

**STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD**

In the Matter of:

**G S AND N, LLC
d/b/a EMERALD CITY SPIRITS**

**118 NE 45TH ST
SEATTLE, WA 98105-6130**

LICENSEE

**License No. 409727
UBI No. 603 209 778 001 0001**

LCB No. L-25,327

**FINAL ORDER OF 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 entered by Presiding Officer Kjell Werner on February 12, 2015, and served on the Licensee by mail on February 12, 2015. 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 the Board as Reviewer for review and the entry of a final decision.

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

1.4 On August 14, 2014, Sharon Hendricks, Policy and Compliance Manager of the Board's Licensing and Regulation Division, served the Licensee by certified mail with a letter enclosing the Statement of Intent to Suspend Spirits Retailer Liquor License, and a form titled Request for Brief Adjudicative Proceeding (BAP) Record Review.

1.5 On August 27, 2014, the Board received Licensee's Request for Brief Adjudicative Proceeding (BAP) Record Review. Licensee submitted no documents or information with the completed form.

FINAL ORDER OF BRIEF ADJUDICATIVE
PROCEEDING
EMERALD CITY SPIRITS
LICENSE NO. 409727, LCB NO. L-25,327

1.6 On January 21, 2015, 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 February 13, 2015, and offering the Licensee the opportunity to submit any additional documents or materials for consideration by the BAP presiding officer. The Licensee submitted no additional information or documents, and did not ask for an extension of time to submit any materials.

1.7 A Brief Adjudicative Proceeding was conducted in this matter by Kjell Werner, Presiding Officer on February 12, 2015, 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.

1.8 On February 12, 2015, 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 February 12, 2015.

1.9 In an email and received by the Board on March 6, 2015, the Licensee requested administrative review of the order on Brief Adjudicative Proceedings. According to WAC 314-42-130(1), the request for administrative review was timely received.

1.10 In the Request for Administrative Review, the Licensee stating that they sent in "the reports for all quarters of 2014 and the money owed for the First Quarter."

1.11 In a reply to the Licensee's March 6, 2015 email, Liquor Control Board Spirit Fee Accounting Supervisor Tammy Dotson stated "I received the tracking number from Sean for 1st QTR 2014 report and payment. This report and payment were delivered to WSLCB today 3/6/15. We have processed the report for 1st QTR 2014 and there is an additional \$4,180.22 in penalties owed. We have not received the missing reports for 2nd, 3rd and 4th QTR 2014. Please let me know if you have any additional questions."

1.12 On March 12, 2015, the Board's Financial Division notified Sharon Hendricks of the Board's Licensing and Regulation Division that the Licensee was in compliance with the reporting requirements and payments for First Quarter 2014, and that the Financial Division was withdrawing

the request to suspend the license. Although the Licensee still has an outstanding balance of payments due to the Board related to spirits sales for other quarters of calendar year 2014, the issues in this proceeding have been resolved.

1.13 On March 17, 2015, Sharon Hendricks provided an email sent to the Licensing and Regulation Division from Enforcement and Education Lieutenant Woodrow Perkins stating "Received a call from a Mr. Shane Niesel, who stated that he plans to discontinue selling alcohol on March 15, 2015."

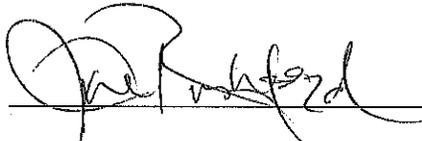
II. ORDER

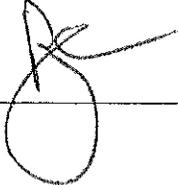
NOW THEREFORE, IT IS HEREBY ORDERED that the Presiding Officer's Findings and Fact and Conclusions of Law are hereby adopted as the final decision of the Board. At the time of the BAP review, the Licensee was not in compliance with the reporting and payment requirements for the First Quarter of 2014. However, as of the date of this Final Order, the Licensee has filed the outstanding reports for all quarters of 2014, and the issues in this proceeding have been resolved.

No Notice of Intent to Suspend the License for the remaining outstanding payments has been issued. Therefore, the Board will not impose a suspension of the Spirits Retail License issued to G S and N, LLC, d/b/a Emerald City Spirits. Licensee must be in compliance with reporting and payment requirements of WAC 314-02-109 for all future quarters to avoid future suspensions of the license.

DATED this 19th day of MARCH, 2015.

