

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

RYAN TATUM  
2150 6<sup>TH</sup> AVE NORTH  
SEATTLE, WA 98109

LICENSEE

MAST NO. 120-396-175  
AVN NO. 2C3180B

LCB NO. 24,837  
OAH NO. 2014-LCB-0001

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 January 9, 2014, alleging that on or around June 29, 2013, the above-named Permit Holder gave, sold and/or supplied liquor to an apparently intoxicated person, contrary to RCW 66.44.200(1).
2. The Permit Holder timely submitted a request for an administrative hearing.
3. The Permit Holder, Ryan Tatum, 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. No motion to vacate default was filed
6. No petition for review was filed.
7. 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 24,837 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 24,837 is sustained and that the liquor permit privileges granted to Ryan Tatum, MAST Permit Number 120 396 175, are hereby suspended for a term of five (5) days. In lieu of a license suspension, the Permit Holder may pay a monetary penalty in the amount of one-hundred dollars (\$100.00) due within 30 days of this order. If timely payment is not received, suspension will take place from 1:00 p.m. on July 10, 2014 until 1:00 p.m. on July 15, 2014. Failure to comply with the terms of this order will result in further disciplinary action.

Payment in reference to this order should be sent to:

**Washington State Liquor Control Board  
Financial Division  
PO Box 43085  
Olympia, WA 98504-3085**

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

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Dorthea Keweenaw

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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May 21, 2014

Ryan Tatum  
MAST Permit Holder  
2150 6<sup>th</sup> Ave North #302  
Seattle, WA 98109-2444

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**  
**MAST Permit Holder: Ryan Tatum**  
**MAST No. 120-396-175**  
**LCB HEARING NO. 24,837**  
**OAH NO. 2014-LCB-0001**  
**AVN NO. 2C3180B**

Dear Parties:

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

**The applicable monetary penalty is due by June 20, 2014.** If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin McCarroll".

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:

RYAN TATUM  
2150 6<sup>TH</sup> AVE NORTH #302  
SEATTLE, WA 98109-2444

PERMIT HOLDER

MAST NO. 120-396-175  
AVN NO. 2C3180B

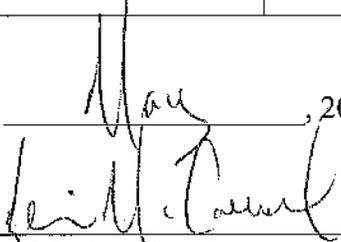
LCB NO. 24,837  
OAH NO. 2014-LCB-0001

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:

RYAN TATUM MAST PERMIT HOLDER 2150 6 <sup>TH</sup> AVE NORTH #302 SEATTLE, WA 98109-2444	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION JENNIFER ELIAS, ASSISTANT ATTORNEY GENERAL
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DATED this 21<sup>st</sup> 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:

Ryan Tatum,

Permit Holder.

MAST No. 120 396 175  
AVN No. 2C3180B

OAH Docket No. 2014-LCB-0001

LCB No. 24,837

**INITIAL ORDER OF DEFAULT  
(Failure to Appear at Proceeding)**

## 1. ORDER SUMMARY

1.1 The MAST Permit Holder, Ryan Tatum, (herein "Permit Holder") appealed Washington Liquor Control Board (LCB) MAST Administrative Violation Notice No. 2C3180B (MAVN) and requested an administrative hearing. Accordingly, Washington Office of Administrative Hearings (OAH) gave due written notice to Permit Holder of a prehearing conference (PHC) in the administrative appeal he requested. Respondent failed to appear and participate at the PHC. Therefore, Permit Holder was held in default under RCW 34.05.440.

1.2 Based on Permit Holder's default, the **MAVN is affirmed** and the penalty appropriate to the allegations stated in the MAST Administrative Violation Notice in this matter shall be imposed, subject to further Liquor Control Board action. Specifically, the penalty shall be: **5 days suspension of Permit Holder's permit, or \$100.00 in lieu of suspension.**

1.3 The Permit Holder's Request for Hearing is dismissed.

## 2. HEARING

2.1 Administrative Law Judge: Steven C. Smith

2.2 Date and Time of Prehearing Proceeding (PHC): February 26, 2014 at 9:00 AM.

2.3 Appearances By Parties:

2.3.1 Permit Holder, Ryan Tatum, did not appear.

2.3.2 No representative appeared for the Permit Holder.

2.3.3 Washington State Liquor Control Board appeared through Assist. Attorney General Jennifer Elias.

### 3. STATEMENT OF THE CASE

3.1. The Washington Liquor Control Board issued and served its MAST Administrative Violation Notice No. 2C3180B (MAVN) against Permit Holder on or about August 2, 2013. On or about August 19, 2013, Permit Holder appealed the MAST Administrative Violation Notice. On January 16, 2014, LCB requested that OAH assign an Administrative Law Judge and conduct a hearing in this matter. Accordingly, Office of Administrative Hearings and the undersigned Administrative Law Judge have jurisdiction over this matter under the provisions of Chapter 34.12 RCW, Chapter 66.24 RCW and Title 314 WAC.

3.2. A prehearing proceeding was scheduled for this matter at the date and time above stated. Written notice of the proceeding was timely mailed to the parties by First Class United States Mail, postage prepaid. The notice informed the parties that they were required to attend the proceeding before an Administrative Law Judge of the Washington Office of Administrative Hearings and how to attend. The notice also informed the parties that failure to attend the scheduled proceeding could result in an order of default against the party who failed to attend. The notice provided both parties with instructions on how to apply to the Administrative Law Judge for a postponement of the proceeding.

3.3. The Administrative Law Judge timely convened the proceeding as set forth in the written notice of the proceeding. The Washington State Liquor Control Board timely appeared and was represented by the above-named person. The Administrative Law Judge waited 15 minutes beyond the scheduled start time for the proceeding, but Permit Holder did not appear. Therefore, the Administrative Law Judge deemed Permit Holder to be in default.

3.4. Based on Permit Holder's default, the penalty appropriate to the allegations stated in the MAST Administrative Violation Notice in this matter shall be imposed, subject to further Liquor Control Board action. Specifically, the penalty shall be: 5 days suspension of Permit Holder's Permit or \$100.00 in lieu of suspension.

3.5 The Permit Holder's Request for Hearing shall be dismissed.

### 4. THEREFORE, IT IS ORDERED:

4.1. Office of Administrative Hearings has jurisdiction over this matter.

4.2. The above-named Permit Holder is in DEFAULT.

4.3. Washington Liquor Control Board MAST Administrative Violation Notice No. 2C3180B issued against Permit Holder is affirmed; Permit Holder's permit shall be suspended for a period of five days at a time to be set by Liquor Control Board, or Permit Holder shall pay to Liquor

Control Board the sum of \$100.00 in lieu of suspension. This Order is subject to further action by Liquor Control Board.

4.4. The Permit Holder's Request for Hearing is dismissed.

**Signed and Issued** at Tacoma, Washington, March 6, 2014.



Steven C. Smith  
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.**

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**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).