

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

CHO ENTERPRISE, INC.
d/b/a STAR MINI MART

1418 HEWITT AVE
EVERETT, WA 98201

LICENSEE

LIQUOR LICENSE NO. 079654
TOBACCO LICENSE: 6023693410010004

LCB NOS. 24,969
T-599

OAH NO. 2014-LCB-0026

FINAL ORDER OF THE BOARD

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

1. The Licensing Division of the Liquor Control Board issued a Statement of Intent to Revoke Liquor License dated January 31, 2014. The Enforcement Division issued a Statement of Intent to Revoke Tobacco License on March 6, 2014
2. The Licensee submitted a request for a hearing.
3. On September 2, 2014, Administrative Law Judge Jane Cantor Shefler issued her Findings of Fact, Conclusions of Law and Initial Order, supporting the revocation of both the liquor license and retail cigarette and tobacco license held by the Licensee.
4. The Licensee filed a Petition for Review. No response was filed by the divisions.
5. 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,

FINAL ORDER OF THE BOARD
LCB NOS. 24,969 AND T-599
STAR MINI MART
LICENSE NO. 079654

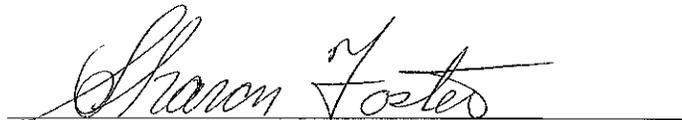
Page 1 of 3

THEREFORE, IT IS HEREBY ORDERED that the Statement of Intent to Revoke Liquor License for case 24,969 and the Statement of Intent to Revoke Tobacco License for case T-599 in these matters are ADOPTED.

IT IS HEREBY FURTHER ORDERED that liquor license 079654 and retail cigarette and tobacco license 602-369-341-001-0004 for Cho Enterprise, Inc. d/b/a Star Mini Mart located at 1418 Hewitt Avenue in Everett, Washington are REVOKED.

DATED at Olympia, Washington this 14 day of October, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD





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

October 15, 2014

Simon Cho
Cho Enterprise, Inc.
d/b/a Star Mini Mart
1418 Hewitt Ave
Everett, WA 98201-3503

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: Cho Enterprise, Inc.
TRADE NAME: Star Mini Mart
LOCATION: 1418 Hewitt Ave, Everett, WA 98201-3503
LIQUOR LICENSE NO. 079654
UBI: 602 369 341 001 0004
LCB HEARING NOS. 24,969 AND T-599
OAH NO. 2014-LCB-0026

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,

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

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Sharon Hendricks, Licensing Policy and Compliance Manager, WSLCB
Mt Vernon Enforcement and Education Division, WSLCB
Lisa Red, CHRI & Tobacco Licensing Coordinator, Enforcement HQ, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

CHO ENTERPRISE, INC.
d/b/a STAR MINI MART

1418 HEWITT AVE
EVERETT, WA 98201

LICENSEE

LIQUOR LICENSE NO. 079654
TOBACCO LICENSE: 6023693410010004

LCB NOS. 24,969
T-599

OAH NO. 2014-LCB-0026

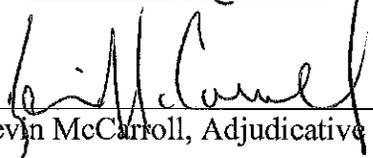
DECLARATION OF SERVICE BY
MAIL

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:

SIMON CHO
CHO ENTERPRISE, INC.
d/b/a STAR MINI MART
1418 HEWITT AVE
EVERETT, WA 98201-3503

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100, GCE DIVISION
JENNIFER ELIAS,
ASSISTANT ATTORNEY GENERAL

DATED this 15th day of October, 2014, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator

RECEIVED

OCT 07 2014

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

Liquor Control Board
Board Administration

In the Matter of:

SIMON CHO, CHO ENTERPRISE, INC. DBA
STAR MINI MART,

Respondent.