WASHINGTON STATE LIQUOR CONTROL BOARD





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, Sr. 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 :

G S AND N, LLC d/b/a

EMERALD CITY SPIRITS

118 NE 45TH ST

SEATTLE WA 98105

LICENSEE

License No. 409727

UBI No. 6032097780010001

LCB No. L-25,327

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND INITIAL ORDER OF BRIEF
ADJUDICATIVE PROCEEDING**

A Brief Adjudicative Proceeding was conducted in this matter by Kjell C. Werner, 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 2014 (January, February, March).
- 1.2. Licensee failed to submit quarterly report for the First Quarter of 2014 (January, February, March).

Based on the above Findings of Fact, the Presiding Officer makes the following Conclusions of Law:

SECTION 2: 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

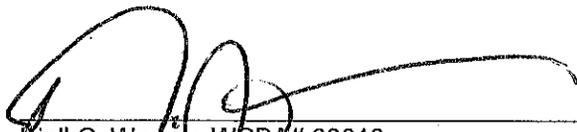
submit reports and license issuance fee payments on a quarterly basis. Failure to provide either is sufficient grounds for the Washington State Liquor Control Board to suspend or revoke the liquor license.

Based on the preceding Findings of Fact and Conclusions of Law, the Presiding Officer hereby Issues the following Initial Order:

SECTION 3: INITIAL ORDER

- 3.1. **The spirits retail liquor license for G S And N, LLC, d/b/a Emerald City Spirits, shall be and is hereby suspended for nonpayment of license issuance fees and failure to submit quarterly report for the First Quarter of 2014, until Licensee is in compliance.**

DATED this 12th day of February, 2015.



Kjell C. Wetner, WSB# 33810
Presiding Officer

RIGHTS OF REVIEW

As a Licensee, you may request administrative review of this order. 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; PO Box 43076; Olympia, Washington 98504-3076.

A request for administrative review is deemed to have been denied, and the initial order will become the final order, if the Washington State Liquor Control Board Reviewing Officer has not made a disposition of a request for administrative review within twenty (20) days of the date the request was submitted.

If a timely request for administrative review is not received by the Washington State Liquor Control Board Reviewing Officer, this order shall become the final order on the twenty-second (22) day after the date of the mailing of this order. Judicial Review of final orders is governed by RCW Chapter 34.05, Part V.



Washington State
Liquor Control Board

March 19, 2015

Chester and Nancy Niesel
G S and N, LLC
d/b/a Emerald City Spirits
118 NE 45th St
Seattle, WA 98105-6130

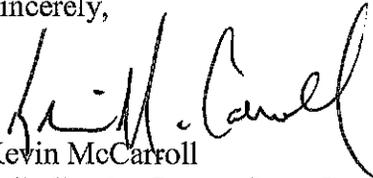
Sharon Hendricks,
Policy and Compliance Manager
WSLCB
PO Box 43098
Olympia, WA 98504-3098

RE: FINAL ORDER ON REVIEW FOLLOWING BRIEF ADJUDICATIVE PROCEEDING
LICENSEE: G S and N, LLC
TRADE NAME: Emerald City Spirits
LOCATION: 118 NE 45th St, Seattle, WA 98105-6130
LICENSE NO. 409727
LCB BAP NO. L-25,327
UBI: 603 209 778 001 0001

Dear Parties:

Please find the enclosed Final Order and Declaration of Service by Mail in the above-referenced matter. If you have any questions, please contact me at (360) 664-1602.

Sincerely,


Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Judy Layne, Tax and Fee Accounting Manager, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

In the Matter of:

G S AND N, LLC
d/b/a EMERALD CITY SPIRITS
118 NE 45TH ST
SEATTLE, WA 98105-6130

APPLICANT

License Application No. 409727
UBI No. 603 209 778 001 0001

LCB NO. M-25,327

DECLARATION OF SERVICE BY
MAIL

I certify that I caused a copy of the FINAL ORDER ON REVIEW FOLLOWING BRIEF ADJUDICATIVE PROCEEDING 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:

CHESTER AND NANCY NIESEL G S AND N, LLC d/b/a EMERALD CITY SPIRITS 118 NE 45 TH ST SEATTLE, WA 98105-6130	SHARON HENDRICKS, POLICY AND COMPLIANCE MANAGER LICENSING DIVISION LIQUOR CONTROL BOARD
CHESTER AND NANCY NIESEL G S AND N, LLC d/b/a EMERALD CITY SPIRITS 2959 W GULF DR UNIT 304 SANIBEL, FL 33957-5723	

DATED this 19th day of March, 2015, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator