

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

VIA BIRCH BAY CAFÉ & BISTRO
CORPORATION d/b/a
VIA BIRCH BAY CAFÉ & BISTRO

7829 BIRCH BAY DR
BLAINE, WA 98230-9656

LICENSEE

LICENSE NO. 079539
AVN NO. 3C3349A

LCB NO. 24,970
OAH NO. 2014-LCB-0019

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 April 1, 2014, alleging that on or about December 14, 2013, the above-named Licensee and/or employee of the licensee sold or supplied liquor to a person apparently under the influence of liquor and/or permitted a person apparently under the influence to consume liquor on the licensed premises and/or permitted a person apparently under the influence of liquor to physically possess liquor on the licensed premises in violation of WAC 314-16-150(1) and/or (2).

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

3. A prehearing conference was scheduled for May 14, 2014, at 2:00 p.m.

4. The Appellant did not appear for the prehearing conference nor request a continuance. The Enforcement Division of the Board was represented by Assistant Attorney General Kim O'Neal.

5. On May 20, 2014, Administrative Law Judge Lisa N. W. Dublin entered her Initial Order of Default Dismissing the Appeal of Via Birch Bay Café and Bistro Corp. for Failure to Appear, ordering that the appellant was in default and dismissing the appeal.

6. No request to vacate the default was filed.
7. No petition for review was filed.
8. 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 24,970 is adopted.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case 24,970 is sustained and that the liquor license privileges granted to Via Birch Bay Café & Bistro Corporation d/b/a Via Birch Bay Café & Bistro located at 7829 Birch Bay Drive in Blaine, Washington, License 079539, are hereby suspended for a term of five (5) days. In lieu of a license suspension, the Licensee may pay a monetary penalty in the amount of five hundred dollars (\$500.00) due within 30 days of this order. If timely payment is not received, suspension will take place from 11:00 a.m. on Thursday, September 25, 2014 until 11:00 a.m. on Tuesday, September 30, 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 5 day of August, 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

IN THE MATTER OF:

VIA BIRCH BAY CAFÉ & BISTRO
CORPORATION d/b/a
VIA BIRCH BAY CAFÉ & BISTRO

7829 BIRCH BAY DR
BLAINE, WA 98230-9656

LICENSEE

LICENSE NO. 079539
AVN NO. 3C3349A

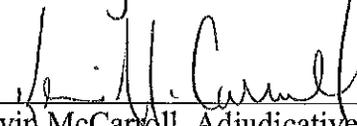
LCB NO. 24,970
OAH NO. 2014-LCB-0019

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:

YOON OH VIA BIRCH BAY CAFÉ & BISTRO CORPORATION d/b/a VIA BIRCH BAY CAFÉ & BISTRO 14325 15 TH DRIVE SE MILL CREEK, WA 98012-1359	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION KIM O'NEAL, ASSISTANT ATTORNEY GENERAL
YOON OH VIA BIRCH BAY CAFÉ & BISTRO CORPORATION d/b/a VIA BIRCH BAY CAFÉ & BISTRO 7829 BIRCH BAY DR BLAINE, WA 98230-9656	

DATED this 6th day of August, 2014, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator



Washington State
Liquor Control Board

August 6, 2014

Yoon Oh
Via Birch Bay Café & Bistro Corporation
d/b/a Via Birch Bay Café & Bistro
14325 15th Drive SE
Mill Creek, WA 98012-1359

Kim O'Neal, 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: Via Birch Bay Café & Bistro Corporation
TRADE NAME: Via Birch Bay Café & Bistro
LOCATION: 7829 Birch Bay Dr, Blaine, WA 98230-9656
LICENSE NO. 079539
LCB HEARING NO. 24,970
OAH NO. 2014-LCB-0019
AVN NO. 3C3349A
UBI: 603 196 499 001 0001

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 September 5, 2014. If payment is not received timely, then suspension will take place during the dates indicated in the order. 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: Mt. Vernon Enforcement and Education Division, WSLCB
Jamie Marshall, WSLCB Enforcement