

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

ERICKA DAWN CHURCH  
d/b/a SUPER EXPRESSIONS  
1040 N HIGHWAY  
COLVILLE, WA 99114

APPLICANT

LICENSE APPLICATION NO. 415989  
UBI: 602-191-010-001-0002

LCB NO. M-25,092  
OAH NO. 2014-LCB-0066

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 June 19, 2014, asserting that the Applicant failed to submit required documents to include a completed Personal/Criminal History form.

2. The Applicant timely submitted a request for a hearing.

3. On January 14, 2015, Administrative Law Judge Terry A. Schuh issued his Initial Order, affirming the decision to deny the Applicant's license application.

4. No Petition for Review was received.

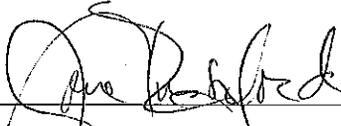
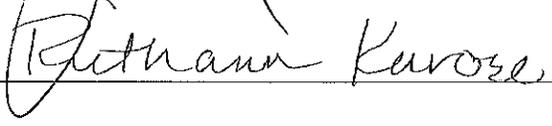
5. The entire record in this proceeding was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises;

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 marijuana license application number 415989 for Ericka Dawn Church d/b/a Super Expressions is DENIED.

DATED at Olympia, Washington this 9<sup>th</sup> day of April, 2015.

WASHINGTON STATE LIQUOR CONTROL BOARD

  
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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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April 9, 2015

Ericka Dawn Church  
d/b/a Super Expressions  
1958 Dunn Mt Way  
Addy, WA 99101-9671

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: Ericka Dawn Church**  
**TRADE NAME: Super Expressions**  
**LOCATION: 1040 N Hwy, Colville, WA 99114-2032**  
**LICENSE APPLICATION NO. 415989**  
**LCB HEARING NO. M-25,092**  
**OAH NO. 2014-LCB-0066**  
**UBI: 602 191 010 001 0002**

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 Director, WSLCB  
Frank O'Dell, Licensing Supervisor, WSLCB  
Mary Henley, Administrative Assistant, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

ERICK DAWN CHURCH  
d/b/a SUPER EXPRESSIONS  
1040 N HIGHWAY  
COLVILLE, WA 99114-2032

APPLICANT

LICENSE APPLICATION NO. 415989  
UBI: 602-191-010-001-0002

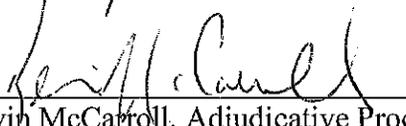
LCB NO. M-25,092  
OAH NO. 2014-LCB-0066

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:

ERICKA DAWN CHURCH d/b/a SUPER EXPRESSIONS 1958 DUNN MT WAY ADDY, WA 99101-9671	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION KIM O'NEAL, ASSISTANT ATTORNEY GENERAL
ERICKA DAWN CHURCH d/b/a SUPER EXPRESSIONS 1040 N HWY COLVILLE, WA 99114-2032	

DATED this 9<sup>th</sup> day of April, 2015, at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator

RECEIVED

JAN 15 2015

Liquor Control Board  
Board Administration

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
LIQUOR CONTROL BOARD

In The Matter Of:

Ericka Dawn Church dba Super Expressions,

Location Address:  
1040 North Highway  
Colville, WA 99114,

Applicant.

License Application No. 415989  
UBI No. 602 191 101 001 0002

OAH Docket No. 2014-LCB-0066  
LCB No. M-25,092

INITIAL ORDER

**I. ISSUES PRESENTED**

- 1.1 Did the Ericka Dawn Church dba Super Expressions fail to sign the Personal/Criminal History Form?
- 1.2 Was the Liquor Control Board correct to deny a marijuana retailer license to Ericka Dawn Church dba Super Expressions because of her failure to sign the Personal/Criminal History Form?

**II. ORDER SUMMARY**

- 2.1 Ericka Dawn Church dba Super Expressions failed to sign the Personal/Criminal History Form.
- 2.2 The Liquor Control Board was correct to deny a marijuana retailer license to Ericka Dawn Church dba Super Expressions because she failed to sign the Personal/Criminal History Form.

**III. HEARING**

- 3.1 **Hearing Date:** November 17, 2014
- 3.2 **Administrative Law Judge:** Terry A. Schuh
- 3.3 **Applicant:** Ericka Dawn Church dba Super Expressions

3.3.1 **Representative:** Ericka Dawn Church

3.4 **Agency:** Liquor Control Board

3.4.1 **Representative:** Kim O'Neal, Senior Counsel, Office of the Attorney General

3.4.2 **Witnesses:**

3.4.2.1 Rebecca Smith, Marijuana Unit Mgr., Lic. & Reg. Div., Liquor Control Board

3.4.2.2 Shadrach White, DocuSign, Inc.

3.5 **Exhibits:** Exhibits 1 through 6 and A through C were admitted into the record. Exhibit 6 was admitted for illustrative purposes only.

