Understanding your Hearing Options for Administrative Violations from the WSLCB A Resource for Licensees and MAST Permit Holders

Overview
This document is intended to help licensees and Mandatory Alcohol Server Training (MAST) permit holders understand what to do after they receive an administrative violation notice from the Washington State Liquor Control Board (WSLCB).

How will I know if I have received an Administrative Violation Notice (AVN)?
A WSLCB liquor and tobacco enforcement officer will prepare an AVN when they believe you have violated a statute or regulation. The AVN will be mailed or delivered to you with instructions on what steps to take next.

What information is included with an AVN?
- A brief narrative description of the alleged violation
- The violation date
- A copy of the law and/or regulation allegedly violated
- An outline of your options
- The recommended penalty

What kind of penalties could I receive?
You could receive a monetary penalty, license or permit suspension or revocation of the license or permit if you violate a statute or regulation. Liquor and tobacco enforcement officers will review the last two years of your violation history when determining the recommended penalty.

Standard penalties are outlined in WAC 314-29-020 through 314-29-035 for licensees, and WAC 314-17-100 and 314-17-105 for MAST permit holders.

For cases with aggravating or mitigating circumstances, the penalty may be adjusted from the standard penalty. See WAC 314-29-015 for licensees and WAC 314-17-110 for MAST permit holders.

What are my options if I receive an AVN?
After you receive an AVN, you have 20 days to respond. Your response must be submitted using the form provided by the WSLCB at the time you received the AVN.

Your options are to:
- Accept the recommended penalty;
- Request a settlement conference with the WSLCB; or
- Request an administrative hearing before an administrative law judge
What happens if I don’t respond within 20 days?
If you don’t respond within 20 days, the recommended suspension penalty will go into effect.

What happens at a settlement conference?
During a settlement conference, a reduced penalty may be negotiated in exchange for specific actions, such as increased staff training or the purchase of a Point of Sale ID checking system.

If you request a settlement conference, the WSLCB hearing officer will contact you to discuss the violation, including the circumstances surrounding the charge, the recommended penalty, and any aggravating or mitigating factors.

What happens if a compromise is reached at a settlement conference?
The hearings officer will prepare a compromise settlement agreement and send it to you for signing. After you sign and return it to the hearings officer, it is sent to the Board Members for review.

If the Board Members approve the compromise, you will receive a signed copy and it will become part of your licensing history.

If the Board Members do not approve the compromise, you can:
- Renegotiate with the hearing officer;
- Accept the recommended penalty; or
- Request an administrative hearing.

What happens if a compromise can’t be reached during a settlement conference?
You have the following options:
- Accept the recommended penalty, or
- The hearing officer will forward a request for an administrative hearing to the board’s hearings coordinator.

What is an administrative hearing?
An administrative hearing is conducted by an administrative law judge (ALJ) assigned by the Office of Administrative Hearings. The ALJ will review the circumstances, recommended penalty, and any mitigating or aggravating factors related to the alleged violation.

Each party to an administrative hearing has a right to present and question witnesses, and to submit or challenge documents regarding the alleged violation. The result of the proceeding is a decision to affirm, modify, or set aside the original agency decision regarding the alleged violation.

You can learn more about what to expect at an administrative hearing by visiting the Office of Administrative Hearings’ Web site at www.oah.wa.gov.

What happens if I request an administrative hearing?
The board’s hearing coordinator will notify the assistant attorney general of your request. The assistant attorney general will draft an administrative complaint and send it to you and the Office of Administrative Hearings.
The Office of Administrative Hearings will schedule the hearing date, and notify you or your attorney and the assistant attorney general in writing of the hearing date, time and location.

What happens after an administrative hearing?
1.) After the administrative hearing, the ALJ will prepare an initial order and send it to you, the assistant attorney general, the WSLCB, and any other party to the administrative hearing.

   a.) If any party takes exception to the ALJ’s findings of fact, conclusions of law or initial order, a petition for review may be filed with the WSLCB, which must be received within 20 days from the date the initial order is sent. The party requesting review must mail copies of the petition to all other parties at the time of filing.

   The petition for review must:
   - Specify the portions of the initial order to which exception is taken; and
   - Refer to the evidence of record which is relied upon to support the petition.

