STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD

In the Matter of: **MICHE ONE INC** **d/b/a MILLCREEK LIQUOR & WINE** **800 164TH STREET SE #C** **MILLCREEK, WA 98012-6301** **LICENSEE** **License No. 409622** **UBI No. 603-204-538-001-0001**	**LCB No. 24,831** **FINAL ORDER ON REVIEW FOLLOWING BRIEF ADJUDICATIVE PROCEEDING**

I. REVIEWERS' CONSIDERATION

1.1 Review. This matter comes before the Board to review the Findings of Fact, Conclusions of Law and Initial Order of Brief Adjudicative Proceeding (BAP) entered by Presiding Officer Susan E. Thomsen on November 1, 2013, and served on the Licensee by mail on November 1, 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 Board Member Ruthann Kurose as Reviewer for review and the entry of a final decision.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

2.2 On September 18, 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.

2.3 On September 27, 2013, the Board received Licensee's Request for Brief Adjudicative Proceeding (BAP) Record Review, which was postmarked August 30, 2013. Licensee submitted no documents or information with the completed form.

2.4 On October 7, 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 November 1, 2013, and offering the Licensee the opportunity to submit any additional documents or materials for consideration by the BAP presiding officer.

2.5 On October 23, 2013, two letters were received from the Licensee and employees. A check was enclosed for $3,000. The Licensee asked for payment arrangements for the outstanding fees.

2.6 The check was transferred to the LCB Financial Division along with the request for payment arrangements.

2.7 A Brief Adjudicative Proceeding was conducted in this matter by Susan E. Thomsen, Presiding Officer on November 1, 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.

2.8 On November 1, 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 November 1, 2013.

2.9 On November 18, 2013, Board Member Ruthann Kurose issued a Board Notice to Parties of Review of Initial Order of Brief Adjudicative Proceeding. The parties were informed of the opportunity to submit comments due within 10 days from the date of mailing of the Board Notice and that the Board's Reviewing Officer would consider comments from the parties and issue a decision on or before December 9, 2013. The Board Notice was mailed on November 18, 2013.

2.10 On November 21, 2013, Judy Layne from the LCB Financial Department informed Kevin McCarroll, the Board's Adjudicative Proceedings Coordinator that the Licensee had entered into a payment plan with the Financial Division. The payment plan arrangement entered into by the Licensee includes:

2.10.1 The Licensee will make minimum payments of 10% of the full outstanding past balance on a monthly basis.

2.10.2 Penalties will continue to accrue at 2% on any outstanding balance.

III. ORDER

3.1. NOW THEREFORE, IT IS HEREBY ORDERED that the SLS Spirits retail liquor license for Miche One, Inc. d/b/a Millcreek Liquor & Wine, LCB License Number 409622 shall be suspended for failure to submit payment to the Board as required by RCW 66.24.630(4)(a) for the First Quarter of 2013 (January February March), and Second Quarter of 2013 (April, May, June).

3.2 The Licensee has agreed to a payment plan, which, if complied with, will resolve this matter. Therefore, the suspension of the SLS Spirits retail liquor license for Miche One, Inc. d/b/a Millcreek Liquor & Wine, LCB License Number 409622 shall be held in abeyance during the time in which it takes the Licensee to pay the full outstanding balance of required fees.

3.3 If the Licensee fails to comply with the payment plan as agreed to, and non-compliance with the payment plan arrangements are found and verified by LCB Tax and Fee Accounting Manager, the Licensee shall be notified of noncompliance with the payment plan and given the opportunity to contest noncompliance by requesting a Brief Adjudicative Proceeding, limited only to the issue of noncompliance. If no BAP is requested, or if noncompliance is verified, then the license suspension shall commence at a date to be determined by the Licensing and Enforcement Division staff and remain in effect until the Licensee is in compliance. Compliance shall be demonstrated by proof of

payment of overdue fees, including penalties for late payment, and remaining in compliance with the reporting requirements of WAC 314-02-109 for future quarters.

DATED this 9 day of December, 2013.

WASHINGTON STATE LIQUOR CONTROL BOARD

By: Ruthann Kurose
RUTHANN KUROSE, Board Member

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. 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).

STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD

In the Matter of: **MICHE ONE, INC. d/b/a** **MILLCREEK LIQUOR & WINE** **800 164TH STREET SE, #C** **MILL CREEK, WA 98012-6301** **LICENSEE** **License No. 409622** **UBI No. 603 204 538 001 0001**	**LCB No. 24,831** **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 Licensee.

SECTION 1: FINDINGS OF FACT

1.1. Licensee failed to pay License Issuance Fees for the: First Quarter of 2013 (January February March) and Second Quarter of 2013 (April May June).

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 Miche One, Inc. d/b/a Millcreek Liquor & Wine shall be suspended for nonpayment of license issuance fees for the First Quarter of 2013; Second Quarter of 2013, until Licensee is in compliance.

DATED this 1st day of November, 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 S.E., 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 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.

Judicial Review of final orders is governed by RCW 34.5, Part V.

Washington State
Liquor Control Board

I certify that on 12-9-13, 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: 12-9-13 at: Olympia, WA

By: [signature]

December 9, 2013

Miche One, Inc.
d/b/a Millcreek Liquor & Wine
2331 143rd Place SW
Lynnwood, WA 98087-5921

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: Miche One, Inc.
TRADE NAME: Millcreek Liquor & Wine
LOCATION: 800 164th St SE Ste C, Mill Creek, WA 98012-6301
LICENSE NO. 409622-3H
LCB BAP NO. 24,831
UBI: 603-204-538-001-0001

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,

[signature]

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosure

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