

- 308-400-092 Overpayment of fees. [Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-092, filed 6/9/82.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-095 Fees. [Statutory Authority: Chapters 62A.9, 60.11, 60.13 and 60.68 RCW. 00-02-013, § 308-400-095, filed 12/27/99, effective 2/1/00; 99-22-040, § 308-400-095, filed 10/29/99, effective 12/1/99; 99-06-003, § 308-400-095, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035. 93-01-061, § 308-400-095, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 62A.9-409(1) and 36.18.010. 90-04-050, § 308-400-095, filed 2/1/90, effective 3/4/90. Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-095, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-095, filed 3/1/89. Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, RCW 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-095, filed 7/30/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-100 Fees, forms and procedures—Filing processor and preparer liens for agricultural, dairy, or commercial fish products. [Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-100, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-100, filed 3/1/89. Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-100, filed 7/30/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-110 Forms, fees and procedures—Filing crop liens. [Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, RCW 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-110, filed 7/30/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-120 Forms, fees, and procedures—Filing federal liens. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-120, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-120, filed 3/1/89.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

WAC 308-400-010 through 308-400-120 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 308-410 WAC

UNIFORM COMMERCIAL CODE FIELD ACCESS

WAC

308-410-010 through 308-410-070 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-410-010 Purpose and authority. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-010, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

- 308-410-020 Definitions. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-020, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-030 Filing information available for review. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-030, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-040 Application to become a user. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-040, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-060 Contract for use. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-060, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-070 Fees. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-410-070, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-070, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

WAC 308-410-010 through 308-410-070 Repealed.
See Disposition Table at beginning of this chapter.

Title 314 WAC

LIQUOR CONTROL BOARD

Chapters

- 314-01 Definitions.
- 314-04 Hearings.
- 314-08 Practice and procedure.
- 314-09 Contested liquor license applications and renewals.
- 314-10 Sale and distribution of tobacco products.
- 314-11 General requirements for licensees.
- 314-12 General—Applicable to all licensees.
- 314-13 Retail licensees purchasing beer, wine, and spirits.
- 314-14 Alcohol server training program.
- 314-16 Retail licensees.
- 314-17 Mandatory alcohol server training.
- 314-24 Domestic wineries and domestic wine distributors.
- 314-29 Hearings.
- 314-42 Liquor control board operations.
- 314-70 Disposition of liquor stock following discontinuance of business and/or lawful seizure of liquor by a governmental agency.

Chapter 314-01 WAC DEFINITIONS

WAC

314-01-005 Definitions.

WAC 314-01-005 Definitions. The following definitions apply to Title 314 WAC. Additional definitions are in RCW 66.04.010.

(1) "Licensed premises" or "premises" means all areas of a premises under the legal control of the licensee and available to or used by customers and/or employees in the conduct of business operations. Specific alcohol consumption areas of a licensed premises shall be approved by the board.

(2) "Card of identification" means the forms of identification that are acceptable to verify a person's age per RCW 66.16.040.

(3) "Employee" means any person performing services on a licensed premises for the benefit of the licensee.

(4) "Liquor enforcement officers" means any individual designated as a liquor enforcement officer by the board, and any peace officer as defined by RCW 9A.04.110(15) as it now exists or may later be amended.

(5) "Liquor" means beer, wine, or spirits (per RCW 66.04.010(19) - Definitions).

[Statutory Authority: RCW 66.08.030, 66.04.010, 01-06-016, § 314-01-005, filed 2/26/01, effective 3/29/01.]

Chapter 314-04 WAC HEARINGS

WAC

314-04-005 through 314-04-007 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 314-04-005 What are the procedures for a licensee to be notified of an alleged violation of a board statute or regulation? [Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3). 99-12-129, § 314-04-005, filed 6/2/99, effective 7/3/99; Order 35, § 314-04-005, filed 7/2/75.] Repealed by 01-03-086, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.44.010.
- 314-04-006 Are the notification procedures different for an alleged first-time violation of a board statute or regulation? [Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3). 99-12-129, § 314-04-006, filed 6/2/99, effective 7/3/99.] Repealed by 01-03-086, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.44.010.
- 314-04-007 What options does a licensee have once he/she receives a notice of initial board action? [Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3). 99-12-129, § 314-04-007, filed 6/2/99, effective 7/3/99.] Repealed by 01-03-086, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.44.010.

WAC 314-04-005 through 314-04-007 Repealed. See Disposition Table at beginning of this chapter.

Chapter 314-08 WAC PRACTICE AND PROCEDURE

WAC

314-08-001 through 314-08-590 Repealed.

[2002 WAC Supp—page 1554]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 314-08-001 Promulgation for rules. [Promulgation, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-010 Appearance and practice before the board—Who may appear. [Resolution No. 2, Rule 08.010, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-020 Appearance in certain proceedings may be limited to attorneys. [Resolution No. 2, Rule 08.020, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-030 Solicitation of business unethical. [Resolution No. 2, Rule 08.030, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-040 Standards of ethical conduct. [Resolution No. 2, Rule 08.040, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-050 Appearance by former employee of board or former member of attorney general's staff. [Resolution No. 2, Rule 08.050, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-070 Computation of time. [Resolution No. 2, Rule 08.070, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-080 Notice of hearing in contested cases. [Statutory Authority: RCW 66.08.030, 34.05.434, 66.08.150 and 66.24.010(3). 99-23-012, § 314-08-080, filed 11/5/99, effective 12/6/99. Statutory Authority: RCW 66.08.030, 88-08-057 (Order 245, Resolution No. 254), § 314-08-080, filed 4/5/88; Resolution No. 2, Rule 08.080, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-090 Service of process—By whom served. [Resolution No. 2, Rule 08.090, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-100 Service of process—Upon whom served. [Resolution No. 2, Rule 08.100, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-110 Service of process—Service upon parties. [Resolution No. 2, Rule 08.110, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-120 Service of process—Method of service. [Resolution No. 2, Rule 08.120, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-130 Service of process—When service complete. [Resolution No. 2, Rule 08.130, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-140 Service of process—Filing with agency. [Resolution No. 2, Rule 08.140, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-150 Subpoenas—Form. [Resolution No. 2, Rule 08.150, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.

