

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

EVERGREEN WEST LLC
d/b/a EVERGREEN WEST

Location Address:
19202 Bothell Everett Hwy
Bothell, WA 98012

Mailing Address:
2109 N 43rd Ave
Seattle, WA 98103

APPLICANT

LICENSE APPLICATION NO. 415493
UBI: 603-355-494-001-0003

LCB NO. M-25,090
OAH NO. 11-2014-LCB-00067

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 Deny Marijuana License dated July 18, 2014 asserting that the Applicant failed to submit all required pre-screening documents.
2. The Applicant timely submitted a request for an administrative hearing.
3. A prehearing conference was scheduled for December 4, 2014 at 11:00 a.m. before Administrative Law Judge Gina Hale with the Office of Administrative Hearings.
4. The Applicant did not appear for the prehearing conference nor timely request a continuance. Assistant Attorney General Kim O'Neal represented the Licensing Division of the Board.

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EVERGREEN WEST
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5. On December 10, 2014, Administrative Law Judge Gina Hale entered an Initial Order of Dismissal, holding that the Applicant was in default and dismissing the appeal.

6. No motion to vacate default was received.

7. No petition for review was received.

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 M-25,090 is adopted with the following correction: The license application number is corrected to read 415493.

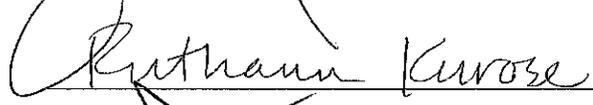
IT IS HEREBY FURTHER ORDERED that the Statement of Intent to Deny Marijuana License for case M-25,090 in this matter is ADOPTED.

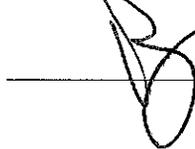
AND IT IS HEREBY FURTHER ORDERED that license application number 415493 for Marijuana Retailer for Evergreen West LLC d/b/a Evergreen West is DENIED.

DATED at Olympia, Washington this 24th day of February, 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:

FINAL ORDER OF THE BOARD
LCB NO. M-25,090
EVERGREEN WEST
LICENSE APPLICATION NO. 415493

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

February 25, 2015

Charles Austin,
Evergreen West LLC
d/b/a Evergreen West
2109 N 43rd Ave
Seattle, WA 98103-7615

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
APPLICANT: Evergreen West LLC
TRADE NAME: Evergreen West
LOCATION: 19202 Bothell Everett Hwy, Bothell, WA 98012
LICENSE APPLICATION NO. 415493
LCB HEARING NO. M-25,090
OAH NO. 11-2014-LCB-00067
UBI: 603-355-494-001-0003

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

KM:mg

Enclosures (2)

cc: Becky Smith, Licensing and Regulation Director, WSLCB
Frank O'Dell, Marijuana Licensing Supervisor, WSLCB
Mary Henley, Marijuana Licensing Administrative Assistant, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

EVERGREEN WEST LLC
d/b/a EVERGREEN WEST
19202 BOTHELL EVERETT HWY
BOTHELL, WA 98012

APPLICANT

LICENSE APPLICANT NO. 415493

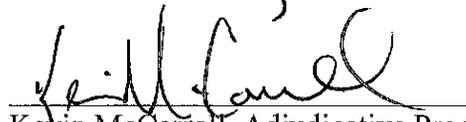
LCB NO. M-25,090
OAH NO. 11-2014-LCB-00067

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:

CHARLES AUSTIN EVERGREEN WEST LLC d/b/a EVERGREEN WEST 2109 N 43 RD AVE SEATTLE, WA 98103-7615	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION KIM O'NEAL, ASSISTANT ATTORNEY GENERAL
CHARLES AUSTIN EVERGREEN WEST LLC d/b/a EVERGREEN WEST 19202 BOTHELL EVERETT HWY BOTHELL, WA 98012	

DATED this 25th day of February, 2015, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator