

STATE OF WASHINGTON  
WASHINGTON STATE LIQUOR CONTROL BOARD

**In the Matter of:**

**MATTHEW GARRETT  
d/b/a CANNASSEURS, LLC  
2690 BROWN ROAD SUITE A  
FERNDALE, WA 98248**

**APPLICANT**

**License Application No. 413278  
UBI No. 603-352-204-001-0001**

**LCB No. M-25,102**

**FINAL ORDER ON REVIEW  
FOLLOWING BRIEF  
ADJUDICATIVE PROCEEDING**

**I. REVIEWERS' CONSIDERATION**

1.1 Review. This matter comes before the Members of the Liquor Control Board to review the Findings of Fact, Conclusions of Law and Initial Order of Brief Adjudicative Proceeding entered by Administrative Law Judge, Joshua D Sundt on September 23, 2014, and served on the Applicant by mail on September 23, 2014. The Initial Order is attached and incorporated into this Order by this reference.

1.2 Petition for Review. The Licensing Division of the Board filed a Petition for Review on October 9, 2014, requesting the Board reverse the Initial Order. The Applicant, through attorney Jeffrey Steinborn, submitted a response dated October 15, 2014. On October 20, 2014, Licensing Division's Reply to Cannasseur's Response was received as was Applicant's Response to Licensing Division's Reply.

1.3 Record of Proceeding. The entire record of this proceeding was presented to the Members of the Liquor Control Board for review and the entry of a final decision.

## **II. DECISION OF THE BOARD**

The Board has determined that the Initial Order should be reversed, and Notice of Intent to Deny Marijuana License should be adopted. The Board adopts the Administrative Law Judge's Findings of Fact and Conclusions of Law as modified below, and enters its Final Order.

### **A. FINDINGS OF FACT**

The Board adopts Findings of Fact Nos. 4.1, 4.2, 4.3, 4.4, 4.5, 4.6 and 4.7, 4.9, 4.10, and 4.11. In lieu of Finding of Fact No. 4.8 in the Initial Order, the Board adopts the following:

4.8. Mr. Garrett had an obligation to present a full and accurate application to the Board, or to indicate why it was incomplete. In response to the part of the form which directs an applicant to reveal all criminal history, including arrests that did not lead to charges or convictions. Given the clear direction included on the form, it was not reasonable for Mr. Garrett to believe that the Board's licensing staff would assist him with correcting or supplementing his application. Mr. Garrett did not indicate in his response to the criminal history section that it was incomplete, that he needed additional time to gather information, and did not attach an explanation that would have prompted the Licensing staff to inquire further.

### **B. CONCLUSIONS OF LAW**

The Board adopts Conclusions of Law Nos. 5.1, 5.2, 5.3, and 5.4 of the Initial Order. In lieu of Conclusion No. 5.5, the Board enters the following:

5.5. An applicant for a marijuana license must fully and accurately complete the criminal history portion of the application form. Mr. Garrett did not do this and did not attach an explanation about why this portion was not accurately and fully completed.

5.6 Mr. Garrett failed to disclose four convictions. Each failure to disclose is assigned four points, for a total of sixteen accumulated points. The Intent to Deny Marijuana License Application is affirmed.

**C. ORDER**

IT IS HEREBY ORDERED that the Notice of Intent to Deny Marijuana License is affirmed. The Findings of Fact, Conclusions of Law and Initial Order, as modified above, are adopted as the Final Order of the Board. The application of Matthew Garrett, d/b/a Cannasseurs, LLC for a marijuana producer/processor license is denied.

DATED this 4<sup>TH</sup> day of NOVEMBER, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD

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**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).



Washington State  
Liquor Control Board

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November 5, 2014

Jeffrey Steinborn,  
Attorney for Applicant  
PO Box 78361  
Seattle, WA 98178-0361

Matthew Garrett  
d/b/a Cannasseurs, LLC  
5804 Inez Street  
Bow, WA 98232-8616

Aryna Anderson, AAG  
GCE Division, Office of Attorney General  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100

**RE: FINAL ORDER ON REVIEW FOLLOWING BRIEF ADJUDICATIVE PROCEEDING**

**APPLICANT: Matthew Garrett, Cannasseurs, LLC**

**TRADE NAME: Cannasseurs**

**LOCATION: 2690 Brown Rd, Ste A, Ferndale, WA 98248-9633**

**LICENSE APPLICATION NO. 413278**

**LCB HEARING NO. M-25,102**

**UBI: 603 352 204 001 0001**

Dear Parties:

