BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: 1 HUNDRED SEATTLE INC d/b/a 1 HUNDRED BISTRO & BAR 1001 FAIRVIEW AVE N STE 2000 SEATTLE, WA 98109-4462 LICENSEE LICENSE NO. 078185-2C AVN NO. 2C3180B	LCB NO. 24,818 OAH NO. 2013-LCB-0073 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 October 22, 2013, alleging that on or around June 29, 2013, the above-named Licensee or employee(s) thereof permitted an apparently intoxicated person to possess and/or consume liquor on the licensed premises, contrary to WAC 314-16-150.

2. The Licensee timely submitted a request for an administrative hearing.

3. The Appellant did not appear on February 26, 2014 at 9:00 a.m. for a prehearing conference nor request a continuance. The Enforcement Division of the Board was represented by Assistant Attorney General Jennifer Elias.

4. On March 6, 2014, Administrative Law Judge Steven C. Smith issued his Initial Order of Default (Failure to Appear at Proceeding).

5. On March 18, 2014, the Licensee Troy Selland filed a request a new hearing with the Office of Administrative Hearings.

6. On March 26, 2014, Administrative Law Judge Steven C. Smith issued his Order Denying Motion to Vacate Initial Order of Default (Untimely Motion – Lack of Jurisdiction).

7. On March 31, 2014 Licensee Troy Selland file an appeal questioning the timeliness of service of the Initial Order of Default.

8. On April 1, 2014, Administrative Law Judge Steven C. Smith issued an Order Vacating Order Denying Motion to Vacate Initial Order of Default, scheduling telephonic proceedings for April 9, 2014

9. On April 21, 2014, Administrative Law Judge Steven C. Smith issued his Second Order Denying Motion to Vacate Initial Order of Default.

10. No petition for review was filed.

11. 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 24,818 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 24,818 is sustained and that the liquor license privileges granted to 1 Hundred Seattle, Inc. d/b/a 1 Hundred Bistro & Bar located at 1001 Fairview Ave N Ste 2000 in Seattle, Washington, License 078185, are hereby suspended for a term of five (5) days. The suspension will take place from 6:00 p.m. on July 10, 2014 until 6:00 p.m. on July 15, 2014. Failure to comply with the terms of this order will result in further disciplinary action.

DATED at Olympia, Washington this 20 day of May, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthann Kurose

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

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.
P.O. Box 43076
Olympia, WA 98504-3076
Phone: 360-664-1602

Washington State
Liquor Control Board

May 21, 2014

Troy Selland
1 Hundred Seattle, Inc.
d/b/a 1 Hundred Bistro & Bar
701 Westlake Ave N
Seattle, WA 98109-4322

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: 1 Hundred Seattle, Inc.
TRADE NAME: 1 Hundred Bistro & Bar
LOCATION: 1001 Fairview Ave N Ste 2000, Seattle, WA 98109-4438
LICENSE NO. 078185-2C
LCB HEARING NO. 24,818
OAH NO. 2013-LCB-0073
AVN NO. 2C3180B
UBI: 603-010-846-001-0001

Dear Parties:

Please find the enclosed Final Order of the Board 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: Federal Way and Mountlake Terrace Enforcement and Education Divisions, WSLCB
Jamie Marshall, WSLCB Enforcement

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: 1 HUNDRED SEATTLE, INC. d/b/a 1 HUNDRED BISTRO & BAR 1001 FAIRVIEW AVE N STE 2000 SEATTLE, WA 98109-4438 LICENSEE LICENSE NO. 078185 AVN NO. 2C3180B	LCB NO. 24,818 OAH NO. 2013-LCB-0073 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:

TROY SELLAND 1 HUNDRED SEATTLE, INC. d/b/a 1 HUNDRED BISTRO & BAR 701 WESTLAKE AVE N SEATTLE, WA 98109-4322	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION JENNIFER ELIAS, ASSISTANT ATTORNEY GENERAL
TROY SELLAND 1 HUNDRED SEATTLE, INC. d/b/a 1 HUNDRED BISTRO & BAR 1001 FAIRVIEW AVE N STE 2000 SEATTLE, WA 98109-4438	

DATED this 21st day of May, 2014, at Olympia, Washington.

