

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

In The Matter Of the Hearing Of:

CHAESUN HAN OSAKA
d/b/a NORTH PARK GROCERY
10217 AURORA AVE N
SEATTLE, WA 98133-9331

LICENSEE

UBI: 6023916420010002
TOBACCO VIOLATION NO. 2Y0231A

OAH DOCKET NO. 2010-LCB-0090
LCB NO. T-529

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 for Notice of Board Action on Tobacco Violation No. 2Y0231A, issued September 1, 2010; and
2. The Board issued a formal Complaint dated November 29, 2010 alleging that on or about August 19, 2010, the above-named Licensee, 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 70.155.11; and
3. A Pre-Hearing Conference was scheduled for 1:00 p.m. on February 2, 2011 before Administrative Law Judge Terry A. Schuh with the Office of Administrative Hearings; and
4. The Education and Enforcement Division of the Board was represented by Assistant Attorney General Timothy Ford 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 February 8, 2011 Administrative Law Judge Terry A. Schuh entered his Initial Order of Default which affirmed the Complaint; and
7. No motion 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 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:

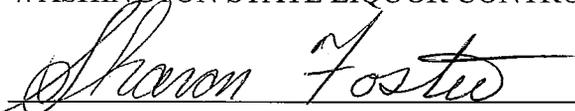
Washington State Liquor Control Board

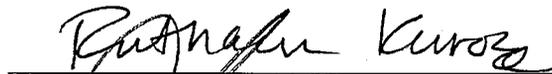
P. O. Box 43085

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).

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 CHAESUN HAN OSAKA
6 d/b/a NORTH PARK GROCERY
7 10217 AURORA AVE N
8 SEATTLE, WA 98133

9 LICENSEE

10 UBI NO. 602 391 642 001 0002
11 AVN NO. 2Y0231A

LCB NO. T-529

DECLARATION OF SERVICE BY
MAIL

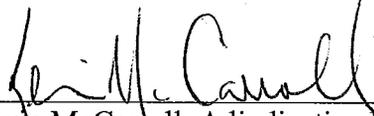
12 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
13 referenced matter to be served on all parties or their counsel of record by US Mail Postage
14 Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office of
15 Attorney General, on the date below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

16 CHAESUN HAN OSAKA, LICENSEE
17 d/b/a NORTH PARK GROCERY
18 1811 N 80TH ST
19 SEATTLE, WA 98103-4501

TIMOTHY FORD, ASSISTANT ATTORNEY
GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100

20 CHAESUN HAN OSAKA
21 d/b/a NORTH PARK GROCERY
22 10217 AURORA AVE N
23 SEATTLE, WA 98133

24 DATED this 17th day of MARCH, 2011, at Olympia, Washington.

25 
26 Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY
MAIL

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Washington State Liquor Control Board
3000 Pacific Avenue SE
PO Box 43076
Olympia, WA 98504-3076
(360) 664-1602



Washington State
Liquor Control Board

March 17, 2011

Chaesun Han Osaka, Licensee
d/b/a North Park Grocery
1811 N 80th St
Seattle, WA 98103-4501

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

RE: Final Order of the Board
Licensee: Chaesun Han Osaka
Trade Name: North Park Grocery
Location: 10217 Aurora Ave N, Seattle, WA 98133
LCB No. T-529
Administrative Violation Notice No. 2Y0231A
License No. (UBI): 602 391 642 001 0002

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 License Number and Administrative Violation Notice Number listed above. 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

Enclosures (2)

cc: Tukwila and Seattle Enforcement and Education Divisions, WSLCB
Amber Harris, Tobacco Violations Coordinator, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602
www.liq.wa.gov

RECEIVED

FEB 09 2011

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

LIQUOR CONTROL BOARD
BOARD ADMINISTRATION

In The Matter Of:

CHAESUN HAN OSAKA,
dba NORTH PARK GROCERY

10217 Aurora Ave. N.
Seattle, WA 98133-9331,

Licensee.

UBI No. 602 391 642 001 0002

OAH Docket No. 2010-LCB-0090
Agency No. T-529

INITIAL ORDER OF DEFAULT
(Failure to Appear at Proceeding)

I. ORDER SUMMARY

1.1 The Licensee was given due notice, but failed to appear for a prehearing conference without first obtaining an order of postponement. Therefore, the Licensee was held in default under RCW 34.05.440. Based on the Licensee's default, the penalties appropriate to the allegations stated in the Complaint and in the Notice of Board Action on Tobacco Violation in this matter shall be imposed, subject to further Liquor Control Board action.

