

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

3rd ST MARKET LLC
d/b/a 3rd ST MARKET

604 S 3RD ST
YAKIMA, WA 98901-3222

LICENSEE

UBI: 603-337-790-001-0001
TOBACCO VIOLATION NO. 4F4344A

LCB NO. T-610

OAH NO. 03-2015-LCB-00050

FINAL ORDER OF THE BOARD

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

1. The Board issued a Complaint dated March 9, 2015 alleging that on or about December 10, 2014, the above-named retail Licensee and/or its employee(s) was in possession of unstamped cigarettes, in violation of RCW 82.24.050 and WAC 314-34-030. Due to prior violation in a two-year window, this Licensee is subject to the second offense penalties in RCW 82.24.550 and WAC 314-34-015 – license suspension for not less than ninety (90) days;
2. The Licensee submitted a timely request for an administrative hearing;
3. A Pre-Hearing Conference was scheduled for 1:00 p.m. on April 14, 2015 before Administrative Law Judge Courtney Beebe with the Office of Administrative Hearings;
4. The Enforcement and Education Division of the Board was represented by Assistant Attorney General Aryna Anderson who appeared as scheduled. The Licensee failed to appear as scheduled, and failed to make a timely request for a continuance;

5. On April 16, 2015, Administrative Law Judge Courtney Beebe entered an Order Dismissing Appeal, holding that the Licensee was in default and dismissing the appeal;

6. On May 21, 2015, Administrative Law Judge Courtney Beebe entered an Order Denying Motion to Vacate which affirmed the Order Dismissing Appeal;

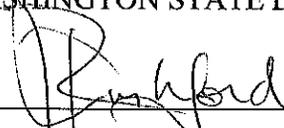
7. No petition for review was received;

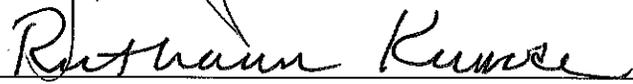
8. The entire record in this proceeding was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises; NOW THEREFORE; IT IS HEREBY ORDERED that the Administrative Law Judge's Order Dismissing Appeal is adopted as the Final Order of the Board.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in case T-610 is sustained and the above-named Licensee shall serve a ninety (90) day suspension of their Tobacco Products Retailer License and Cigarette Retailer License privileges from 10 a.m. on Tuesday, September 1, 2015 until 10 a.m. on Monday, November 30, 2015.

DATED at Olympia, Washington this 21st day of JULY, 2015.

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

IN THE MATTER OF:

3RD ST MARKET LLC
d/b/a 3RD ST MARKET

604 S 3RD STREET
YAKIMA, WA 98901-3222

LICENSEE

UBI NO. 603-337-790-001-0001
TVN NO. 4F4344A

LCB NO. T-610
OAH NO. 03-2015-LCB-00050

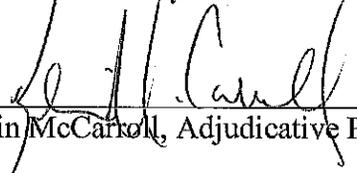
DECLARATION OF SERVICE BY
MAIL

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 email for WSLCB employees; by Campus Mail for the Office of Attorney General, on the date below to:

FAYEZ AWAQDAH
3RD ST MARKET LLC
d/b/a 3RD ST MARKET
604 S 3RD STREET
YAKIMA, WA 98901-3222

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100
GCE DIVISION
ARYNA ANDERSON, AAG

DATED this 22nd day of July, 2015, at Olympia, Washington.


Kevin McCarron, Adjudicative Proceedings Coordinator



**Washington State
Liquor Control Board**

July 22, 2015

Fayez Awawdah
3rd St Market LLC
d/b/a 3rd St Market
604 S 3rd Street
Yakima, WA 98901-3222

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

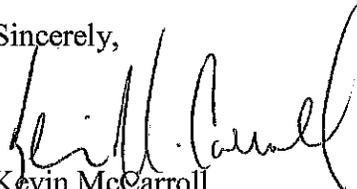
RE: FINAL ORDER OF THE BOARD
Licensee: 3rd St Market LLC
Trade Name: 3rd St Market
Location: 604 S 3rd Street, Yakima, WA 98901-3222
License No. (UBI): 603-337-790-001-0001
LCB Hearing No. T-610
OAH No. 03-2015-LCB-00050
Tobacco Violation No. 4F4344A

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the Final Order of the Board 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: Spokane and Pasco Enforcement and Education Divisions, WSLCB
Kendra Boyd, Enforcement and Education Headquarters, WSLCB