OAH Docket No. 2014-LCB-0026

Agency Nos. 24,969
T-599

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
and
INITIAL ORDER**

Translation into Korean

If you need a translation of this Order into Korean, you may call Evergreen Interpreting Services at (360) 954-5114.

I. ISSUES PRESENTED

1.1 Should the Liquor License held by Simon Cho be revoked pursuant to the Statement of Intent to Revoke Liquor License, LCB No. 24,969, issued January 31, 2014?

1.2 Should the Retail Cigarette and Tobacco License held by Cho Enterprises, Inc., be revoked pursuant to the Statement of Intent to Revoke Tobacco License, No. LCB T-599?

II. ORDER SUMMARY

2.1 Yes. The Liquor License held by Simon Cho should be revoked pursuant to the Statement of Intent to Revoke Liquor License, LCB No. 24,969, issued January 31, 2014.

2.2 Yes. The Retail Cigarette and Tobacco License held by Cho Enterprises, Inc. should be revoked pursuant to the Statement of Intent to Revoke Tobacco License, No. LCB T-599.

III. HEARING

3.1 **Hearing Date:** July 31, 2014

- 3.2 **Administrative Law Judge:** Jane Cantor Shefler
- 3.3 **Appellant:** Simon Cho, Cho Enterprises d/b/a Star Mini Mart, *pro se*.
- 3.4 **Agency:** Liquor Control Board ("Board")
- 3.4.1 **Representative:** Jennifer Elias, Assistant Attorney General
- 3.4.2 **Witnesses:**
- 3.4.2.1 Justin Nordhorn, Chief, Enforcement and Education Division
- 3.4.2.2 Sharon Hendricks, Compliance and Policy Manager, Licensing & Regulation Division
- 3.4.3 **Observer:** Linda Thompson, Customer Services Support Supervisor
- 3.5 **Interpreter:** Kun H. Park, Washington State Court-Certified Interpreter
- 3.6 **Exhibits:**
- 3.6.1 Board Exhibits 1-8 were admitted into the record.
- 3.6.2 Appellant Exhibit A was admitted into the record.

IV. FINDINGS OF FACT

I find the following facts by a preponderance of the evidence:

Jurisdiction

- 4.1 On or about January 31, 2014, the Liquor Control Board ("Board") issued a Statement of Intent to Revoke Liquor License, LCB 24,969, held by Simon Cho, d/b/a Star Mini Mart ("Appellant"). Exhibit 1.
- 4.2 On February 10, 2014, the Board received Appellant's Request for Hearing, Response to Statement of Intent to Revoke. Exhibit 4. The Board accepted this Request as timely.
- 4.3 The Board issued the Statement of Intent to Revoke Tobacco License, LCB-T-599, held by Cho Enterprises, Inc., d/b/a Star Mini Mart. Exhibit 5.

4.4 On March 21, 2014, the Board received Appellant's Request for Hearing, Response to Statement of Intent to Revoke. Exhibit 8. The Board accepted this request as timely.

Revocation of Liquor and Tobacco Licenses

4.5 Mr. Cho holds a Grocery Store Beer/Wine liquor license, License No. 079654, to sell beer and wine at Star Mini Mart in Everett, Washington. This license was issued on January 8, 2009.

4.6 Cho Enterprises, Inc. holds a Cigarette and Tobacco Products Retailer license, License No. 602 369 341. This license was approved on October 17, 2008.

4.7 Cho Enterprises, Inc. is solely owned by Simon Cho. Exhibit 2, pages 31 – 32.

4.8 On or about August 20, 2013, Mr. Cho was convicted of trafficking food stamps, a Class C Felony, in Snohomish County Superior Court. Exhibit 2, pages 4 – 30. He entered a guilty plea, admitting that during the period beginning October 17, 2012 through April 18, 2013, he had trafficked food stamps. Exhibit 2, pages 15 – 23.

