

**STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD**

In the Matter of:

**PREMIUM WINE & SPIRITS LLC
d/b/a
PREMIUM WINE & SPIRITS
16389 REDMOND WAY
REDMOND, WA 98052**

LICENSEE

**License No. 409600-3M
UBI No. 603 191 322 001 0003**

LCB No. 24,790

**FINAL ORDER ON REVIEW
FOLLOWING BRIEF
ADJUDICATIVE PROCEEDING**

I. REVIEWERS' CONSIDERATION

1.1 Review. This matter comes before the Chair to review the Findings of Fact, Conclusions of Law and Initial Order of Brief Adjudicative Proceeding entered by Presiding Officer Susan E. Thomsen on September 13, 2013, and served on the Licensee by mail on September 16, 2013. The Initial Order is attached and incorporated into this Order by this reference.

1.2 Record of Proceeding. The entire record of this proceeding was presented to the Chair or the Board as Reviewer for review and the entry of a final decision.

1.3 Findings of Fact and Conclusions of Law. The Chair hereby adopts the Findings of Fact and Conclusions of Law as found by the Presiding Officer, with the additional Findings set forth below:

1.4 On July 26, 2013, Alan Rathbun, Director of the Board's Licensing and Regulation Division, served the Licensee by certified mail with a letter enclosing the Statement of Intent to Suspend SLS Spirits Retailer Liquor License, and a form titled Request for Brief Adjudicative Proceeding (BAP) Record Review.

1.5 On August 14, 2013, the Board received Licensee's Request for Brief Adjudicative Proceeding (BAP) Record Review. Licensee submitted no documents or information with the completed form.

1.6 On August 22, 2013, Kevin McCarroll, the Board's Adjudicative Proceedings Coordinator mailed a letter to the Licensee, detailing what records were included in the BAP case file for review by the Presiding Officer, notifying the licensee that the BAP file review would be conducted on September 13, 2013, and offering the Licensee the opportunity to submit any additional documents or materials for consideration by the BAP presiding officer. The Licensee submitted no additional information or documents, and did not ask for an extension of time to submit any materials.

1.7 A Brief Adjudicative Proceeding was conducted in this matter by Susan E. Thomsen, Presiding Officer on September 13, 2013, under authority delegated by the Washington State Liquor Control Board. The proceeding was conducted pursuant to RCW 34.05.482 through .494, Title 66 RCW, and WAC 314-42.

1.8 On September 13, 2013, the Presiding Officer entered Findings of Fact, Conclusions of Law and Initial Order of Brief Adjudicative Proceeding. The Initial Order was mailed to the licensee on September 16, 2013.

1.9 In a letter dated October 1, 2013, and received by the Board on October 7, 2013, the licensee requested administrative review of the order on Brief Adjudicative Proceedings. According to WAC 314-42-130(1), the request for administrative review was timely received.

1.10 In the Request for Administrative Review, the Licensee requested that the Board "(1) Provide relief of the fees we currently owe for one year, and (2) Allow us to make payments on a monthly basis following the one year period."

II. ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the Presiding Officer's Findings and Fact and Conclusions of Law are hereby adopted as the final decision of the Reviewing Officer.

2.1. The SLS Spirits retail liquor license for Premium Wine & Spirits LLC d/b/a Premium Wine & Spirits shall be suspended due to nonpayment of license issuance fees for the Fourth Quarter of 2012,

the First Quarter of 2013, and the Second Quarter of 2013. The Licensee's authority to sell beer and wine are not affected by this suspension.

2.2 The suspension shall commence at 10:00 A.M. on Monday, December 2, 2013, and remain in effect until the Licensee is in compliance. Compliance shall be demonstrated by payment of overdue fees, including penalties for late payment and remaining in compliance with the reporting requirements of WAC 314-314-02-109 for future quarters.

DATED this 28 day of October, 2013.

WASHINGTON STATE LIQUOR CONTROL BOARD

By: Sharon Foster
Sharon Foster, Board Chair

RIGHTS OF REVIEW

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. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order or (b) there is specific material error of fact or law. 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, (insert address), 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, Sr. 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).

**STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD**

In the Matter of:

PREMIUM WINE & SPIRITS LLC d/b/a

**PREMIUM WINE & SPIRITS
16389 REDMOND WAY
REDMOND, WA 98052**

LICENSEE

**License No. 409600-3M
UBI No. 603 191 322 001 0003**

LCB No. 24,790

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND INITIAL ORDER OF BRIEF
ADJUDICATIVE PROCEEDING**

A Brief Adjudicative Proceeding was conducted in this matter by Susan E. Thomsen, Presiding Officer, under authority delegated by the Washington State Liquor Control Board.

This proceeding was conducted pursuant to RCW 34.05.482 through .494, RCW 66, and WAC 314. The Presiding Officer reviewed the record in this matter. No documents were submitted by the Licensee.

