

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

In The Matter Of:

RANDY C. WILKS
616 N NETTLETON
SPOKANE, WA 99201-1619

RESPONDENT

AVN NO. 14345 / 4Q9014D

OAH DOCKET NO. 2010-LCB-0048
LCB NO. T-517

FINAL ORDER OF THE BOARD

The above-captioned 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 14345 / 4Q9014D, issued January 14, 2009; and
2. The Board issued a formal Complaint dated July 20, 2010 alleging that on January 14, 2009 the above-named individual, sold/supplied tobacco to a person under the age of eighteen (18), contrary to RCW 26.28.080 and is subject to the penalties set out in RCW 70.155.100(3) and (4); and
3. A Pre-Hearing Conference by Telephone was scheduled by the Office of Administrative Hearings to take place at 11:00 a.m. on February 7, 2011; and
4. The Education and Enforcement Division of the Board was represented by Assistant Attorney General Brian Considine; and
5. The above-named individual failed to appear as scheduled, and failed to make a timely request for a continuance; and
6. On February 9, 2011 Administrative Law Judge Edward S. Steinmetz entered his Initial Order of Default which sustained the Complaint; and
7. No request to vacate the default order was received; and

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 Administrative Law Judge's Initial Order of Default is adopted as the Final Order of the Board.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in this case is sustained and the above-named individual 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 Individual to further disciplinary action.

Payment in reference to this order should be sent to:

Washington State Liquor Control Board

P. O. Box 43085

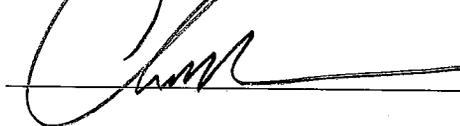
Olympia, WA 98504-3085

DATED at Olympia, Washington this 15TH day of March, 2011.

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. 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

March 17, 2011

Randy C. Wilks, Respondent
616 N Nettleton Street
Spokane, WA 99201-1619

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

RE: *Final Order of the Board*
LCB No. T-517
OAH Docket No. 2010-LCB-0048
Administrative Violation Notice No. 14345/4Q9014D

Dear Parties:

Enclosed please find a Declaration of Service by Mail and a copy of the Final Order of the Board in the above referenced matter.

The applicable monetary penalty is due by **April 18, 2011**. Please send payment to WSLCB, P.O. Box 43085, Olympia, WA 98504-3085 and label the check with your Administrative Violation Notice Number listed above. If you have any questions, please contact me at (360) 664-1602.

Sincerely,


Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Spokane Enforcement and Education Division, WSLCB
Amber Harris, Tobacco Violations Coordinator, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 RANDY C. WILKS
6 616 N NETTLETON ST
7 SPOKANE, WA 99201-1619

8 RESPONDENT

9 AVN NO. 14345 / 4Q9014D
10

OAH DOCKET NO. 2010-LCB-0048
LCB NO. T-517

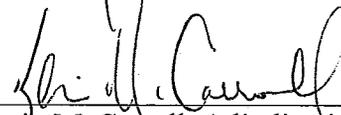
DECLARATION OF SERVICE BY
MAIL

11 I certify that I caused a copy of the *FINAL ORDER OF THE BOARD* in the above-
12 referenced matter to be served on all parties or their counsel of record by US Mail Postage
13 Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office of
14 Attorney General, on the date below to:
15

16 RANDY C. WILKS
17 616 N NETTLETON ST
18 SPOKANE, WA 99201-1619

BRIAN J. CONSIDINE, ASSISTANT
ATTORNEY GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100

19 DATED this 17th day of March, 2011, at Olympia, Washington.

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22 Kevin McCarroll, Adjudicative Proceedings Coordinator
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RECEIVED

MAR 07 2011

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE WASHINGTON STATE LIQUOR CONTROL BOARD

LIQUOR CONTROL BOARD
BOARD ADMINISTRATION

IN THE MATTER OF THE HEARING OF:

