

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

SCOTT C. RECKORD
d/b/a SULLIVAN SCOREBOARD

205 N SULLIVAN RD
SPOKANE VALLEY, WA 99037

LICENSEE

LIQUOR LICENSE NO. 358078

LCB NO. L-25,332
OAH NO. 10-2014-LCB-00060

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 August 26, 2014 asserting that the Licensee accrued 12 criminal points, disqualifying him from holding a liquor license.
2. The Licensee timely submitted a request for a hearing.
3. On February 23, 2015, a hearing was held before Administrative Law Judge Gina L. Hale with the Office of Administrative Hearings.
4. At the hearing, Licensee Scott Reckord represented himself. Assistant Attorney General Susie Giles-Klein represented the Licensing Division of the Board.
5. On April 6, 2015, Administrative Law Judge Gina L. Hale issued an Initial Order, supporting the revocation of the liquor license held by the Licensee.

6. The Licensee filed a Petition for Review. A Response to the Petition for Review was filed by the Licensing Division.

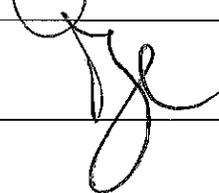
7. The entire record in this proceeding was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises; NOW, THEREFORE, IT IS HEREBY ORDERED that the Administrative Law Judge's Findings of Fact, Conclusions of Law and Initial Order are, AFFIRMED and adopted as the Findings of Fact, Conclusions of Law and Final Order of the Board;

IT IS HEREBY FURTHER ORDERED that liquor license 358078 for Scott C. Reckord d/b/a Sullivan Scoreboard is REVOKED.

DATED at Olympia, Washington this 23rd day of JUNE, 2015.

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.

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

June 23, 2015

Scott C. Reckord
d/b/a Sullivan Scoreboard
205 N Sullivan Rd
Spokane Valley, WA 99037-9509

Susie Giles-Klein, 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: Scott C. Reckord
TRADE NAME: Sullivan Scoreboard
LOCATION: 205 N Sullivan Rd, Spokane Valley, WA 99037-9509
LICENSE NO. 358078
LCB HEARING NO. L-25,332
OAH NO. 10-2014-LCB-00060
UBI: 601 457 103 001 0001

Dear Parties:

Please find the enclosed Final Order of the Board and Declaration of Service by Mail in the above-referenced matter. **The license revocation will be effective on Friday, July 24, 2015 at 5:00 p.m.**

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: Becky Smith, Licensing Director, WSLCB
Sharon Hendricks, Policy and Compliance Manger, WLSCB
Linda Thompson, Customer Service Supervisor, WSLCB
Sgt. Tim Mahan, Spokane Enforcement and Education Division, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

SCOTT C. RECKORD
d/b/a SULLIVAN SCOREBOARD
205 N SULLIVAN RD
SPOKANE VALLEY, WA 99037-9509

LICENSEE

LICENSE NO. 358078
UBI: 601 457 103 001 0001

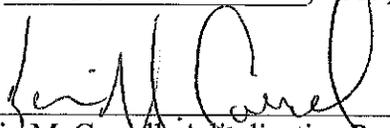
LCB NO. L-25,332
OAH NO. 10-2014-LCB-00060

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:

SCOTT C. RECKORD d/b/a SULLIVAN SCOREBOARD 205 N SULLIVAN RD SPOKANE VALLEY, WA 99037-9509	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION SUSIE GILES-KLEIN, ASSISTANT ATTORNEY GENERAL
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DATED this 23 day of June, 2015, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator

RECEIVED

APR 21 2015

Liquor Control Board
Board Administration

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

In the matter of:

Scott Reckord,

Appellant.

License No. 358078

UBI No. 601-457-103-001-0001

Docket No. 10-2014-LCB-00060

INITIAL ORDER

Agency: Liquor Control Board
Program: Enforcement and Education
Agency No. L-25,332

1. ISSUES PRESENTED

- 1.1. **Issue No. 1.** Whether the Liquor Control Board's Statement of Intent to Revoke Liquor License should be affirmed.

2. ORDER SUMMARY

- 2.1. **Issue No. 1.** The Liquor Control Board's Statement of Intent to Revoke Liquor License should be affirmed.