Please find the enclosed Final Order on Review Following Brief Adjudicative Proceeding 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: Becky Smith, Licensing Manager, WSLCB  
Kim Gabbard, Licensing Supervisor, WSLCB  
Mary Henley, Administrative Assistant, WSLCB

**WASHINGTON STATE LIQUOR CONTROL BOARD**

In the Matter of:

MATTHEW GARRETT  
d/b/a CANNASSEURS LLC  
2690 BROWN RD, STE A  
FERNDALE, WA 98248-9633

APPLICANT

License Application No. 413278  
UBI No. 603-352-204-001-0001

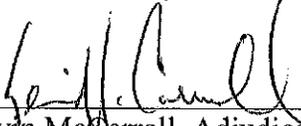
LCB NO. M-25,102

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 Service for state offices on the date below to:

JEFFREY STEINBORN, ATTORNEY FOR APPLICANT PO BOX 78361 SEATTLE, WA 98178-0361	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION ARYNA ANDERSON, ASSISTANT ATTORNEY GENERAL
MATTHEW GARRETT D/B/A CANNASSEURS, LLC 5804 INEZ STREET BOW, WA 98232-8616	

DATED this 5<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**

In the Matter of the Denial of the  
Marijuana license application for the  
privileges of a Marijuana  
Producer/Processor for:

Matthew Garrett  
Cannasseurs, LLC

2690 Brown Road Suite A  
Ferndale, WA 98248

Applicant.

License Application No.413278  
UBI: 603-352-204-001-0001

OAH Dkt. No. 2014-LCB-0095  
LCB No. M-25,102

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

**RECEIVED**

SEP 24 2014

Liquor Control Board  
Board Administration

**1. ISSUE PRESENTED**

1.1. Whether the Liquor Control Board's decision to deny the Applicant's application for a marijuana license should be affirmed.

**2. ORDER SUMMARY**

2.1. The Liquor Control Board's decision to deny the Applicant's application for a marijuana license is reversed.

**3. HEARING**

3.1. **Brief Adjudicative Proceeding:** A Brief Adjudicative Proceeding was conducted in this matter by the Administrative Law Judge, as delegated by the Liquor Control Board. The proceeding was conducted under RCW 34.05.482 through .494, Chapter 69.50 RCW, and Title 314 WAC.

3.2. **Administrative Law Judge:** Joshua D. Sundt

3.3. **Applicant:** Matthew Garrett, doing business as Cannasseurs, LLC

3.4. **Agency:** Liquor Control Board

3.5. **Documents reviewed:** The Administrative Law Judge reviewed the marijuana licensing records listed in the "Index of Marijuana Licensing Records for BAP" attached to the scheduling letter for this proceeding and consisting of 55 pages. Mr. Garrett submitted an additional 5 pages for review, which were marked as pages 56

through 60 of the record.

#### 4. FINDINGS OF FACT

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

- 4.1. The Applicant, Matthew Garrett, applied for a marijuana producer/processor license on February 5, 2014. Record, page 10.
- 4.2. A required content of that application was Mr. Garrett's Personal/Criminal History Statement.
- 4.3. Mr. Garrett submitted the Personal/Criminal History Statement also on February 5, 2014. Record, pages 9 and 10.
- 4.4. The Criminal History Statement portion of the Personal/Criminal History form asks: "Have you EVER: 1. Been arrested or cited? 2. Been charged with a crime? 3. Been convicted? 4. Been jailed? 5. Been placed on probation? 6. Forfeited bail or paid a fine over \$25 (include traffic fines)?" The instructions in that section go on to state as follows:

You must answer "YES" if any of the above have occurred, even if charges were dismissed, deferred or changed. Explain each charge fully below and attach additional sheets as needed. False or incomplete information may result in denial, suspension or revocation of a license. You must include events that occurred while you were a juvenile."

- 4.5. In response to the questions in the Criminal History Statement section of the form, Mr. Garrett checked the YES box and disclosed one offense: a felony conviction for manufacturing a controlled substance. Rather than enter the precise date of the offense on the form, Mr. Garrett typed "unsure over 10 years." Record, page 9.
- 4.6. On February 3, 2014, two days before he submitted his application, Mr. Garrett had a telephone conference and an email exchange with Shannon Angell at the Liquor Control Board regarding the content of the application. Specifically, Mr. Garrett asked Ms. Angell if she would review and give feedback on the content of the application before final submittal, so that he would have a chance to correct any deficiencies. Record, page 58.
- 4.7. Ms. Angell replied on February 3, 2014 as follows:

once you submit it, I will review it (it takes a bit of time though, due to all the applications) and I will let you know if we need anything added or changed. You can send me questions or parts of your operational plan for me to take a quick view at, but the formal review will really let you know how all the paperwork is. If there is something you need to add or change, I will let you know and you will have time to do so! I suggest you save your operational plan or get a DocuSign account that way you can access it easily if we need to make changes! [Record,

page 58.]