   With notice to all parties, the Board Members may extend or shorten the filing time based on a voluntary stipulation of the parties or upon motion of a party that demonstrates a clear and convincing showing of exigent circumstances.

   b.) If another party files a petition for review, you may file a reply with the WSLCB, which must be received within ten days from the date the petition for review is sent. You must mail copies of the reply to all other parties when you file it.

2.) The Board Members will review the administrative record, the initial order, any petitions for review and replies filed by the parties. The Board Members will then enter a final order, which is appealable to Superior Court.

Note: The Board Members may issue a final order that differs from the initial order even if no party filed a petition for review or reply.

Additional Resources

Applicable WACs and RCWs
- WAC 314-29: Violations and Penalties
- WAC 314-29-020: Violations against public safety (penalty matrix)
- WAC 314-42: Sections related to administrative hearings
- RCW 34.05: Administrative procedures act
- RCW 66: Alcoholic beverage control
- RCW 70.155: Tobacco - access to minors

Additional resources are also available on the WSLCB Web site at www.liq.wa.gov.
Entender sus opciones de audición para Violaciónes Administrativo 
WSLCB Recursos para los licenciatarios y los titulares de permiso de MAST

Información general
Este documento tiene por objeto ayudar a los licenciatarios y obligatoria alcohol servidor de Formación (MAST) con permiso de entender qué hacer después de recibir un aviso de violación administrativa del Estado de Washington Junta de Control de Licor (WSLCB).

Cómo puedo saber si he recibido un Aviso de Violación Administrativa (AVN)?
Un licor WSLCB y oficial de la aplicación del tabaco preparará un AVN cuando cree que ha violado una ley o reglamento. El AVN se enviarán por correo o será entregado a usted con instrucciones sobre qué medidas tomar a continuación.

Qué información se incluye en un AVN?
- Una breve descripción narrativa de la supuesta violación
- La fecha de violación
- Una copia de la ley y / o reglamento supuestamente violado
- Un resumen de sus opciones
- La penolidad recomendada

Qué tipo de penalidad podría recibir?
Usted podría recibir una sanción monetaria de licencia, o permiso de suspensión o revocación de la licencia o permiso si usted viola una ley o reglamento. Oficiales de Alcohól y tabaco revisará los dos últimos años de su historial de violación para determinar que penalidad sera recomendada.

Las penalidades regulares se describen en WAC 314-29-020 asta 314-29-035 para los licenciatarios WAC 314-17-100 y 314-17-105 y para los que tengan permiso de MAST.

Para los casos con circunstancias agravantes o atenuantes, la pena podrá ser ajustado de la penalización habitual. Vean WAC 314-29-015 para los licenciatarios WAC 314-17-110 y para los que tengan permiso de MAST.

Cual es mi opcion si recibo un AVN?
Despues de que recibe un AVN, usted tiene 20 días para responder. Usted debe responder sometiendo lo forma disponible de WSLCB cuando usted recibio el AVN.
Sus opciones son de:
- Acceptar la penalidad recomendada;
- Solicite una conferencia de acuerdo con la WSLCB; o
- Solicitar una audiencia administrativa ane un juez de derecho administrativo

**Que pasa si no respondo dentro de 20 días?**
Si no responde antes de los 20 días, la pena recomendada de la suspensión entrará en efecto.

**Qué sucede en una conferencia de conciliación?**
Durante una conferencia de conciliación, una pena reducida puede ser negociado a cambio de acciones específicas, tales como la capacitación del personal aumenta o la compra de un sistema de punto de control de venta de indentificación

Si usted solicita una conferencia de conciliación, el oficial de audiencia WSLCB se pondrá en contacto con usted para hablar de la violación, incluyendo las circunstancias que rodean el cargo, la penalidad recomendada, y los factores agravantes o atenuantes.

**Qué sucede si se alcanza un compromiso en una conferencia de conciliacion?**
El oficial de audiencias preparará un acuerdo de solución de compromiso y se le enviá para su firma. Después de firmar y devolver a la oficial de audiencias, se envía a los miembros de la Junta para su revisión.

Si los miembros del Consejo aprueban la transacción, usted recibirá una copia firmada y se convertirá en parte de su historial de licencias.

Si los miembrps del Consejo no aprueban la transaccion usted puede:
- Renegociar con el official de audiencia;
- Aceptar la penalidad recomendad; o
- Solicitar una audiencia administrative.