3. HEARING

- 3.1. **Hearing Date:** February 23, 2015
- 3.2. **Administrative Law Judge:** Gina L Hale
- 3.3. **Licensee:** Sullivan Scoreboard
- 3.3.1. **Representative:** Scott Reckord
- 3.3.2. **Witnesses:** Scott Reckord and Deana Reckord
- 3.4. **Agency:** Liquor Control Board
- 3.4.1. **Representative:** Susie Giles-Klein, Assistant Attorney General
- 3.4.2. **Witnesses:** Sharon Hendricks - Licensing Compliance and Policy Manager
- 3.5. **Exhibits:** The administrative law judge admitted Liquor Control Board exhibits 1 through 4. The Licensee did not submit any exhibits.

3.5.1. LCB Exhibits:

1. Statement of Intent to Revoke Liquor License; (2 pages)
2. Request for Hearing; (2 pages)
3. Revocation Request Letter; (2 pages)
4. Threshold Decision Request to Revoke License; (5 pages)
5. ACTIVE License Information Inquiry; (2 pages)

3.6. **Non-Evidentiary Presentations Considered.** The following non-evidentiary documents were filed with OAH and arguments made at the hearing. All were considered by the administrative law judge. Some of the following may also have been included by the parties as part of their evidentiary presentation:

3.6.1. Licensee's Request for Administrative Hearing and the OAH Notice of Hearing.

3.6.2. The parties' opening statements.

4. FINDINGS OF FACT

Based on a preponderance of evidence, the undersigned makes the following Findings of Fact:

Jurisdiction

- 4.1 On August 26, 2014, the Liquor Control Board (Board) issued a Statement of Intent to Revoke Liquor License to the Licensee, Scott Reckord, d.b.a. Sullivan Scoreboard. Exhibit 1.
- 4.2 Mr. Reckord submitted a Request for Hearing dated September 4, 2014. Exhibit 2, page 2.
- 4.3 The Board received the Mr. Reckord's request on September 8, 2014. Exhibit 2, page 1.

Licensee's Criminal History

- 4.4 On January 9, 2007, Mr. Reckord received his liquor license for the premises, Sullivan Scoreboard. He holds the license as a sole proprietor.
- 4.5 Liquor Control Board Enforcement and Education staff conducted a routine review of the Mr. Reckord's criminal history and learned that he had 12 criminal history points. This information was reported to the Licensing Division on July 10, 2014. Exhibit 3.

- 4.6 On March 1, 2010, Mr. Reckord was charged with a DUI which resulted in vehicular homicide. On October 30, 2012, he plead guilty to the felony charge.
- 4.7 The felony conviction resulted in 12 criminal history points being assessed against Mr. Reckord.

Board Response to Criminal History Information

- 4.8 The Board uses a point system to determine the impact of an individual's criminal history. Where an individual has eight (8) or more points, the Board will not normally grant a license. However, the Board has discretion on whether to grant or deny, and whether to allow or to revoke a license. WAC 314-07-040(1).
- 4.9 Mr. Reckord's case was reviewed by the Board's Compliance and Policy manager, Sharon Hendricks. Ms. Hendricks' role was to make a "threshold" or discretionary decision and recommendation on whether to allow Mr. Reckord to keep his license or to revoke the license. In addition to the 12 points assessed, Ms. Hendricks considered the following factors:
- Type of crime
 - Age of the licensee
 - Type of business
 - Impact on public health and safety
- 4.10 Mr. Reckord had no criminal points assessed against him in the past other than the points at issue in the present hearing. We find that his criminal history, in that regard, was not considered by the Board or Ms. Hendricks. There was no review of Mr. Reckord's overall criminal history.
- 4.11 Ms. Hendricks was aware that revoking the license of a sole proprietor could result in the potential closure of the business and in many employees losing their jobs. She weighed this factor against the impact and potential harm to the health and safety of the public.
- 4.12 Ms. Hendricks recommended that Mr. Reckord's license be revoked and Board concurred and issued the Statement of Intent to Revoke Liquor License on August 26, 2014.

Applicant's Arguments

- 4.13 Mr. Reckord has never had any criminal history points assessed against him outside of the 12 points at issue.
- 4.14 Mr. Reckord expressed deep remorse and regret for his actions and their consequences referring to it as a "horrific mistake."

- 4.15 From 1993 to 1998, and again from 2007 to present, Mr. Reckord has held a liquor license without incident, excluding the felony conviction at issue, which was his first and only infraction. Additionally, Mr. Reckord has been clean and sober for the last five (5) years.
- 4.16 He has always had a good relationship with the Board and its Enforcement and Education Officers. He has made sure that his 15 employees have gotten the required education, as well as, working with the Enforcement Officers for additional training.
- 4.17 Mr. Reckord and his wife, Deanna, are working to obtain a liquor license in Ms. Reckord's name to maintain the business. She submitted her application in October 2014. This would allow the Reckords to maintain their profitable business and to provide for their employees.