Kevin McCarroll, Adjudicative Proceedings Coordinator

RECEIVED
APR 28 2014
Liquor Control Board
Board Administration

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

In the Matter of: **1Hundred Seattle, Inc., dba 1 Hundred Bistro & Bar,** **Licensee.**	**OAH Docket No. 2013-LCB-0073** LCB No. 24,818 **SECOND ORDER DENYING MOTION TO VACATE INITIAL ORDER OF DEFAULT**

1. SUMMARY OF ISSUES AND DETERMINATION OF ISSUES:

1.1. Issue One: Was Licensee's Motion to Vacate Initial Order of Default, timely filed?

1.2. Issue Two: If Licensee's Motion to Vacate Initial Order of Default was timely filed, was Licensee entitled, on the merits, to an order vacating the Initial Order of Default?

1.3. Determination of Issue One: Licensee's Motion to Vacate Initial Order of Default was timely. Therefore, OAH and I have jurisdiction to determine Licensee's motion on its merits.

1.4. Determination of Issue Two: Licensee failed to establish good cause; therefore, Licensee's motion to vacate the Initial Order of Default is DENIED.

1.5. Licensee's administrative appeal of this matter is DISMISSED.

2. PROCEDURAL BACKGROUND:

2.1. On March 6, 2014, I, Administrative Law Judge Steven C Smith, issued an Initial Order of Default (IO Default) against Licensee, 1Hundred Seattle, Inc., dba 1 Hundred Bistro & Bar (Licensee) and in favor of Washington Liquor Control Board (LCB). (See, Initial Order of Default, incorporated herein by reference.)

2.2. March 26, 2014, under RCW 34.05.440(3), I denied as untimely the motion of Licensee to vacate my IO Default. The apparent untimeliness of Licensee's motion

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deprived me of jurisdiction (power) to hear the merits of Licensee's motion. (See, Order Denying Motion to Vacate Initial Order of Default (Denial Order) incorporated herein by reference.)

2.3. On March 31, 2014, Licensee, through its president, Troy Selland, emailed Office of Administrative Hearings (OAH) staff to advise that, contrary to my Denial Order that recited March 6, 2014 as the issuance and mailing date of the IO Default, the envelope for the IO Default "said March 7, 2014," thereby making Licensee's motion to vacate the IO Default timely and asking how to proceed.

2.4. Although Licensee, appearing *pro se* (without legal counsel), did not indicate this newly-alleged fact in its original motion, the allegation was none-the-less a consideration I was required to undertake, because my only reason for denying Licensee the opportunity to be heard on the merits of its motion to vacate my IO Default was my lack of jurisdiction due to the untimeliness apparent on the face of the documents in the file. So, if those case records were incorrect, or if a postal error had occurred, then I might have had jurisdiction at the time I issued my order denying Licensee's motion to vacate my IO Default.

2.5. Because it is a well-established legal maxim that a tribunal has "jurisdiction to determine [its] own jurisdiction," (*Scott Fetzer Co. v. Weeks*, 114 Wn.2d 109, 116, 786 P.2d 265 (1990); *In re Marriage of Kastanas*, 78 Wn. App. 193, 201 (1995)), I treated Mr. Selland's March 31, 2014 email as a motion on behalf of Licensee to determine timeliness of Licensee's motion to vacate IO Default and, therefore, OAH's and my jurisdiction.

2.6. Accordingly, I vacated my Order Denying Motion to Vacate Initial Order of Default and set a motion hearing to determine the timeliness of Licensee's motion to vacate IO Default, and to undertake a contingent hearing on the merits of Licensee's motion to

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vacate Initial Order of Default. (See, Order Vacating Order Denying Motion to Vacate Initial Order of Default, etc., incorporated herein by reference.)

3. SUMMARY OF MOTION HEARING & APPEARANCES:

3.1. On April 9, 2014, this matter came before me for the above-discussed telephonic motion hearing. All appearances were by telephone in the matter was electronically recorded.

