

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

YOUNG AE STEPLETON  
d/b/a JOIN US  
8904 S TACOMA WAY STE 3  
LAKEWOOD, WA 98499-7009

LICENSEE

LICENSE NO. 074278  
AVN NOS. 1T3154A and 1T4138B

LCB NOS. L-24,812 AND L-25,278  
OAH NOS. 2014-LCB-0005  
2014-LCB-0044

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 February 18, 2014, alleging that on or about June 3, 2013, the above-named Licensee, or employee thereof, displayed signs of intoxication while working at the licensed premises and/or consumed alcohol while on duty or working at the licensed premises in violation of WAC 314-11-015(3); and the Liquor Control Board also issued a complaint dated July 11, 2014, alleging that on or about May 18, 2014, the above-named Licensee, or employee thereof, displayed signs of intoxication while working at the licensed premises and/or consumed alcohol while on duty or working at the licensed premises in violation of WAC 314-11-015(3)
2. The Licensee made a timely request for a hearing.
3. An administrative hearing was held on October 13, 2014 before Administrative Law Judge Leslie Birnbaum with the Office of Administrative Hearings.
4. At the hearing, the Education and Enforcement Division of the Board was represented by Assistant Attorney General Kim O'Neal, and Attorney Wayne Fricke represented the Licensee.

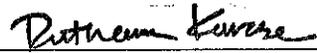
5. On October 24, 2014, Administrative Law Judge Leslie Birnbaum entered her Findings of Fact, Conclusions of Law and Initial Order in these matters which affirmed both violations.
6. No petitions for review were filed by the parties.
7. The entire record in this proceeding was presented to the Board 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 Administrative Law Judge's Findings of Fact, Conclusions of Law and Initial Order are AFFIRMED and adopted as the Findings of Fact, Conclusions of Law and Final Order of the Board.

IT IS HEREBY FURTHER ORDERED that the liquor license privileges granted to Young Ae Stepleton d/b/a Join Us, License No. 074278, located at 8904 South Tacoma Way, Suite 3, in Lakewood, Washington, are hereby CANCELLED effective at 3:00 p.m. on Friday, December 26, 2014.

DATED at Olympia, Washington this 25 day of November, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD

  
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\_\_\_\_\_  
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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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November 25, 2014

Wayne C. Fricke,  
Attorney for Licensee  
Hester Law Group, Inc. PS  
1008 Yakima Ave Ste 302  
Tacoma, WA 98405-4850

Young Ae Stepleton  
d/b/a Join Us  
8904 S Tacoma Way Ste 3  
Lakewood, WA 98499-7009

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: Young Ae Stepleton**  
**TRADE NAME: Join Us**  
**LOCATION: 8904 S Tacoma Way Ste 3, Lakewood, WA 98499-7009**  
**LICENSE NO. 074278**  
**LCB HEARING NOS. L-24,812 and L-25,278**  
**OAH NO. 2014-LCB-0005 and 2014-LCB-0044**  
**AVN NOS. 1T3154A and 1T4138B**  
**UBI: 602 993 883 001 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,

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

Kevin McCarroll  
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Tacoma Enforcement and Education Division, WSLCB  
Jamie Marshall, Enforcement and Education Division Headquarters, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602 [www.liq.wa.gov](http://www.liq.wa.gov)

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

YOUNG AE STEPLETON  
d/b/a JOIN US  
8904 S TACOMA WAY STE 3  
LAKEWOOD, WA 98499-7009

LICENSEE

LICENSE NO. 074278  
AVN NOS. 1T3154A and 1T4138B

LCB NOS. L-24,812  
L-25,278

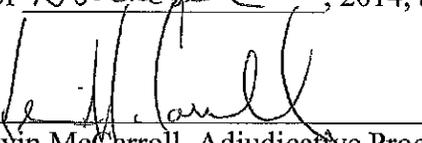
OAH NOS. 2014-LCB-0005  
2014-LCB-0044

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 electronic mail for WSLCB offices, and Campus Mail via Consolidated Mail Services for state offices on the date below to:

WAYNE C. FRICKE, ATTORNEY FOR LICENSEE HESTER LAW GROUP, INC. PS 1008 YAKIMA AVE STE 302 TACOMA, WA 98405-4850	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION KIM O'NEAL, ASSISTANT ATTORNEY GENERAL
YOUNG AE STEPLETON d/b/a JOIN US 8904 S TACOMA WAY STE 3 LAKEWOOD, WA 98499-7009	

DATED this 25<sup>th</sup> day of November, 2014, at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator

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

RECEIVED  
NOV 16 2014  
Liquor Control Board  
Board Administration

In The Matter Of:

YOUNG AE STEPLETON dba  
JOIN US

8904 South Tacoma Way, Suite 3  
Lakewood, WA 98499-7009,

Licensee.