RANDY WILKS

RESPONDENT

AVN NO. 14345/4Q9014D

DOCKET NO. 2010-LCB-0048

CASE NO. T-517

INITIAL ORDER OF DEFAULT Office of Administrative Hearings
Spokane

MAILED

FEB 09 2011

STATEMENT OF THE CASE

1. On July 20, 2010, the Washington State Liquor Control Board (Board) issued a Complaint under No. T-517. In this Complaint, the Board alleged that on or about January 14, 2009, Randy Wilks, Respondent, sold or supplied tobacco to a person under the age of 18, contrary to RCW 26.28.080. The Board's Complaint further states that the Respondent, Mr. Wilks, was subject to the penalties set forth in RCW 70.155.100(3)&(4). Following issuance of this Complaint, Respondent requested a formal administrative hearing.

2. On January 14, 2011, the Office of Administrative Hearings issued a Notice of Continuance of Telephonic Prehearing Conference. In this Notice, the parties were advised that the prehearing conference would be conducted by telephone, and was scheduled for Monday, February 7, 2011, at 11 a.m. The parties were advised to register their appearance for the prehearing conference by calling the Office of Administrative Hearings 10 minutes prior to the scheduled prehearing conference time. This Notice set forth both local as well as toll free numbers for the Spokane Office of Administrative Hearings. This Notice of Continuance further advised the parties that any party who failed to attend or participate in the hearing or

other stage of the adjudicative proceeding may be held in default pursuant to RCW 34.05.440(2).

3. On February 7, 2011, the Board's Enforcement Division was present and represented by Brian Considine, Assistant Attorney General. The Respondent, Randy Wilks, failed to appear. The Board's counsel subsequently moved for an Initial Order of Default due to Respondent's failure to appear. Mr. Considine noted that this would be the Respondent's second violation of applicable law, and that the appropriate civil monetary penalty to be assessed is in the amount of one-hundred dollars (\$100.00).

BASED UPON THE FOREGOING, IT IS HEREBY ORDERED that the Respondent, Randy Wilks, is in DEFAULT due to his failure to appear at the scheduled prehearing conference. RCW 34.05.440(2).

FURTHER ORDERED, that the Board's Complaint, dated July 20, 2010, is SUSTAINED. On a date to be established in the Board's Final Order, Respondent shall be assessed a civil monetary penalty in the amount of one-hundred dollars (\$100.00).

Dated at Spokane, Washington this 9th day of February, 2011.

WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS



Edward S. Steinmetz
Administrative Law Judge
Office of Administrative Hearings
221 N. Wall St., Suite 540
Spokane, WA 99201-0826
Phone (Toll Free): 1-800-366-0955

NOTICE TO PARTIES: WITHIN SEVEN (7) DAYS AFTER SERVICE OF A DEFAULT ORDER; OR SUCH LONGER PERIOD AS PROVIDED BY AGENCY RULE, THE PARTY AGAINST WHOM THE DEFAULT ORDER WAS ENTERED MAY FILE A WRITTEN MOTION REQUESTING THAT THE ORDER BE VACATED, AND STATING THE GROUNDS RELIED UPON. DURING THE TIME WITHIN WHICH A PARTY MAY FILE A WRITTEN MOTION UNDER THIS SUBSECTION, THE PRESIDING OFFICER MAY ADJOURN THE PROCEEDINGS OR CONDUCT THEM WITHOUT PARTICIPATION OF THAT PARTY, HAVING DUE REGARD FOR THE INTERESTS OF JUSTICE AND THE ORDERLY AND PROMPT CONDUCT OF PROCEEDINGS. (RCW 34.05.440(3))

Initial Order of Default Mailed to:

Randy Wilks
616 N Nettleton
Spokane, WA 99201-1619

Brian Considine
Assistant Attorney General
Office of the Attorney General
1125 Washington St SE
PO Box 40100
Olympia, WA 98504-0100