



## Washington State Liquor Control Board

---

### **Receiving an Administrative Violation Notice from the WSLCB**

#### A Guide 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 on 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 fine, license or permit suspension or revocation 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 hearing officer will prepare a compromise settlement agreement and send it to the Board Members for review.

If the Board Members approve the compromise, you will receive a 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](http://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?**

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.

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.*

**How do I file a petition for review?**

If you take exception to the ALJ's findings of fact, conclusions of law or initial order, you may file a petition for review with the WSLCB, which must be received within 20 days from the date the initial order is sent. You must mail copies of the petition to all other parties when you file it.

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.

**How can I file a reply to 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.

**Additional Resources**

For additional information on applicable laws and agency rules, please refer to the Washington Administrative Code and Revised Code of Washington resources available on the Washington State Legislature Web site at <http://www.leg.wa.gov/LawsAndAgencyRules/>.

*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](http://www.liq.wa.gov).

###