License No. 074278  
AVN Nos. 1T3154A and 1T4138B

OAH Docket Nos.: 2014-LCB-0005 and  
2014-LCB-0044

LCB Complaint Nos. 24,812 and 25,278

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND INITIAL ORDER

**INTERPRETATION:** For a free oral translation of this order from English into Korean, the Licensee may call Evergreen Interpretation Services (360) 954-5114, from 8:00 a.m. to 5:00 p.m., Monday through Friday, to schedule an appointment.

I. ISSUE PRESENTED

Administrative Violation Notice 1T3154A (June 10, 2013)

1.1 Did the Licensee violate WAC 314-11-015(3) as alleged in Administrative Violation Notice ("AVN") 1T3154A, such that the proposed cancellation of the Licensee's liquor license is appropriate?

AVN 1T4138B (May 28, 2014)

1.2 Did the Licensee violate WAC 314-11-015(3) as alleged in AVN 1T4138B, such that the proposed cancellation of the Licensee's liquor license is appropriate?

II. ORDER SUMMARY

AVN 1T3154A (June 10, 2013)

2.1 The Licensee violated WAC 314-11-015(3) as stated in the AVN and the cancellation of the Licensee's liquor license is appropriate.

AVN 1T3154A and the cancellation of the Licensee's liquor license are AFFIRMED.

AVN 1T4138B (May 28, 2014)

2.2 The Licensee violated WAC 314-11-015(3) as stated in AVN 1T4138B, such that the cancellation of the Licensee's liquor license is appropriate.

AVN 1T4138B and the cancellation of the Licensee's liquor license are AFFIRMED.

### III. HEARING

- 3.1 **Hearing Date:** October 13, 2014, in person, Office of Administrative Hearings, Tacoma, Washington.
- 3.2 **Administrative Law Judge:** Leslie Birnbaum.
- 3.3 **Licensee:** Young Ae Stepleton, owner, doing business as Join Us.
- 3.3.1 **Representative:** Wayne Fricke, Attorney.
- 3.4 **Agency:** Liquor Control Board ("LCB").
- 3.4.1 **Representative:** Kim O'Neal, Senior Counsel, Office of the Attorney General.
- 3.4.2 **LCB Witnesses:** Sergeant Jacquelyne Eliason, LCB Enforcement Division; Kim Sauer, MAST/RVP Program, LCB (by telephone).
- 3.4.3 **LCB Observers** Carly Reynoldson, Liquor Enforcement Officer; Vanessa Garris, Liquor Enforcement Officer.
- 3.5 **Interpreter:** Kun Parker, Korean Interpreter, Evergreen Interpreter Services.
- 3.6 **Exhibits:** Exhibits 1 - 9 were admitted; Exhibit 6, page 6 was withdrawn.
- 3.7 **Close of Record:** October 13, 2014.

#### IV. FINDINGS OF FACT

I find the following facts under the preponderance of the evidence standard:

##### Jurisdiction

- 4.1 On June 10, 2013, LCB issued AVN No. 1T3154A. Exhibit 1.
- 4.2 On June 15, 2013, Ms. Stepleton requested a hearing. Exhibit 2.
- 4.3 On May 28, 2014, LCB issued AVN No. 1T4138B. Exhibit 2, pp. 1 - 2.
- 4.4 On June 4, 2014, Ms. Stepleton requested a hearing. Exhibit 9.