3.2. LCB appeared through, and was represented by, Assistant Attorney General Jennifer Elias; LCB actively contested Licensee's Motion to Vacate Initial Order of Default.

3.3. Licensee appeared through, and was represented by, its principal Troy Selland. Licensee through Mr. Selland, Licensee was aware of its right to legal counsel at its own expense, but elected to act through its principal, Mr. Selland.. Because Mr. Selland was anticipated to make factual statements on behalf of Licensee, he was sworn and questioned as a witness.

4. DISCUSSION & ANALYSIS: TIMELINESS OF MOTION TO VACATE INITIAL ORDER Of DEFAULT:

4.1. The following was taken from my Order Denying Motion to Vacate Initial Order of Default and provided Licensee with a detailed understanding of the significance of its untimely filing of its motion to vacate the IO Default:

> "My Initial Order of Default affirmed Washington Liquor Control Board Administrative Violation Notice No. 2C3180B issued against Licensee and dismissed Licensee's Request for Hearing. (IO Default, p. 3)

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My Initial Order of Default carried the following notice among others: **'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.'**(IO Default, p. 3; emphasis in original.)

On March 6, 2014, my Initial Order of Default was mailed to Licensee at the mailing address of record as provided by Licensee on Licensee's request for administrative hearing as follows.

Troy Selland
President
1Hundred Seattle, Inc., dba
1 Hundred Bistro & Bar
701 Westlake Ave N
Seattle, WA 98109-4322
(IO Default, attached Certificate of Service; AVN, p. 2.)

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On March 14, 2014, Licensee filed a letter with OAH, Olympia, Washington, requesting 'a new hearing' on behalf of Licensee. The request for 'new hearing' is deemed a motion to vacate order of default under RCW 34.05.440(3). Further, even though the above-quoted notice instructed Licensee to file its motion to vacate order of default with me ('[defaulted party] may file a written motion with the Administrative Law Judge *who issued the Initial Order of Default*'), yet Licensee filed its motion in the wrong office (my office, as printed on each page of the IO Default is in Tacoma, WA), and even though Licensee failed to identify me as the Administrative Law Judge who issued the Initial Order of Default, Licensee's motion is deemed adequately filed as to location because, ultimately, it did reach me. (See March 14, 2014 letter by Troy Selland and stamp thereon stating 'Received MAR 14 2014 OAH-Olympia'.)

Licensee's motion to vacate the Initial Order of Default was filed after the statutorily required 7 day period following service of the IO Default. (IO Default served by mail on March 6, 2014; thus, under WAC 10-08-080, Licensee's motion was required to be filed not later than March 13, 2014). Licensee's motion was, therefore, untimely filed.

Jurisdiction To Hear Motion To Vacate Initial Order Of Default:

Once the Initial Order of Default was issued, Office of Administrative Hearings and I continued to have jurisdiction (legal power) to vacate the Order until the expiration of the seven day filing period for a motion to vacate the Order as provided in RCW 34.08.440(3). Upon expiration of the seven day period, here March 13, 2014 at 5:00 PM

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(close of business), OAH and I lost jurisdiction to vacate the Initial Order of Default.

Accordingly, because Licensee did not file its motion until March 14, 2014, Licensee's motion to vacate Initial Order of Default must be denied as untimely."

4.2. My Order Vacating Order Denying Motion to Vacate Initial Order of Default also stated the following at page 2:

> "**LICENSEE PLEASE NOTE: You must participate in these proceedings. If you do not, you will have no input into my determination(s). You must present credible evidence of the March 7, 2014 postal stamp or mark (if that evidence is the subject envelope, a copy of it must be filed with Office of Administrative Hearings-Tacoma and received by AAG Jennifer Elias, not later than April 8, 2014 at the address shown of the Certificate of Service of this Order).**" (Emphasis original.)

4.3. Despite having been given a full statement of the significance of the apparent untimeliness of Licensee' filing of its motion to vacate, and the express admonition that Licensee "must present credible evidence of the March 7, 2014 postal stamp or mark", Licensee failed to produce the subject envelope that Licensee's principal, Mr. Selland, had based Licensee's claim that the IO Default was mailed March 7, 2014, rather than on March 6, 2014. In his testimony, Mr. Selland stated that the envelope had been thrown away. In the absence of an envelope bearing the postmark of March 7, 2014, and the presence of the official case file showing both the IO Default and its accompanying Certificate of Service is March 6, 2014, Licensee did not overcome the presumption of the correctness of the official OAH case file, including the service date of the IO Default. Ordinarily then, Licensee would be bound by the dated IO Order and

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attached Certificate of Service, and my jurisdiction would have terminated March 13, 2014 at 5:00 PM, so the merits of Licensee's motion to vacate the IO Default could not be considered.

4.4. However, during the April 9, 2014 motion hearing, Mr. Selland testified to the effect that on February 28, 2014 he had "emailed" a formal request for a new hearing (meaning PHC) in this case. AAG Elias confirmed that she had received a copy of the email. Based on Mr. Selland's testimony and the confirmation of AAG Elias, a post-hearing search for the email was undertaken at OAH; the email was located on the OAH computer system. It was dated February 28, 2014 and stated in relevant part, "... [T]his is [Licensee's] formal request for a new hearing ...]."

4.5. As cited in more detail above, RCW 34.05.440(3) provides in relevant part, "...Within seven days after service of a default order ... the party against whom it was entered may file a written motion requesting that the order be vacated ..." The reasonable interpretation of "within seven days after service of a default order" is that the motion to vacate the default order must be filed earlier than the expiration of the seventh day after service of the default order. If the Legislature had intended an exclusive seven day filing window, with no filing allowed prior to the actual service date of the initial order of default, it could have said so. It did not.

4.6. In light of the foregoing, I find that the February 28, 2014 email was the first motion filed by Licensee to vacate my IO Default; it was "filed earlier than the expiration of the seventh day after service of the default order" and therefore timely under RCW 34.05.440(3). The March 14, 2014 standard (non-email) letter filed by Licensee, although not established as timely filed, was actually surplus and its late filing did not defeat the original timely filing by email.

4.7. Accordingly, based on the timely filed email motion to vacate, brought to my attention by Mr. Selland during the April 9, 2014 motion hearing, I did not lose, and still maintain, jurisdiction to entertain the motion on its merits.

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5. DISCUSSION & ANALYSIS: MERITS OF MOTION TO VACATE INITIAL ORDER Of DEFAULT:

5.1. The Washington Liquor Control Board Administrative Violation Notice (AVN), issued July 2, 2013 and served August 2, 2013, was appealed by Licensee through Licensee's agent, Troy Selland, on August 5, 2013. On Licensee's written request for appeal, Mr. Selland specified the "Mailing Address" as "701 Westlake Avenue. N., Seattle, WA 98109." (AVN, pp. 1-2) Thereafter, all case related notices from OAH were provided to Licensee through Mr. Selland at the address Mr. Selland had specified; Licensee filed no change of address in this administrative appeal.

5.2. In Mr. Selland's February 28, 2014 email and March 14, 2014 standard (non-email) letter, and during his testimony, Mr. Selland stated that Licensee, through Mr. Selland, had delegated the handling of this administrative appeal case to one Sean A. Roach, an "operating partner" of Licensee who, as a result of matters internal to Licensee, left Licensee's company. Mr. Selland claimed that he was, at the time, unaware of the exact date of the PHC.

5.3. On behalf of Licensee, Mr. Selland did not claim that Licensee did not receive notice of the PHC. In fact, Mr. Selland confirmed the mailing address that he had originally given for this administrative appeal and to which the notice of the PHC was sent.

5.4. At the motion hearing, Mr. Selland also acknowledged that he did not open his mail; rather, he left that to others, including Mr. Roach. Accordingly, Mr. Selland never became aware of the contents of the notices that OAH sent to Mr. Selland in this matter.

