



Washington State Liquor and Cannabis Board

DATE: March 23, 2021
REVISED: September 14, 2021
TO: Rebecca Smith, Licensing Director
FROM: David Postman, Board Chair
Ollie Garrett, Board Member
Russell Hauge, Board Member
CC: Rick Garza, Director

SUBJECT: Threshold Decision Delegation (Liquor) to the Licensing Division.

In 2012, the Board delegated the authority to make various decisions to the Licensing Division of the Board. Amendments of the delegation of authority occurred in 2009, 2012, 2014, and 2021. This document will supersede the original delegation of authority and its amendments into one delegation that includes the specific delegated authority. If not listed in this delegation, in the Board's rules, or other specific delegations, the threshold decision will be made by the Board.

The Board wishes to delegate certain liquor licensing decisions to the Licensing Director without the ability to further delegate those decisions, and to authorize the Licensing Director to further delegate other decisions, as set out below.

LICENSING DIRECTOR

The Licensing Director will make the threshold decision on any file that has or appears to generate significant controversy in their opinion. The Compliance and Adjudications Manager will bring any to their attention that is deemed controversial.

DELEGATION OF THRESHOLD DETERMINATIONS

The Licensing Director may delegate the following threshold decisions to the Licensing and Regulation Division Compliance and Adjudications Manager or to the Liquor Licensing Manager:

License Applications: (denial, suspension, non-renewal or cancellation) based on WAC 314-09-005, WAC 314-09-010, WAC 314-09-015, and WAC 314-07-065.

- Where a Citizen or Community group objects to issuance or renewal of the license under WAC 314-09-010.
- Threshold decisions on license applications involving objections from local authorities under RCW 66.24.010, WAC 314-09-010 (e.g., city, county, port authority; the objections may be in combination with other objections). This includes the authority to grant or deny a request for hearing made by a local authority.
- Non-Renewal of a license, where there are objections to renewal of a license by the local jurisdiction under WAC 314-09-015.

License Applications where the applicant does not qualify for a license based on one or more of the following factors:

- Licensing actions based on distance, e.g., Within 500 feet of locations listed in RCW 66.24.010 and WAC 314-07-020.
- For all reasons listed under WAC 314-07-065 to include:
 - Failure to meet qualifications or requirements for the specific liquor license or privilege, as outlined in this Title 314 WAC and Title 66 RCW.
 - Failure by any person or entity associated with the application to submit information or documentation requested by the board.
 - Refusal by any person or entity associated with the application to submit information or documentation requested by the board.
 - Misrepresentation of fact by any person or entity associated with the application.
 - Failure to meet the criminal history standards outlined in WAC 314-07-040.
 - Failure to meet the liquor or marijuana law or rule violation history standards outlined in WAC 314-07-045 and WAC 314-55-045.
 - Source of funds used for the acquisition, startup and operation of the business is questionable or unverified.
 - Objection from the local authority or from the public (see WAC 314-09-010 and RCW 66.24.010).
 - Objection from the following entities if they are within five hundred feet of the proposed business: A public school, a private school that meets the requirements of chapter 28A.195 RCW, a church, or a public college or university. See WAC 314-09-010 and RCW 66.24.010 for more information. Note: Per RCW 66.24.010, the board may not issue a new liquor license if the board receives objection from a public school within five hundred feet of the proposed licensed business.
 - The board determines that the issuance of the liquor license will not be in the best interest of the welfare, health, or safety of the people of the state.
 - Failure to pay taxes or fees, or failure to provide required reports under WAC 314-02-106.

License Restrictions:

Those reasons that could cause restrictions to be imposed on license per WAC 314-07-015:

- Person associated with applicant has problem history, i.e. past violation history with the board, past license cancellation, past denial, criminal history or any other disqualifying or problem issue.
- Restrictions Regulatory Exceptions (applies to existing license holders).

Rebecca Smith, Licensing Director

License Revocation/Suspension:

- Seek revocation or suspension of a liquor license due to the licensee's failure to pay taxes and/or fees to the LCB.
- Criminal conduct on the part of the licensee is discovered.
- Licensee fails to provide required documentation for change in ownership structure where the change has already taken place.

APPROVED this 14th day of SEPTEMBER, 2021



DAVID POSTMAN, CHAIR



OLLIE GARRETT, MEMBER

NOT PRESENT

RUSSELL HAUGE, MEMBER