##### Licensing and AVN History

4.5 In 2010, LCB issued Liquor License Number 074278 to Ms. Stepleton, doing business as Join Us. Exhibit 7, p. 1; Testimony of Sergeant Eliason. The bar's official hours of operation were 6:00 p.m. until 2:00 a.m.<sup>1</sup> *Id.*

4.6 On April 18, 2012, LCB issued an AVN, alleging that the licensee was intoxicated on the licensed premises, and imposed a penalty of \$500.00. Exhibit 3, p. 3; Exhibit 7, p. 1; Testimony of Sergeant Eliason. Ms. Stepleton paid the penalty of \$500.00. *Id.*

4.7 On July 2, 2012, LCB issued an AVN, alleging the licensee was intoxicated on the license premises, and imposed a penalty of a seven-day suspension. Exhibit 3, p. 3; Testimony of Sergeant Eliason.

4.8 On August 27, 2012, LCB and Ms. Stepleton entered into a Compromise Agreement. Ms. Stepleton stipulated to the July 2, 2012 AVN, which acknowledged two violations of the licensee's intoxication on the premises. Exhibit 7, p. 1. The compromise sanction was a five-day suspension of liquor license privileges from September 28, 2012 through October 3, 2012. In addition, Ms. Stepleton agreed that she "will no longer drink alcohol on the licensed premises" and "accepted responsibility for the violation and is aware of the penalty for third violation." *Id.* The five-day suspension was served. Testimony of Sergeant Eliason.

4.9 On January 26, 2013, LCB issued an AVN, alleging the licensee was

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<sup>1</sup> On June 3, 2013, Ms. Stepleton was at work at 3:00 p.m. Exhibit 3, p. 2. Sergeant Eliason was not aware of whether Ms. Stepleton had changed the bar's official hours of operation to 3:00 p.m. Testimony of Sergeant Eliason.

intoxicated on the licensed premises, and imposing a penalty of a 30-day suspension. Exhibit 3, p. 3; Testimony of Sergeant Eliason. The 30-day suspension was served. *Id.*

4.10 On June 10, 2013, LCB issued an AVN to Ms. Stepleton. Exhibit 3, p. 1. LCB alleged that on June 3, 2013, the licensee "was displaying signs of intoxication & by her own admission, had been consuming alcohol on duty..." in violation of WAC 314.11.015(3). Exhibit 3, p. 1; LCB determined that this was Ms. Stepleton's fourth violation in less than two years, which resulted in a penalty of the cancellation of her liquor license. Exhibit 3, p. 1; Testimony of Sergeant Eliason.

4.11 On December 3, 2013, LCB issued a verbal warning alleging that the licensee was intoxicated on the licensed premises. Exhibit 6, p. 3; Testimony of Sergeant Eliason.

4.12 On May 28, 2014, LCB served an AVN to Ms. Stepleton, alleging that on May 18, 2014, the licensee was drinking while on duty, in violation of WAC 314.11.015(3). Exhibit 6, p. 2; Testimony of Sergeant Eliason. LCB determined that this was Ms. Stepleton's fourth violation in less than two years, which resulted in a penalty of the cancellation of her liquor license. Exhibit 6, p. 3; Testimony of Sergeant Eliason.

#### Inspection and Investigation

4.13 Liquor control enforcement officers conduct licensee premises checks in their assigned areas during the regular course of business. Testimony of Sergeant Eliason. During premises checks, enforcement officers check for signs of intoxication of patrons, employees and licensees, whether there are minor patrons present and whether the required signs are posted. *Id.* LCB enforcement officers are trained to recognize signs of intoxication. *Id.*

4.14 Sergeant Eliason has provided training to LCB enforcement officers and police officers on the signs of intoxication. Red eyes, glassy eyes, vomiting, swaying and slurred speech are some of the characteristics that LCB recognizes as signs of intoxication. Testimony of Sergeant Eliason.

4.15 Sergeant Eliason performed regular, random, unannounced premises checks on Join Us. Testimony of Sergeant Eliason. Typically, Ms. Stepleton speaks respectfully during the premises checks. *Id.*

4.16 In April 2012, Sergeant Eliason performed a premises check on Join Us and issued an AVN to Ms. Stepleton. See Findings of Fact 4.6.