**Que sucede si un compromiso no puede ser alcanzado durante una conferencia de conciliacion?**
Usted tiene las siguientes opciones:
- Aceptar la penalidad recomendada; o
- El official de audiencia presentara una solicitud para una audiencia administrativa con el coordinador de la juntas de audiencias.

**Que es una audiencia administrative?**
Una audiencia administrativa se lleva a cabo por un juez de derecho administrativo (ALJ) asignado por la Oficina de Audiencias Administrativas. El juez revisará el caso, la
pena recomendada, y los factores atenuantes o agravantes relacionadas con la
presunta violación.

Cada persona en una audiencia administrativa tiene derecho a presentar e interrogar a
testigos y presentar al desafío o documentos relativos a la supuesta violación. El
resultado del proceso es la decisión de confirmar, modificar o anular la decisión de la
agencia original sobre la presunta violación

Usted puede aprender más sobre qué esperar en una audiencia administrativa,
visítando la Oficina de Audiencias Administrativas página de web al www.oah.wa.gov.

Que sucede si solicito una audiencia administrativa?
El coordinador de la junta audiencia le notificará a la ayudante del fiscal general de su
solicitud. El ayudante del fiscal general preparara un proyecto de reclamo
administrativo y lo enviarara a usted y la Oficina de Audiencias Administrativas.

La Oficina de Audiencias Administrativas programará la fecha de la audiencia, y le
notificara a usted o su abogado y el procurador general asistente por escrito de la fecha
de la audiencia, hora y lugar

Que pasa después de un audiencia administrativa?
1.) Después de la audiencia administrativa, el ALJ preparará una orden inicial y la
enviará usted, al Procurador General de la República auxiliar, al WSLCB, y a
cualquier otro partido a la audiencia administrativa.
 a.) Si cualquier de las personas lleva la excepción los resultados del ALJ los
resultados, las conclusiones de la ley o la orden inicial, una petición para la
revisión se puede archivar con el WSLCB, que se debe recibir en el plazo
de 20 días a partir de la fecha que se envía la orden inicial. El partido que
pide la revisión debe enviar las copias de la petición a el resto de los
partidos a la hora de la presentación.

La petición para revisión debe:
• Especifique las porciones de la orden inicial la cual se lleva la excepción; y
• Refiera a la evidencia del expediente que se confía sobre para apoyar la
petición. Con el aviso a todos los partidos, los miembros del Consejo pueden
prolongar o acortar el tiempo de la limadura basado en una estipulación
voluntaria de los partidos o sobre el movimiento de un partido que demuestre
una demostración clara y convincente de circunstancias exigentes.

b.) Si otro partido archiva una petición para la revisión, usted puede archivar
una contestación con el WSLCB, que se debe recibir en el plazo de diez
días a partir de la fecha que la petición para la revisión se envía. Usted
debe enviar las copias de la contestación a el resto de los partidos cuando usted la archiva.

2.) Los miembros del Consejo repasarán el expediente administrativo, la orden inicial, cualquier petición para la revisión y las contestaciones archivadas por los partidos. Los miembros del Consejo entonces incorporarán una orden final, que es apelable al Tribunal Superior

Nota: Los miembros del Consejo repasarán el expediente administrativo, la orden inicial, cualquier petición para la revisión y las contestaciones archivadas por los partidos. Los miembros del Consejo entonces incorporarán una orden final, que es apelable al Tribunal Superior

Reursos Adicionales

WACs y RCWs aplicables
- WAC 314-29: Violaciones y Penalidades
- WAC 314-29-020: Violaciones contra la seguridad pública (matriz de la pena)
- WAC 314-42: Secciones relacionadas con las audiencias administrativas
- RCW 34.05: Acto de los procedimientos administrativos
- RCW 66: Control de la bebida alcohólica
- RCW 70.155: Tabaco - tenga acceso a los menores de edad

Los recursos adicionales también están disponibles en el sitio Web en WSLCB www.liq.wa.gov.
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Note: The Board Members may issue a final order that differs from the initial order even if no party filed a petition for review or reply.

Additional Resources

For additional information on applicable laws and agency rules, please refer to the Washington Administrative Code and Revised Code of Washington resources.
Applicable WACs and RCWs

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