

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

In The Matter Of the Hearing Of:

MINH CONGO VO  
RAINIER VIDEO INC.  
8318 RAINIER AVENUE S.  
SEATTLE, WA 98118

LICENSEE

UBI: 6017636820010002

OAH DOCKET NO. 2008-LCB-0021  
LCB NO. T-493

FINAL ORDER OF THE BOARD

The above entitled matter coming on regularly before the Board, and it appearing that:

1. The Licensee timely submitted a request for an administrative hearing on Notice of Board Action on Tobacco Violation Case 23365, issued February 15, 2008; and
2. The Board issued a formal Complaint dated April 30, 2008 alleging that on January 26, 2008 the Licensee or an employee thereof, violated RCW 70.155.040 by selling or allowing to be sold, cigarettes not in the original unopened package or container, without the required stamps affixed; and
3. A Pre-Hearing Conference by Telephone was scheduled for 9:30 am on June 26, 2008 before Christy Gerhart Cufley, Administrative Law Judge with the Office of Administrative Hearings; and
4. The Education and Enforcement Division of the Board was represented by Assistant Attorney General Jennifer Elias and a Korean interpreter (provided at the request of the Licensee) also appeared as scheduled; and
5. The Licensee failed to appear as scheduled, and failed to make a timely request for a continuance; and

6. On June 26, 2008 Administrative Law Judge Christy Gerhart Cufley entered her Default Order which affirmed the Complaint; and

7. On July 11, 2008, the Board received a Motion to Vacate Default Order from the Licensee; and

8. On August 27, 2008, the Board received the Education and Enforcement Division's Reply to Licensee's Motion to Vacate Default Order; and

9. 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 Default Order heretofore made and entered in this matter be, and the same hereby is, AFFIRMED and adopted as the Final Order of the Board, and, therefore, the Board's Complaint is sustained. The licensee shall pay the monetary penalty of one hundred dollars (\$100) within 30 days of this order. Failure to comply with the terms of this order will subject the Licensee to further disciplinary action.

Payment in reference to this order should be sent to:

**Washington State Liquor Control Board**

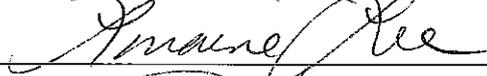
**Enforcement and Education Division**

**14900 Interurban Ave South, Suite 120**

**Tukwila, WA 98168-4654**

DATED at Olympia, Washington this 3<sup>rd</sup> day of September, 2008.

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. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order or (b) there is specific material error of fact or law. 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 Martha P. Lantz, 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).