4.17 In July 2012, Sergeant Eliason performed a premises check on Join Us and issued an AVN to Ms. Stepleton. See Findings of Fact 4.7; Testimony of Sergeant Eliason. As a result of a Compromise Agreement, Ms. Stepleton served a five-day suspension. *Id.*

4.18 On March 12, 2013, Kim Sauer, MAST/RVP Program Manager, provided LCB liquor license training to Ms. Stepleton in Korean.<sup>2</sup> Testimony of Ms. Sauer. Sergeant Eliason suggested that Ms. Sauer provide training to Ms. Stepleton due to Ms. Stepleton's prior AVNs and Ms. Sauer's ability to provide the training in Korean. Testimony of Sergeant Eliason. The training consisted of the responsibility of liquor licensees and emphasized the prohibition of drinking while on duty. Testimony of Ms. Sauer. Ms. Stepleton's customers had a custom of offering Ms. Stepleton alcoholic drinks as tips. Ms. Sauer made signs in Korean to explain the laws regarding prohibiting drinking alcohol on the job. Ms. Sauer explained that Ms. Stepleton could lose her license if she consumed alcohol on the job. *Id.* Ms. Sauer and Ms. Stepleton were aware that Ms. Stepleton had signed a Compromise Agreement with LCB that prohibited Ms. Stepleton from consuming alcohol on the licensed premises. *Id.*

4.19 Following the meeting, Ms. Sauer prepared signs in Korean and English explaining the prohibition of drinking on duty and the prohibition of licensees and employees being intoxicated on the licensed premises. Exhibit 3, p. 2; Testimony of Ms. Sauer.

4.20 On June 3, 2013, at approximately 12:30 a.m., Sergeant Eliason went to Join Us to drop off the signs prepared by Ms. Sauer. Testimony of Sergeant Eliason. Upon entering the bar, Ms. Stepleton and another bartender were behind the bar. Ms. Stepleton was cleaning when Sergeant Eliason asked Ms. Stepleton to speak with her. Testimony of Sergeant Eliason; Exhibit 3, p. 2. Sergeant Eliason observed that Ms. Stepleton had "very red, glassy, watery eyes." *Id.* In the kitchen, Sergeant Eliason observed that Ms. Stepleton's speech was slurred and her eyes were "droopy" and tearing, although she was not crying. Testimony of Sergeant Eliason. During the conversation, Ms. Stepleton "kept clearing her voice" and "turning away." *Id.* Ms. Stepleton admitted that she drank one glass of sake and two bottles of beer while on duty. Exhibit 3, p. 2.

4.21 On June 10, 2013, LCB issued AVN 1T3154A to Ms. Stepleton. Exhibit 3, p. 1. LCB recommended a penalty of the cancelation of Ms. Stepleton's liquor license due to the fourth alleged violation of WAC 314-11-015 within two years. Testimony of Sergeant Eliason.

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<sup>2</sup> "MAST" refers to Mandatory Alcohol Server Training. "RVP" refers to the Responsible Vendor Program.

4.22 On June 15, 2013, Ms. Stepleton filed a request for a hearing. Exhibit 2.

4.23 On May 18, 2014, at approximately 10:30 p.m., Sergeant Eliason performed an annual premises check at Join Us. Exhibit 6, pp. 1 - 2. Testimony of Sergeant Eliason. Typically, Sergeant Eliason performed annual inspections before licensees needed to renew their licenses. *Id.* The bar was open; however, there were no patrons present. Ms. Stepleton was behind the bar and said that she was doing inventory. Ms. Stepleton's license was posted behind the bar. Sergeant Eliason needed to check Ms. Stepleton's servers' permit, which was in the office. In the office, Sergeant Eliason smelled intoxicants on Ms. Stepleton's breath and asked Ms. Stepleton if she had been drinking. Ms. Stepleton admitted she consumed soju and beer. Sergeant Eliason observed the empty soju bottle, which was still cold. Testimony of Sergeant Eliason. Sergeant Eliason informed Ms. Stepleton that she would receive an AVN for drinking while on duty. Exhibit 6, p. 2; Testimony of Sergeant Eliason.