4.9 The criminal behavior took place at Star Mini Mart, the licensed premises.

4.10 The conviction resulted in the accumulation of 12 criminal points under the provisions of WAC 314-07-040 and WAC 314-33-020.

V. CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, I make the following Conclusions of Law:

Jurisdiction

5.1 I have jurisdiction to hear and decide this matter under chapter 34.05 RCW, chapter 314-34 WAC, and chapter 10-08 WAC.

Revocation of Liquor License

5.2 RCW 66.24.010(2) provides that the Board may consider any prior criminal conduct of a license holder for considering the revocation of any license.

5.3 Under the provisions of WAC 314-07-040(1), the Board will not normally issue a liquor license to an applicant who has accumulated eight or more criminal record points.

5.4 WAC 314-07-015(1) provides that a person or entity must meet certain qualifications to receive a liquor license, which are continuing qualifications in order to maintain a license.

5.5 With the felony conviction for trafficking food stamps, Mr. Cho acquired and accumulated 12 criminal record points as defined in WAC 314-07-040(1). Based on this criminal history, the Board properly issued the Statement of Intent to Revoke Mr. Cho's liquor license.

Revocation of Cigarette and Tobacco License

5.6 Under the provisions of RCW 82.24.510(2) and RCW 82.26.150(2), for the purpose of considering the revocation of an retail cigarette and tobacco license, the Board may consider any prior criminal conduct of the applicant, including a criminal history record check within the previous five years.

5.7 The Board may deny a cigarette or tobacco products license based upon the existence of disqualifying criminal history standards. WAC 314-33-005; WAC 314-33-020.

5.8 Under the provisions of WAC 314-33-020, the Board will not normally issue a cigarette and tobacco products license to an applicant who has accumulated eight or more criminal record points.

5.9 With the felony conviction for trafficking food stamps, Mr. Cho acquired and accumulated 12 criminal record points as defined in WAC 314-33-020. Because Cho Enterprises, Inc. is solely owned by Mr. Cho, the Board properly issued the Statement of Intent to Revoke Tobacco License based on his criminal history.

VI. INITIAL ORDER

IT IS HERBY ORDERED THAT:

6.1 The Liquor License held by Simon Cho should be revoked pursuant to the Statement of Intent to Revoke Liquor License, LCB No. 24,969, issued January 31, 2014.

6.2 The Retail Cigarette and Tobacco License held by Cho Enterprises, Inc., an entity solely owned by Simon Cho, should be revoked pursuant to the Statement of Intent to Revoke Tobacco License, No. LCB T-599.

Signed and issued at Tacoma, Washington, on the date of mailing.



Jane Cantor Shefler
Administrative Law Judge
Office of Administrative Hearings

NOTICE OF APPEAL RIGHTS – PLEASE READ CAREFULLY

Petition for Review of Initial Order

Either the licensee or permit holder or the assistant attorney general may file a petition for 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; 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 the 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
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 granted. RCW 34.05.470; 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).

CERTIFICATION OF MAILING IS ATTACHED

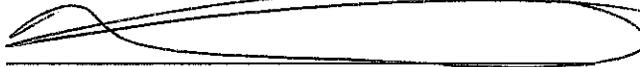
CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 2014-LCB-0026

I certify that true copies of this document were served from Tacoma, Washington upon the following as indicated:

<p>Simon Cho Cho Enterprise, Inc. dba Star Mini Mart 1418 Hewitt Ave Everett, WA 98201 Appellant</p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Jennifer Elias Office of the Attorney General PO Box 40100 Olympia, WA 98504 Agency Representative</p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Kevin McCarroll Washington State Liquor Control Board PO Box 43076 Olympia, WA 98504 Department Representative</p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>

Date: Tuesday, September 02, 2014

OFFICE OF ADMINISTRATIVE HEARINGS



Melanie Barnhill
 Legal Secretary