#### IV. FINDINGS OF FACT

I find the following facts by a preponderance of the evidence:

##### Jurisdiction

4.1 On June 19, 2014, the Liquor Control Board ("the Board") issued and served on Ericka Dawn Church dba Super Expressions ("Ms. Church") a Statement of Intent to Deny Marijuana Retailer License regarding License Application No. 415989. Ex. 1.

4.2 On July 8, 2014, Ms. Church filed a Request for Hearing. Ex. 2.

##### Retail Pre-Screen Information Form and Personal/Criminal History Form

4.3 As a part of the license application process, Ms. Church submitted a Retail Pre-screen Information Form and a Personal/Criminal History Form and other materials to the Board on March 17, 2014. Ex. 3, p. 10.

4.4 On the Retail Pre-screen Information Form, the Applicant must initial to certify that the location address is the address selected for entry into the lottery. Ex. 3, p. 11. Ms. Church did not initial that certification. Ex. 3, p. 11.

4.5 On the Retail Pre-screen Information Form, the Applicant must sign a statement that failure to provide all required documentation may result in her application being administratively withdrawn. Ex. 3, p. 11. Ms. Church did not

sign that statement. Ex. 3, p. 11.

4.6 On the Personal/Criminal History Form, the Applicant must sign a statement certifying that her answers and information are accurate and complete, that inaccurate and/or incomplete answers can result in denial of a license, and authorizing the Board to investigate the Applicant's criminal history, financial records, and other necessary sources. Ex. 3, p. 13. Ms. Church did not sign that statement. Ex. 3, p. 13.

#### The Pre-screen Process

4.7 The Board received 2167 applications for 334 marijuana retailer licenses. Testimony of Smith. Accordingly, the Board decided to hold a lottery. Testimony of Smith. Further, many of the applications were not ready for investigation. Testimony of Smith. So the Board developed a pre-screen process to qualify for the lottery. Testimony of Smith. The Retail Pre-Screen Information Form and the Personal/Criminal Personal History Form at issue here is part of Ms. Church's submission in that pre-screen process. Testimony of Smith. Applicants were contacted by e-mail and were provided access to the pre-screen process by e-mail. Testimony of Smith. Applicants could submit by e-mail, U.S. mail, or fax. Testimony of Smith.

4.8 The pre-screen process provided an applicant with the choice of signing the forms electronically or printing them and signing them physically. Testimony of White. The applicant made his/her choice at the beginning of the process. Testimony of White. The program did not allow an applicant to proceed without making that choice. Testimony of White. The program did not allow an applicant to change his or her mind after making a selection unless the applicant closed the application and opened a new one. Testimony of White. The program did not allow an applicant to combine electronic and physical signatures. Testimony of White. There have been no circumstances where an individual signed electronically and then the signature disappeared later. Testimony of White.

4.9 At the end of the process, regardless of whether the applicant chose to sign electronically or physically, and regardless of whether the applicant chose to submit the application electronically, by fax, or by mail, the applicant could print a copy for his/her records. Testimony of White. The process of saving, uploading, and printing did not change any content. Testimony of White.

4.10 The program tracked the applicant's progress through the process, which was called an "envelope". Testimony of White; see, e.g., Ex. 3, pp. 8-10.

4.11 The process confused Ms. Church, despite having using similar processes for other transactions in the past. Testimony of Church.

4.12 Ms. Church believed she selected the electronic signature track. Testimony of Church. However, the program's records indicate that she selected the print and physical sign track. Testimony of White; Ex. 3, p. 10. Given that Ms. Church was confused regarding the process, I find more credible the program's records and so I find that Ms. Church selected the print and physically sign track, albeit unintentionally.

4.13 The parties dispute whether Ms. Church applied signatures to the document prior to saving and printing it. Ms. Church testified that she did so. Testimony of Church. However, Mr. White testified that Ms. Church selected the print and physical sign track and that she could not deviate from that track unless she aborted the process and started over. Testimony of White. I find Mr. White's testimony more credible on this point because he relied upon the information recorded by the computer program coupled with his knowledge of what the program was capable of. I wish to clarify that, in making this credibility determination, I do not question the honesty of Ms. Church's testimony on this point, merely its accuracy. Accordingly, I find that Ms. Church, regardless of intent, did not apply her signatures to the document prior to saving and printing it.

4.14 When Ms. Church completed the document, she printed it. Testimony of Church. The copy she printed did not have signatures. Testimony of Church.

4.15 Ms. Church was not concerned that her printed copy did not bear signatures because she participated in other transactions in the past where the printed copy did not bear a signature but the electronically-stored copy bore an electronic signature. Testimony of Church.