4.24 On May 28 2104, LCB issued AVN 1T4138B to Ms. Stepleton. Exhibit 5, pp. 1 - 2. LCB recommended a penalty of the cancelation of Ms. Stepleton's liquor license due to the fourth alleged violation of WAC 314-11-015 within two years. Testimony of Sergeant Eliason. At the time of the issuance of AVN 1T4138B, Ms. Stepleton's alleged third violation (AVN 1T3154A) was pending appeal. Exhibit 2; Exhibit 6, p. 3.

4.25 On June 4, 2014, Ms. Stepleton filed a request for a hearing. Exhibit 9.

## V. CONCLUSIONS OF LAW

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

### Jurisdiction

5.1 I have jurisdiction over the parties and the subject matter under Chapter 34.05 RCW and WAC 314-29-010.

5.2 RCW 66.08.010 states that the statutes pertaining to LCB and liquor licenses are to be liberally construed.

This entire title shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, morals, and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose.

RCW 66.08.010.

5.3 LCB has the authority to adopt rules pertaining to liquor licenses, licensees and licensee premises. RCW 66.08.030; RCW 66.08.0501.

Drinking on Duty and Apparent Intoxication Prohibited

5.4 "Licensee" means any person or entity that holds a liquor license or permit, or any person or entity who is a true party of interest in a liquor license or permit, as outlined in WAC 314-07-035 and WAC 314-07-010(4).

5.5 Licensees have the responsibility to control their conduct on the premises at all times. Except as otherwise provided by law, licensees or employees may not consume liquor of any kind while working on the licensed premises and are prohibited from being in a state of apparent intoxication. WAC 314-11-015(3)(a); WAC 314-11-015(3)(d).

5.6 The regulation states:

Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, licensees or employees may not:

- (a) Be disorderly or *apparently intoxicated* on the licensed premises;
- (b) Permit any disorderly person to remain on the licensed premises;
- (c) Engage in or allow behavior that provokes conduct which presents a threat to public safety;
- (d) *Consume liquor of any kind while working on the licensed premises*; except that:
  - (i) Entertainers per WAC 314-02-010 may drink while performing under the following conditions:
    - (A) Alcohol service must be monitored by MAST servers;
    - (B) Drinks must be served in unlabeled containers;
    - (C) Entertainers may not advertise any alcohol brands or products;
    - (D) Entertainers may not promote drink specials; and
    - (E) If any member of the entertainment group is under twenty-one years of age, alcohol may not be consumed by any member of the group while performing.

WAC 314-11-015(3) [emphasis added].

5.7 On June 3, 2013, Ms. Stepleton, as licensee, consumed sake and beer during work. At the time, Ms. Stepleton was working behind the bar and cleaning. As such, she consumed liquor while working on the licensed premises in violation of WAC 314-11-015(3)(d).<sup>3</sup>

During the inspection, Ms. Stepleton exhibited red, glassy, watery, droopy eyes and slurred speech. Because Ms. Stepleton admitted that she consumed sake and two beers, and exhibited characteristics, which included slurred speech and red, glassy, watery eyes, she appeared to be under the influence of alcohol and "apparently intoxicated" under WAC 314-11-015(3)(a) at the licensed premises. The term "apparently intoxicated" differs from "obviously intoxicated." *Barrett v. Lucky Seven Saloon, Inc.* 152 Wn.2d 259, 268 (2004). "Apparently" is defined as "in an apparent manner: SEEMINGLY, EVIDENTLY," which "implies less certainty than obviously." *Id.* Something that is apparent may be "distinct from or contrary to the reality or truth." *Id.* The difference between someone who is "apparently intoxicated" and someone who is "obviously intoxicated" is significant in WAC 314-11-015(3)(a). "Obvious intoxication" is not required for a violation of the regulation. An individual who is apparently or seemingly intoxicated is in violation of the regulation. The combination of Ms. Stepleton's admission of consumption of alcohol and the behaviors observed by Sergeant Eliason, an officer trained to recognize the signs of apparent intoxication, support the violation of WAC 314-11-015(3)(a). Therefore, Ms. Stepleton was apparently intoxicated on the licensed premises in violation of WAC 314-11-015(3)(a), and AVN IT3154A should be AFFIRMED.

