the date of mailing.



Jane Cantor Shefler  
Administrative Law Judge  
Office of Administrative Hearings

**NOTICE OF APPEAL RIGHTS – PLEASE READ CAREFULLY**

**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 the order be vacated, and stating the grounds relied upon. During the time within 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.**

**Petition for Review of Initial Order**

**Either the licensee or permit holder of the assistant attorney general may file a Petition for 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; 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 the 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 (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 granted.** RCW 34.05.470; 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).

**CERTIFICATION OF MAILING IS ATTACHED**