SECTION 1: FINDINGS OF FACT

- 1.1.** Licensee did file Washington Spirit Retailer Sales Summary Fee Reports for the: Fourth Quarter of 2012 (October, November, December); First Quarter of 2013 (January, February, March); Second Quarter of 2013 (April, May, June) on Form Liq-164A as required.
- 1.2.** Licensee failed to pay License Issuance Fees for the: Fourth Quarter of 2012 (October, November, December); First Quarter of 2013 (January, February, March); Second Quarter of 2013 (April, May, June) on Form Liq-164 as required.

SECTION 2: CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Presiding Officer makes the following Conclusions of Law:

- 2.1.** The Washington State Liquor Control Board has jurisdiction over Licensee and over the subject matter of this proceeding.
- 2.2.** This matter is appropriate for resolution by Brief Adjudicative Proceedings pursuant to

RCW 34.05.482, RCW 66, and WAC 314.

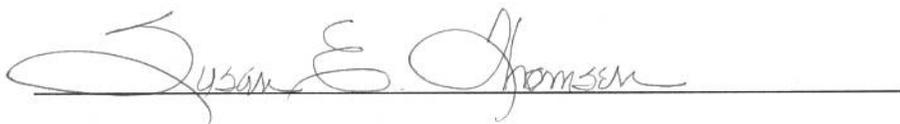
- 2.3** RCW 66.24.630(4)(a) requires a spirit retail licensee to pay to the Washington State Liquor Control Board a license issuance fee. WAC 314-02-109(1)(2) requires a spirit retail licensee to submit reports and license issuance fee payments on a quarterly basis. Failure to provide either is sufficient grounds for the Washington State Liquor Control Board to suspend or revoke the liquor license.

SECTION 3: INITIAL ORDER

Based on the preceding Findings of Fact and Conclusions of Law, the Presiding Officer hereby Issues the following Initial Order:

- 3.1. The liquor license for Premium Wine & Spirits LLC d/b/a Premium Wine & Spirits shall be suspended for nonpayment of license issuance fees for the Fourth Quarter of 2012, the First Quarter of 2013, and the Second Quarter of 2013, until Licensee is in compliance.**

DATED this 13th day of September, 2013.



Susan E. Thomsen
Presiding Officer

RIGHTS OF REVIEW

Pursuant to RCW 34.05.488 and RCW 34.05.491, within twenty-one (21) days of the date of mailing of this order, the Licensee may request an administrative review of this order. The request must state the reasons for requesting an administrative review. The request must be received by the Washington State Liquor Control Board Reviewing Officer within twenty-one (21) days from the date of the mailing of this order. Address for filing a request for administrative review: Washington State Liquor Control Board, Attention: Kevin McCarroll, 3000 Pacific Avenue, PO Box 43076, Olympia, Washington 98504-3076.

The request is deemed to be denied and the initial order will become the final order if, within within twenty (20) days of the date the request is received, the Washington State Liquor

Control Board Reviewing Officer has not made a disposition of the request or has not served Licensee with written notice specifying the date by which the Washington State Liquor Control Board Reviewing Officer will act on the request for review.

If a timely request for administrative review is not received by the Washington State Liquor Control Board Reviewing Officer, this order shall become the final order on the twenty-second (22) day after the date of the mailing of this order. Judicial Review of final orders is governed by RCW 34.5,

Part V.



**Washington State
Liquor Control Board**

October 28, 2013

Jeffrey Roh
Premium Wine & Spirits LLC
d/b/a Premium Wine & Spirits
16389 Redmond Way
Redmond, WA 98052-3832

Sharon Hendricks
Policy and Compliance Manager
Washington State Liquor Control Board
PO Box 43098
Olympia, WA 98504-3098

**RE: FINAL ORDER ON REVIEW FOLLOWING BRIEF ADJUDICATIVE PROCEEDING
LICENSEE: Premium Wine & Spirits LLC
TRADE NAME: Premium Wine & Spirits
LOCATION: 16389 Redmond Way, Redmond, WA 98052-3832
LICENSE NO. 409600
LCB BAP NO. 24,790
UBI: 603-191-322-001-0003**

Dear Parties:

Please find the enclosed Final Order on Review Following Brief Adjudicative Proceeding in the above-referenced matter.

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

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosure

CC: Judy Layne, Tax and Fee Accounting Manager, Finance, WSLCB
Mt. Vernon Enforcement and Education Division, WSLCB

I certify that on 10-28-13, I mailed a copy of this document, postage prepaid or via state campus mail, to the persons named on the left at the addresses listed. I certify under penalty of perjury, under the laws of the State of Washington, that the forgoing is true and correct.

Dated: 10-28-13 at: Olympia, WA

By: Kevin M. Carroll