1.2 Specifically, the penalty shall be: penalty of \$100.00.

1.3 The Licensee's Request for Hearing shall be dismissed.

II. HEARING

2.1 Administrative Law Judge: Terry A. Schuh

2.2 Date and time of prehearing conference: February 2, 2011, at 1:00 p.m.

2.3 Appearances by Parties:

2.3.1 The Licensee did not appear.

2.3.2 No representative appeared for the Licensee.

2.3.3 The Washington State Liquor Control Board appeared through Timothy Ford, Assistant Attorney General.

III. STATEMENT OF THE CASE

3.1 A prehearing conference was scheduled for this matter at the date and time stated above. Written notice of the proceeding was timely mailed to the parties by First Class United States Mail, postage prepaid. The notice informed the parties that they were required to attend the proceeding before an Administrative Law Judge of the Washington Office of Administrative Hearings and how to attend. The notice also informed the parties that failure to attend the scheduled proceeding could result in an order of default against the party who failed to attend. The notice provided both parties with instructions on how to apply to the Administrative Law Judge for a postponement of the proceeding.

3.2 The Administrative Law Judge timely convened the proceeding as set forth in the written notice of the proceeding. The Washington Liquor Control Board timely appeared and was represented by the person named above. The Administrative Law Judge waited fifteen (15) minutes beyond the scheduled start time for the proceeding, but the Licensee did not appear. Therefore, the Administrative Law Judge deemed the Licensee to be in default.

3.3 Based on the Licensee's default, the penalties appropriate to the allegations stated in the Complaint and in the Notice of Board Action on Tobacco Violation in this matter shall be imposed, subject to further Liquor Control Board Action.

3.4 Specifically, the actions and penalties alleged and the penalties to be awarded by the Initial Order of Default are as follows: penalty of \$100.00.

3.5 The Request for Hearing shall be dismissed.

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IV. ORDER

NOW, THEREFORE, IT IS ORDERED:

4.1 The above-named Licensee is in DEFAULT.

4.2 The Licensee must pay to the Liquor Control Board the penalty of \$100.00 asserted by the Liquor Control Board.

4.3 The Licensee's Request for Hearing is dismissed.

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



Terry A. Schuh
Administrative Law Judge
Office of Administrative Hearings

NOTICE OF APPEAL RIGHTS – PLEASE READ CAREFULLY

Motion to Vacate Default: RCW 34.05.440(3) provides: "Within seven days after service of a default order under subsection (2) of this section, or such longer period as provided by agency rule, the party against whom it was entered may file a written motion with the Administrative Law Judge who issued the Initial Order of Default 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." By agency rule (WAC 10-08-110), service is complete upon mailing of this order. Therefore, **any motion to vacate a default order must be made within a total of seven (7) days after the date of the mailing of the default order.**

Petition for Review of Initial Order: The foregoing order is an "initial order" as that term is intended by WAC 314-42-095. **Any party may file a petition for review of the initial order with the Liquor Control Board within twenty days of the date of service of the initial order.** RCW 34.05.464, WAC 10-08-211, and WAC 314-42-095(2)(a). The petition for review must (a) identify the parts of the initial order to which the petitioner objects and (b) refer to the evidence in the record that supports the petitioner's position.

A petitioner must mail a copy of the petition for review to each of the other parties and their representatives at the same time the petitioner files the petition. Within ten days after service of the petition for review, any other parties may file a response to the petition. WAC 314-42-095(2)(b). A responding party must likewise mail a copy of the response to each of the other parties and their representatives at the same time the responding party files the response.

The members of the Liquor Control Board will review the administrative record, the initial order, the petition for review, and any responses. WAC 314-42-095(3).

Following this review, the Board will enter a final order. WAC 314-42-095(4). Within ten days of when the Board issues the final order, any party may file a petition for reconsideration, stating the specific grounds upon which relief is requested. RCW 34.05.470(1) and WAC 10-08-215. A party may appeal the Liquor Control Board's final order to the Superior Court under RCW 34.05.510 *et seq* (see especially RCW 34.05.514).

INITIAL ORDER MAY BECOME FINAL IF NO TIMELY ACTION IS TAKEN: If a party in default does not timely file a Motion to Vacate Default, or a party in disagreement with the Initial Order does not timely file a Petition for Review of Initial Order, the order may become a Final Order.

CERTIFICATE OF SERVICE OF THIS DOCUMENT IS ATTACHED