5.8 On May 18, 2014, Ms. Stepleton, as licensee, performed work on the licensed premises when she did inventory. Sergeant Eliason detected the odor of intoxicants on Ms. Stepleton's breath, and after questioning, Ms. Stepleton admitted to drinking soju and beer.<sup>4</sup> Therefore, Ms. Stepleton consumed liquor while working on the licensed premises in violation of WAC 314-11-015(3)(d), and AVN 1T4138B should be AFFIRMED.

### Penalty

5.9 Violations that involve a licensee or employee drinking on duty and intoxication on the licensed premises are considered the most serious because they present a direct threat to public safety. WAC 314-29-020. The penalty for a licensee being intoxicated and/or drinking on duty for the fourth violation within

<sup>3</sup> At the time of the violation, the Compromise Agreement was in effect and prohibited Ms. Stepleton's consumption of alcohol on the licensed premises at any time. See Findings of Fact 4.8.

<sup>4</sup> At the time of the violation, the Compromise Agreement was in effect and prohibited Ms. Stepleton's consumption of alcohol on the licensed premises at any time. See Findings of Fact 4.8.

two years is the cancellation of the liquor license. *Id.*

5.10 Ms. Stepleton's violation history shows that she had three prior violations of WAC 314-11-015(3) within two years, before the issuance of AVN 1T3154A. Because AVN 1T3154A involved Ms. Stepleton's fourth violation of WAC 314-11-015(3) within two years, the penalty of the cancellation of Ms. Stepleton's liquor license should be AFFIRMED. WAC 314-29-020.

5.11 Ms. Stepleton's violation history shows that she had two prior violations of WAC 314-11-015(3), as well as the June 3, 2013 violation (AVN 1T3154A), within two years. See Conclusions of Law 5.10. Because AVN 1T4138B involved Ms. Stepleton's fourth violation of WAC 314-11-015(3) within two years, the penalty of the cancellation Ms. Stepleton's liquor license should be AFFIRMED. WAC 314-29-020.

## VI. ORDER

### IT IS ORDERED:

#### AVN 1T3154A (June 10, 2013)

6.1 The Licensee violated WAC 314-11-015(3) as stated in AVN 1T3154A, such that the cancellation of the Licensee's liquor license is appropriate.

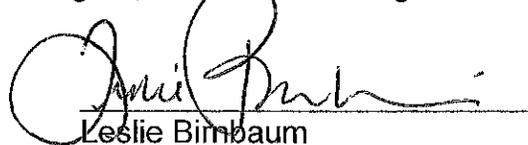
AVN 1T3154A and the cancellation of the Licensee's liquor license are **AFFIRMED.**

#### AVN 1T4138B (May 28, 2014)

6.2 The Licensee violated WAC 314-11-015(3) as stated in AVN 1T4138B, such that the cancellation of the Licensee's liquor license is appropriate.

AVN 1T4138B and the cancellation of the Licensee's liquor license are **AFFIRMED.**

**Signed and Issued** at Tacoma, Washington, the date of mailing.



Leslie Birnbaum  
Administrative Law Judge

## NOTICE OF APPEAL RIGHTS

### 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 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 (10) ten 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 response must be mailed to all other parties and their representatives at the time the response 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 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).

**CERTIFICATION OF MAILING IS ATTACHED**

**CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 2014-LCB-0005**

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

<p>Young Ae Stepleton Sole Proprietor Join Us 8904 South Tacoma Way Ste 3 Lakewood, WA 98499-7009 <b>Licensee</b></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>Wayne C. Fricke Attorney at Law Hester Law Group, Inc. PS 1008 S Yakima Ave Ste 302 Tacoma, WA 98405-4850 <b>Fax: (253) 572-1441</b> <b>Licensee Representative</b></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>S. Kim O'Neal Senior Counsel Office of the Attorney General 1125 Washington St SE PO Box 40100 Olympia, WA 98504-0100 <b>Fax: (360) 664-0229</b> <b>Agency Representative</b></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 Adjudicative Proceedings Coordinator Washington State Liquor Control Board 3000 Pacific Ave SE PO Box 43076 Olympia WA 98504-3076 <b>Fax: (360) 586-3190</b> <b>Department Representative</b></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: Friday, October 24, 2014

OFFICE OF ADMINISTRATIVE HEARINGS

  
 Dora R Fitzpatrick  
 Legal Secretary