- 4.8. When Mr. Garrett submitted his application on February 5, 2014, he had a reasonable expectation that he was submitting only a draft and would have a chance to revise it before it was submitted as a formal application for review by the Liquor Control Board.
- 4.9. Despite Ms. Angell's representations, Mr. Garrett was not provided an opportunity to revise his application before it was submitted to the Liquor Control Board for review.
- 4.10. Further investigation by the Liquor Control Board revealed that Mr. Garrett had 4 additional convictions he did not disclose on the Criminal History Statement he had submitted with his draft application:
- a. Driving While License Suspended (3<sup>rd</sup> degree) in 2000;
  - b. Marihuana Poss =<40 Gr in 1998;
  - c. Driving Without a License-Misdemeanor in 1996; and
  - d. Marihuana Poss =<40 Gr in 1996. Record, page 16.
- 4.11. Mr. Garrett did not dispute the existence or classification of the additional criminal history identified by the Liquor Control Board.

## 5. CONCLUSIONS OF LAW

Based upon the facts above, I make the following conclusions:

- 5.1. I have jurisdiction over the Applicant and subject matter of this proceeding under RCW 69.50.334, RCW 34.05.485(1)(c), RCW 34.12.040, chapter 34.05, WAC 314-42-120(1), and chapter 314-42 WAC.
- 5.2. When the Liquor Control Board denies a marijuana license application based upon the Applicant's criminal history, an appeal of that denial is addressed with a brief adjudicative proceeding. WAC 314-42-110. Accordingly, this appeal is appropriately resolved by a brief adjudicative proceeding.
- 5.3. An Applicant's failure to meet the criminal history standards outlined in WAC 314-55-040 constitutes a basis for the Liquor Control Board to deny a marijuana license application. WAC 314-55-050(4).
- 5.4. More specifically, a criminal history accumulating eight or more points as described in WAC 314-55-040(1) is grounds for denying a marijuana license application. WAC 314-55-040(1), (3).
- 5.5. In this case, given that Mr. Garrett believed he was submitting only a draft application for review and comment by Liquor Control Board staff, it is entirely

unclear what criminal history he would have disclosed on the "final" application. Therefore, the question of whether Mr. Garrett failed to disclose applicable criminal history is not ripe until he is provided an opportunity to resubmit his Personal/Criminal History Statement. He should not be assigned any criminal history points under WAC 314-55-040(1) at this time.

5.6. Because Mr. Garrett has not accrued any points under WAC 314-55-040(1), the Liquor Control Board's decision to deny Mr. Garrett his application for a marijuana producer/processor license should be reversed to the extent that denial was based on the accrual of criminal history points.

## 6. INITIAL ORDER

IT IS HEREBY ORDERED THAT:

- 6.1. The Liquor Control Board's decision to deny Mr. Garrett's application for a marijuana producer/processor license is **REVERSED** to the extent that denial was based on accrual of criminal history points under WAC 314-55-040(1).
- 6.2. The Applicant must be provided an opportunity to resubmit his Personal/Criminal History Statement in support of his application.

Issued from Olympia, Washington, on the date of mailing



Joshua D. Sundt  
Administrative Law Judge  
Office of Administrative Hearings

## RIGHTS OF REVIEW

Under RCW 34.05.488, RCW 34.05.491, and WAC 314-42-130, within twenty-one (21) days of the date of mailing of this order, the Applicant may request an administrative review of this order. The request must state the reasons for requesting an administrative review. The request must be received by the Washington State Liquor Control Board Reviewing Officer ("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 S.E.  
PO Box 43076  
Olympia, WA 98504-3076.

The Reviewing Officer will either uphold or overturn this initial order. The Reviewing Officer's decision will be the final agency decision and will be mailed to the last address the Applicant furnished to the Liquor Control Board. That order will include a description of any further appeal rights the Applicant may have.

CERTIFICATE OF SERVICE IS ATTACHED