5. CONCLUSIONS OF LAW

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

Jurisdiction

- 5.1. The undersigned administrative law judge has jurisdiction over the persons and subject matter of this case under the provisions of Title 66 Revised Code of Washington (RCW), Chapter 34.05 RCW and Title 314 Washington Administrative Code (WAC).
- 5.2. As a licensed retail seller of alcohol, the Licensee is subject to the jurisdiction of the Washington State Liquor Control Board. The Licensee is subject to the conditions and restrictions imposed by Title 66 RCW; WAC 314-11; and WAC 314-12. Proceedings involving agency action are adjudicative proceedings under Chapter 34.05 RCW. The Board has authority to assign such proceedings to an administrative law judge pursuant to Chapter 34.12 RCW. A proper hearing was provided in this case.

Board Authority

- 5.3. A license is a privilege and not a vested right. WAC 314-12-010.

- 5.4. In order to receive a license, an individual must meet certain criteria, and they must continue to meet those criteria in order to maintain the license. WAC 314-07-015(1). (Emphasis added.)
- 5.5. Under the provisions of RCW 66.24.010(2), the Board has the authority to "consider any prior criminal conduct of the applicant including an administrative violation history record with the board and a criminal history record information check."
- 5.6. The Board uses a point system when evaluating a criminal history report. When an individual has eight points or more, the Board does not normally award a license or allow a license-holder to retain their license. However, it is a discretionary or "threshold" decision. WAC 314-07-040(1).

Mr. Reckord and Sullivan Scoreboard's License

- 5.7. In the present case, Mr. Reckord received 12 criminal history points following his guilty plea and felony conviction. The DUI charge for which Mr. Reckord was convicted resulted in vehicular homicide. Mr. Reckord has shown great remorse for his actions and has turned his life around by being clean and sober for the past five years. The undersigned believes that Mr. Reckord truly regrets the result of his actions.
- 5.8. The decision to revoke Mr. Reckord's license was not an automatic one. The Board weighed several factors. Ultimately, it was the concern for the health and safety of the public in the face of the nature of the crime and its results which outweighed the choice to allow Mr. Reckord to keep his license.
- 5.9. The undersigned concludes that the Board did not act arbitrarily or capriciously in deciding to revoke Mr. Reckord's liquor license. Rather, the Board acted properly within its statutory and regulatory authority.
- 5.10. The Liquor Control Board's action to revoke the Licensee's liquor license was supported by law and is appropriate. The Board action should be affirmed.

6. INITIAL ORDER

- 6.1. The Liquor Control Board's Statement of Intent to Deny Liquor License is **AFFIRMED.**

Dated: April 06, 2015.



Gina L Hale
Administrative Law Judge
Office of Administrative Hearings

APPEAL RIGHTS

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)(b). Copies of the reply must be mailed to all other parties and their representatives at the time the reply is filed.

Mail the petition for review of initial order to:

Washington State Liquor Control Board
Attention: Kevin McCarroll
P.O. 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).

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that today I served a copy of this document, by placing it in the mail with postage prepaid, addressed to the following parties of record:

Scott C Reckord
d/b/a Sullivan Scoreboard
205 N Sullivan Road
Spokane Valley, WA 99037-9509

Appellant

Susie Giles-Klein
Assistant Attorney General
PO Box 40100
Olympia, WA 98504-0100

Assistant Attorney General

Kevin McCarroll
Adjudicative Proceedings Coordinator
P.O. Box 43076
Olympia, WA 98504-3076

Agency Contact

Dated April 06, 2015, at Olympia, Washington.
(DATE OF MAILING)



Representative
Office of Administrative Hearings
2420 Bristol Court SW
Olympia, WA 98502

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MAY 01 2015

Liquor Control Board
Board Administration

Attention Kevin McCarroll,

My name is Scott Reckord 16 year owner of The Sullivan Scoreboard License # 358078. I am sending this letter to Petition for Review of Initial Order. I am asking for an extension of the revocation of my license as my wife has applied for a liquor license under The Sullivan Scoreboard L.L.C. Susie Giles Klein Assistant Attorney General is my wife's contact through the application process. We really appreciate working with us as we employ 15 employees that have families and ours. Also I feel I have had a good relationship with the Liquor Control Board.

