BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: ONE LONGVIEW INC d/b/a CADILLAC ISLAND CASINO 1125 COMMERCE AVE LONGVIEW, WA 98632-3024 LICENSEE LICENSE NO. 356780 AVN NOS. 1K3069A, 1K3098A	LCB NOS. 24,747 24,767 OAH NOS. 2013-LCB-0062 2013-LCB-0064 ORDER REMANDING CASE FOR ADMINISTRATIVE HEARING

The above-captioned matter coming on regularly before the Board, and it appearing that:

1. The Liquor Control Board issued a complaint dated August 27, 2013, alleging that on March 10, 2013 the above-named Licensee, or employee(s) thereof permitted an apparently intoxicated person(s) to possess and/or consume liquor on the licensed premises, contrary to RCW 66.44.200 and/or WAC 314-16-150(1) and (2).

2. The Liquor Control Board issued a second complaint dated August 27, 2013, alleging that on April 28, 2013, the above-named Licensee or an employee(s) thereof gave, sold and/or supplied liquor to a person or persons under that age of twenty-one (21), contrary to RCW 66.44.310 and WAC 314-11-020(1).

3. A prehearing conference was scheduled for October 31, 2013 at the licensee's timely request for a formal administrative hearing.

4. A representative for the Licensee did not appear for the prehearing conference and did not timely request a continuance. Assistant Attorney General Marisa Broggel represented the Enforcement Division of the Board.

Washington State Liquor Control Board
3000 Pacific Ave, S.E.
P.O. Box 43076
Olympia, WA 98504-3076
Phone: 360-664-1602

5. On November 5, 2013, Administrative Law Judge Katherine A. Lewis entered her Initial Order of Default Dismissing the Appeal of One Longview Inc dba Cadillac Island Casino Failure to Appear. On November 20, 2013, the Office of Administrative Hearings received a request to vacate the Order of Default from the Respondent.

6. The matter was re-set for a prehearing conference on December 4, 2013. A representative for the Licensee again did not appear for the prehearing conference nor request a continuance. Assistant Attorney General Chad Standifer represented the Enforcement Division of the Board. On December 9, 2013, Administrative Law Judge Katherine A. Lewis entered her Second Order of Default Dismissing the Appeal of One Longview Inc dba Cadillac Island Casino Failure to Appear.

6. On December 17, 2013, the Licensee filed a request for a 30-day extension of the deadline to file a Motion to Vacate Default. During a telephone conference with the attorney for the Licensee and the Assistant Attorney General representing the Enforcement Division of the Liquor Control Board on December 18, 2013, Administrative Law Judge Katherine A. Lewis granted a waiver of the seven-day deadline.

7. On December 23, 2013, the Licensee submitted Respondent's Motion to Vacate Default Orders, Declaration of Sean B. Malcom and accompanying Amended Temporary Order.

8. On December 30, 2013, Administrative Law Judge Katherine A. Lewis issued her Order Rescinding Oral Order to Waive Seven-day Deadline to File a Motion to Vacate Default, stating the Second Order of Default is effective and dismissing the Licensee's appeal.

9. No petition for review was filed.

10. 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
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IT IS HEREBY ORDERED that the default order for cases 24,747 and 24,767 is modified. The Board reviewed the Respondent's Motion to Vacate Default Orders, Declaration of Sean B. Malcom and accompanying Amended Temporary Order filed by the Superior Court of Clark County on December 19, 2013, which document the transition of day to day operations of the Cadillac Island Casino from James Bakunowicz to Regina Bakunowicz stemming from their marital separation. The Board has determined that, in the interest of justice, the Default Orders should be vacated, and an administrative hearing scheduled. IT IS HEREBY FURTHER ORDERED that cases 24,747 and 24,767 are remanded to the Office of Administrative Hearings for hearings to be conducted.

DATED at Olympia, Washington this 4 day of February, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthann Kurose

Ann

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
3000 Pacific Ave, S.E.
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Olympia, WA 98504-3076
Phone: 360-664-1602

Washington State
Liquor Control Board

February 5, 2014

Sean B. Malcolm,
Attorney for Licensee
Sean B. Malcolm PLLC
5400 Carillon Pt
Kirkland, WA 98033-7357

James Bakunowicz, President
One Longview Inc
d/b/a Cadillac Island Casino
1125 Commerce Ave
Longview, WA 98632-3024

Isaac Williamson, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

RE: *ORDER REMANDING CASE FOR ADMINISTRATIVE HEARING*
LICENSEE: One Longview Inc
TRADE NAME: Cadillac Island Casino
LOCATION: 1125 Commerce Ave, Longview, WA 98632
LICENSE NO. 356780
LCB HEARING NOS. 24,747 and 27,767
OAH NOS. 2013-LCB-0062 and 2013-LCB-0064
AVN NOS.1K3069A and 1K3098A
UBI: 601 885 717 001 0001

Dear Parties:

Please find the enclosed Order Remanding Case for Administrative Hearing and Declaration of Service by Mail in the above-referenced matter.

If you have any questions, please contact me at (360) 664–1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Tacoma and Vancouver Enforcement and Education Divisions, WSLCB
Jamie Marshall, WSLCB Enforcement

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: ONE LONGVIEW INC d/b/a CADILLAC ISLAND CASINO 1125 COMMERCE AVE LONGVIEW, WA 98632-3024 LICENSEE LICENSE NO. 356780 AVN NOS. 1K3069A and 1K3098A	LCB NOS. 24,747 24,767 DECLARATION OF SERVICE BY MAIL

I certify that I caused a copy of the ORDER REMANDING CASE FOR ADMINISTRATIVE HEARING 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:

SEAN B. MALCOLM, ATTORNEY FOR LICENSEE SEAN B. MALCOLM PLLC 5400 CARILLON PT KIRKLAND, WA 98033-7357	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION ISAAC WILLIAMSON, ASSISTANT ATTORNEY GENERAL
JAMES BAKUNOWICZ, PRESIDENT ONE LONGVIEW INC d/b/a CADILLAC ISLAND CASINO 1125 COMMERCE AVE LONGVIEW, WA 98632-3024	

DATED this 5th day of February, 2014, at Olympia, Washington.

Kevin McCarroll, Adjudicative Proceedings Coordinator

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