4.16 On March 17, 2014, Ms. Church uploaded her completed submission. Ex. 3, p. 10.

4.17 Brad Cox of the Board sent Ms. Church an e-mail on March 17, 2014, at 11:53 a.m., confirming receipt of her submission. Ex. C, p. 14. On March 17, 2014, at 11:57 a.m., Ms. Church replied and asked Mr. Cox to tell her if the Board needed anything else. Ex. C, p. 13. On March 17, 2014, Mr. Cox responded that her submission was received but that the Board was not reviewing documents yet. Ex. C, p. 13. Ms. Church testified that Mr. Cox said that he would review her document for completeness and let her supplement. However, the e-mail does not say that and there is insufficient evidence in the record to determine that there was any other communication. Moreover, the Board received many calls from applicants asking the Board to confirm receipt. Testimony of Smith. The Board confirmed receipt but not content. Testimony of Smith. Therefore, I find that the Board did not inform Ms. Church that the Board would review her document for completeness, inform her of any deficiencies, and

allow her to heal those deficiencies.

4.18 The Board screened out any unsigned pre-screen submissions. Testimony of Smith. If the Person/Criminal History Forms was unsigned, the Board could not process the submission because the Board lacked permission to seek a criminal history report from the Washington State Patrol. Testimony of Smith.

4.19 The submission that the Board received from Ms. Church was unsigned as more specifically described above. Testimony of Smith, Ex. 3.

4.20 Accordingly, the Board issued the Statement of Intent to Deny Marijuana Retailer License. See Ex. 1.

## V. CONCLUSIONS OF LAW

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

### Jurisdiction

5.1 I have jurisdiction to hear and decide this matter under RCW 66.08.150, RCW 69.50.331(2)(c), Chapter 34.12 RCW, and WAC 314-42-051.

### Deny marijuana retail license if the applicant fails to submit information requested by the Board

5.2 The Board may submit a criminal history information check to the Washington State Patrol regarding a license applicant. RCW 69.50.331(1)

5.3 "Upon failure to respond to the [B]oard licensing and regulation division's requests for information within the timeline provided, the application may be administratively closed or denial of the application will be sought." WAC 314-55-020(12)

5.4 The Board may deny a marijuana application for "[f]ailure . . . to submit information or documentation requested by the [B]oard during the application process . . . ." WAC 314-55-050(2) (in pertinent part).

5.5 Here, the Board sought information from Ms. Church certified by her signature so that it could determine whether she qualified for the marijuana retailer license for which she applied. By failing to sign the forms she completed, Ms. Church submitted information that was not certified and effectively denied the Board permission to investigate and confirm her criminal history. Ms. Church

argued that her failure to sign was an error, an error caused by the defective computerized process for submission, and an error amplified by the Board's refusal to review her submission and inform her of any deficiencies. I am persuaded that Ms. Church's failure to sign was an error. I am persuaded that Ms. Church was confused by the pre-screen process and that her confusion was reasonable. I am persuaded that if Ms. Church had been timely informed by the Board that her submission was not signed that she would have timely corrected that deficiency. Nevertheless, I am not persuaded that the Board is responsible for Ms. Church's failure to properly submit her pre-screen document or to timely rectify that failure. When she observed that her printed copy contained no signatures, she could have signed a copy and mailed it in. Ms. Church was responsible for submitting completely the pre-screen documents. She failed to do so. The Board had authority to request the information it sought and to expect it to be submitted certified. Thus, based on the authority recited above, the Board was correct to close Ms. Church's application and deny her a license.

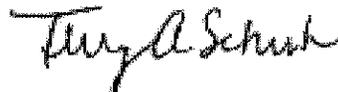
### INITIAL ORDER

IT IS HEREBY ORDERED THAT:

The Liquor Control Board's decision to deny Ericka Dawn Church dba Super Expressions' application for a marijuana retailer license is **AFFIRMED**.

Ericka Dawn Church dba Super Expressions' license application number 415989 for location at 1040 N. Hwy, Colville, WA 99114, is **DENIED**.

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



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Terry A. Schuh  
Senior 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:

Kim O'Neal  
Assistant Attorney General  
PO Box 40100  
Olympia, WA 98504-0100

Agency Representative

Ericka Dawn Church  
d/b/a Super Expressions  
1958 Dunn Mountain Way  
Addy, WA 99101

Appellant

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

Agency Contact

Dated January 14, 2015, at Olympia, Washington.  
(DATE OF MAILING)



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

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:

Kim O'Neal  
Assistant Attorney General  
PO Box 40100  
Olympia, WA 98504-0100

Agency Representative

Ericka Dawn Church  
d/b/a Super Expressions  
1958 Dunn Mountain Way  
Addy, WA 99101

Appellant

Alan Rathbun  
WSLCB Licensing Director  
PO Box 43098  
Olympia, WA 98504-3098

Agency Contact

Becky Smith  
WSLCB Licensing Manager  
PO Box 43098  
Olympia, WA 98504-3098

Agency Contact

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

Agency Contact

Dated January 14, 2015, at Olympia, Washington.  
(DATE OF MAILING)



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