Sincerely,

Scott Reckord

April 26, 2015

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MAY 08 2015

Liquor Control Board
Board Administration

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7 **STATE OF WASHINGTON**
8 **OFFICE OF ADMINISTRATIVE HEARINGS**
9 **FOR THE WASHINGTON STATE LIQUOR CONTROL BOARD**

10 In the Matter of:

11 **SCOTT C. RECKORD**
12 **d/b/a SULLIVAN SCOREBOARD**

13 **205 N SULLIVAN RD.**
14 **SPOKANE VALLEY, WA 99037**

15 **LICENSEE.**

16 License No. 358078
17 UBI: 601 457 103 001 0001

OAH NO. 10-2014-LCB-00060
LCB NO. L-25,332

LICENSING'S RESPONSE TO
LICENSEE'S PETITION FOR
REVIEW

18 The Licensing and Regulation Division of the Washington State Liquor Control Board
19 (Licensing), by and through its attorneys, ROBERT W. FERGUSON, Attorney General and
20 SUSIE GILES-KLEIN, Assistant Attorney General, hereby responds to Licensee SCOTT C.
21 RECKORD, d/b/a SULLIVAN SCOREBOARD's Petition for Review (Petition).

22 Licensing asserts that the Licensee's Petition lacks the force and merit necessary to
23 overcome the reasoned opinion of the Administrative Law Judge (ALJ). The Initial Order
24 issued by the ALJ is fully supported by the evidence in the record and the relevant law, and
25 should be affirmed by the Board.

26 **I. STANDARD OF REVIEW**

Pursuant to RCW 34.05.464, WAC 10-08-211, and WAC 314-42-095, any party in an
administrative action may file a petition for review of the initial order. A party filing a petition

ORIGINAL

1 for review must (1) specify the portions of the initial order to which exception is taken, (2)
2 refer to evidence in the record on which the party relies to support the petition, and (3) file the
3 petition with the Liquor Control Board within twenty (20) days of the date of service of the
4 initial order. WAC 314-42-095(2). In reviewing findings of fact, reviewing officers "shall give
5 due regard to the presiding officer's opportunity to observe the witnesses." RCW 34.05.464(4).

6 II. BACKGROUND

7 On March 1, 2010, Licensee Scott Reckord was charged with vehicular homicide
8 stemming from DUI. On October 20, 2012, Mr. Reckord pled guilty to the felony. The Board's
9 Enforcement and Education Division discovered the existence of the felony on or about July
10 10, 2014, and reported their findings to Licensing. As a result of his felony conviction,
11 Licensing assessed twelve criminal history points against Mr. Reckord. On August 28, 2014,
12 the Liquor Control Board (Board) issued a Statement of Intent to Revoke Liquor License to
13 Mr. Reckord based on his accumulation of twelve criminal history points. Mr. Reckord
14 appealed the revocation.

15 A full hearing on the merits was held by ALJ Gina L. Hale on February 23, 2015. On
16 April 6, 2015, the ALJ issued an Initial Order affirming the Board's Statement of Intent to
17 Revoke the liquor license. The Licensee filed an appeal with the Board on May 1, 2015 –
18 twenty five days after the Initial Order was served.

19 III. TIMELINESS OF FILING

20 WAC 314-42-095(2) and WAC 10-08-211(2) state that a party must file a petition for
21 review within twenty days of service of the initial order. Pursuant to WAC 10-08-110(2)(c),
22 service is complete upon mailing. Filing, however, requires that documents are actually
23 *received* by the agency within twenty days. WAC 10-08-110(1)(a).

24 In this case, the Initial Order was served on April 6, 2015, the date it was mailed to all
25 parties. Pursuant to WAC 314-42-095(2) and WAC 10-08-211(2), the Licensee had twenty
26 days to file a petition for review. A document is considered properly filed when it is received

1 by the agency. Thus, the Licensee had until April 26, 2015 to file its Petition with the Board.
2 However, the Board did not receive the Petition until May 1, 2015 – twenty five days after the
3 Initial Order was served. The Petition was never provided to counsel for Licensing, despite the
4 fact that the Initial Order requires that “a copy of the petition for review must be mailed to all
5 of the other parties and their representatives at the time the petition is filed.” *See* Initial Order.
6 The Petition is therefore not only untimely, but unserved. The Board should decline to consider
7 Licensee’s Petition for Review of the Initial Order.

8 **IV. ALJ’S FINDINGS OF FACT AND CONCLUSIONS OF LAW**

9 Should the Board choose to address the merits of the Petition, it will find that the
10 Licensee apparently does not take issue with any factual findings or legal conclusions in the
11 Initial Order. Since the Petition does not (1) specify the portions of the initial order to which
12 exception is taken, nor (2) refer to evidence in the record on which it relies for support, it must
13 be concluded that the Licensee does not challenge any of the ALJ’s Findings of Fact or
14 Conclusions of Law.

15 Rather than challenge any specific findings, the Petition requests “an extension of the
16 revocation” so Mr. Reckord’s wife might apply for a liquor license. Mr. Reckord also states
17 that he employs fifteen people, and that he believes he has a good relationship with the Liquor
18 Control Board. *See* Petition. However, Mr. Reckord’s requested extension is not a proper basis
19 for a petition for review, as it has nothing to do with the specific factual findings or legal
20 conclusions of the ALJ. Further, substantial uncontested evidence supports the ALJ’s finding
21 that Licensing properly revoked Mr. Reckord’s liquor license.

22 At hearing, Mr. Reckord gave similar testimony regarding his wife’s efforts to apply
23 for a liquor license. This testimony was acknowledged and accepted by ALJ Hale in her
24 Findings of Fact. Initial Order at 4.16-4.17. ALJ Hale also considered Mr. Reckord’s lack of
25 prior criminal history, his long-standing relationship with the Board, the potential job loss
26 caused by the revocation, and Mr. Reckord’s genuine remorse for his actions. Initial Order at

1 4.11, 4.15, 5.7. She found that the decision to revoke Mr. Reckord's license was not automatic,
2 and that Licensing's Policy and Compliance Manager, Sharon Hendricks, weighed several
3 factors before recommending revocation. Initial Order at 5.8. These factors included (1) the
4 type of crime committed, (2) the age of the licensee, (3) the type of business, and (4) the
5 impact on public health and safety. Initial Order at 4.9. Ultimately, ALJ Hale determined that
6 Licensing properly weighed the potential harm to the health and safety of the public as greater
7 than the Licensee's interest in maintaining his liquor license. Initial Order at 5.8. She
8 concluded that the Board did not act arbitrarily or capriciously in revoking Mr. Reckord's
9 Liquor License. Initial Order at 5.9.

10 A license is a privilege and not a vested right. WAC 314-12-010. Pursuant to RCW
11 66.24.010(2), Licensing may consider the criminal conduct of an applicant in deciding whether
12 to issue a liquor license. Licensing will not normally issue a license if an applicant has
13 accumulated eight or more criminal history points. WAC 314-07-040. WAC 314-07-015(1)
14 makes clear that a licensee has a continuing obligation to *maintain* an acceptable number of
15 criminal history points in order to keep a liquor license. By accumulating twelve criminal
16 history points, Mr. Reckord failed to meet this continuing obligation. The revocation was,
17 therefore, proper, and the Board should adopt the ALJ's Initial Order affirming Licensing's
18 revocation of Mr. Reckord's liquor license.

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V. CONCLUSION

The Licensee's Petition was not filed within twenty days of service of the Initial Order. Additionally, the Petition does not identify the portions of the initial order to which it takes exception, nor does it refer to evidence in the record on which it relies for support. The Licensee's request that the Board extend the revocation period is not a proper basis for appeal, and so is not grounds for modification of the Initial Order. Accordingly, Licensing respectfully requests that the Board adopt and affirm the findings of fact and conclusions of law as set forth in the Initial Order of ALJ Hale.

Respectfully submitted this 7 day of May, 2015.

ROBERT W. FERGUSON
Attorney General


SUSIE GILES-KLEIN, WSBA #46608
Assistant Attorney General
Attorneys for Washington State Liquor
Control Board Enforcement Division

PROOF OF SERVICE

I certify that I served a true and correct copy of this document on all parties or their counsel of record on the date below by placing same in the U.S. mail and state Consolidated Mail Service with proper postage affixed to:

SCOTT C. RECKORD
D/B/A SULLIVAN SCOREBOARD
205 N SULLIVAN RD.
SPOKANE VALLEY, WA 99037-9509

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 7 day of May, 2015, at Olympia, Washington.


ROSE JOHNSON, Legal Assistant