5.5. The emphasis of Mr. Selland's contention on behalf of Licensee was simply that Licensee delegated this matter to Mr. Roach, Mr. Roach separated from Licensee, so Mr. Selland was unaware of the date and time of the PHC. Accordingly, Mr. Selland

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contended that, because of Mr. Selland's lack of awareness of the proceeding, Licensee should be excused for its failure to attend the subject PHC.

5.6. All companies operate through their human agents. Those companies have control over, and are responsible for, the acts of their agents. Here, Licensee had legal control over to whom to delegate the handling of this administrative appeal; whether to have more than one person involved in handling this administrative appeal; and, the manner and method of calendaring important activities within this administrative appeal, such that Licensee's management would be aware of the dates, times and locations of those activities. Licensee did not establish why it could not have implemented an internal method of properly calendaring the activities of this case and assuring that more than one person was aware of important activity dates in this appeal that Licensee requested. Further, Licensee did not establish why it should not be held accountable for the failure of its agent, Mr. Selland, to open or read the mail addressed specifically to him in this matter by OAH.

5.7. Decisions to set aside a default judgment or order in cases arising under the Administrative Procedure Act (APA), such as this case, are discretionary. *Graves v. The Employment Security Department*, 144 Wn.App.302, 309, 182 P.3d 1004, 1008 (2008); *citing Griggs v. Averback Realty, Inc.*, 92 Wn.2d 576, 582, 599 P.2d 1289 (1979); *Hwang v. McMahill*, 103 Wn.App. 945, 949, 15 P.3d 172 (2000), *review denied*, 144 Wn.2d 1011 (2001).

5.8. A motion to vacate an order of default is, in essence, a motion to reinstate and retroactively continue the proceeding at which the defaulting party failed to appear.

5.9. WAC 10-08-090 states, in relevant part, "continuances ... may be ordered by the presiding officer on ... if the party shows <u>good cause</u>." (Emphasis added.)

5.10. RCW 34.05.440(3) provides, "Within seven days after service of a default order under subsection (2) of this section, ... the party against whom it was entered may file a written motion requesting that the order be vacated, and <u>stating the grounds relied upon</u>." (Emphasis added.)

5.11. Therefore, because a motion to vacate a default order is a type of motion to continue, implicit in the RCW 34.05.440(3) phrase, "stating the grounds relied upon," is the requirement that such grounds meet the WAC 10-08-090 requirement of "good

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cause," as is required for any other continuance. That is, the defaulting party must establish good cause for its failure to attend the subject proceeding, in order to establish good cause for reinstatement of the case and retroactive continuance of the proceeding not attended.

5.12. Office of Administrative Hearings provided Licensee with the statutorily required notice of the telephonic prehearing conference in this matter to the name and address provided for such notices on Licensee's request for administrative hearing on page 2 of the AVN. Accordingly, Licensee is deemed to have been aware of the date time and manner of attendance for the proceeding.

5.13. In light of its receipt of legally sufficient notice of the PHC, it was Licensee's burden to establish "good cause" for its failure to attend the proceeding. Lack of awareness of an administrative appeal proceeding due to failure to create and maintain a clerical system sufficient to apprise Licensee of the date, time and manner/location of the proceeding, and failure to ensure that Licensee's agents, in this case Mr. Selland, opened and read mail addressed to them, is not good cause. Licensee failed to carry its burden.

5.14. Because Licensee failed to establish "good cause" for its failure to attend the proceeding, the Initial Order of Default issued against Licensee shall not be vacated.

Therefore, **IT IS ORDERED**:

1. Licensee's motion to vacate Initial Order of Default was timely filed; therefore, Office of Administrative Hearings has jurisdiction to determine Licensee's motion on its merits.

2. Licensee failed to establish good cause; therefore, Licensee's motion to vacate the Initial Order of Default is DENIED; the Initial Order of Default remains in effect.

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3. Licensee's administrative appeal in this matter is DISMISSED.

Signed and Issued at Tacoma, Washington, April 21, 2014.

Steven C. Smith
Administrative Law Judge
Office of Administrative Hearings

FURTHER APPEAL RIGHTS FOLLOW

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 34.05.464. 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 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 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 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 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 Administrative Procedure Act).

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