- 314-08-160 Subpoenas—Issuance to parties. [Statutory Authority: RCW 66.08.030 and 66.98.070. 81-19-116 (Order 81, Resolution No. 90), § 314-08-160, filed 9/23/81; Resolution No. 2, Rule 08.160, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-170 Subpoenas—Service. [Resolution No. 2, Rule 08.170, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-180 Subpoenas—Fees. [Statutory Authority: RCW 66.08.030 and 66.98.070. 81-19-116 (Order 81, Resolution No. 90), § 314-08-180, filed 9/23/81; Resolution No. 2, Rule 08.180, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-190 Subpoenas—Proof of service. [Resolution No. 2, Rule 08.190, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-200 Subpoenas—Quashing. [Resolution No. 2, Rule 08.200, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-210 Subpoenas—Enforcement. [Resolution No. 2, Rule 08.210, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-220 Subpoenas—Geographical scope. [Resolution No. 2, Rule 08.220, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-230 Depositions and interrogatories in contested cases—Right to take. [Resolution No. 2, Rule 08.230, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-240 Depositions and interrogatories in contested cases—Scope. [Resolution No. 2, Rule 08.240, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. [Resolution No. 2, Rule 08.250, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-260 Depositions and interrogatories in contested cases—Authorization. [Resolution No. 2, Rule 08.260, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Resolution No. 2, Rule 08.270, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Resolution No. 2, Rule 08.280, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-290 Depositions and interrogatories in contested cases—Recordation. [Resolution No. 2, Rule 08.290, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. [Resolution No. 2, Rule 08.300, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-310 Depositions and interrogatories in contested cases—Use and effect. [Resolution No. 2, Rule 08.310, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-320 Depositions and interrogatories in contested cases—Fees of deponents—Costs of deposition. [Resolution No. 2, Rule 08.320, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-330 Depositions upon interrogatories—Submission of interrogatories. [Resolution No. 2, Rule 08.330, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-340 Depositions upon interrogatories—Interrogation. [Resolution No. 2, Rule 08.340, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-350 Depositions upon interrogatories—Attestation and return. [Resolution No. 2, Rule 08.350, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-360 Depositions upon interrogatories—Provisions of deposition rule. [Resolution No. 2, Rule 08.360, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-370 Official notice—Matters of law. [Resolution No. 2, Rule 08.370, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-380 Official notice—Material facts. [Resolution No. 2, Rule 08.380, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-390 Presumptions. [Resolution No. 2, Rule 08.390, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-400 Stipulations and admissions of record. [Resolution No. 2, Rule 08.400, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-410 Form and content of decisions in contested cases and proposed orders. [Statutory Authority: Chapters 34.04 and 66.08 RCW. 80-12-021 (Order 74, Resolution No. 83), § 314-08-410, filed 8/27/80; Resolution No. 2, Rule 08.410, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-415 Written arguments. [Order 55, § 314-08-415, filed 5/31/77, effective 7/1/77.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-420 Definition of issues before hearing. [Resolution No. 2, Rule 08.420, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-430 Prehearing conference rule—Authorized. [Resolution No. 2, Rule 08.430, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-440 Prehearing conference rule—Record of conference action. [Resolution No. 2, Rule 08.440, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-450 Submission of documentary evidence in advance. [Resolution No. 2, Rule 08.450, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.

- 314-08-460 Excerpts from documentary evidence. [Resolution No. 2, Rule 08.460, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Resolution No. 2, Rule 08.470, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Resolution No. 2, Rule 08.480, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Resolution No. 2, Rule 08.490, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 314-08-470 or 314-08-480. [Resolution No. 2, Rule 08.500, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-510 Continuances. [Resolution No. 2, Rule 08.510, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-520 Rules of evidence—Admissibility criteria. [Resolution No. 2, Rule 08.520, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Resolution No. 2, Rule 08.530, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-540 Petitions for rule making, amendments or repeal—Who may petition. [Resolution No. 2, Rule 08.540, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-550 Petitions for rule making, amendments or repeal—Requisites. [Resolution No. 2, Rule 08.550, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-560 Petitions for rule making, amendments or repeal—Agency must consider. [Resolution No. 2, Rule 08.560, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-570 Petitions for rule making, amendments or repeal—Notice of disposition. [Resolution No. 2, Rule 08.570, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-580 Declaratory rulings. [Resolution No. 2, Rule 08.580, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.
- 314-08-590 Forms. [Resolution No. 2, Rule 08.590, filed 6/13/63.] Repealed by 01-11-058, filed 5/11/01, effective 6/11/01. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW.

WAC 314-08-001 through 314-08-590 Repealed. See Disposition Table at beginning of this chapter.

[2002 WAC Supp—page 1556]

Chapter 314-09 WAC

CONTESTED LIQUOR LICENSE APPLICATIONS AND RENEWALS

WAC

- 314-09-005 What is the purpose of chapter 314-09 WAC?
 314-09-010 Objections to liquor license applications.
 314-09-015 Objections to liquor license renewals.

WAC 314-09-005 What is the purpose of chapter 314-09 WAC? The purpose of chapter 314-09 WAC is to outline:

- (1) The process for persons, entities, and governmental jurisdictions to object to the issuance or renewal of a liquor license or permit; and
- (2) An applicant or licensee's options when his/her liquor license or permit is denied or action is taken to not renew his/her liquor license or permit.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.08.150, 01-03-087, § 314-09-005, filed 1/17/01, effective 2/17/01.]

WAC 314-09-010 Objections to liquor license applications. (1) **How can persons, entities, and governmental jurisdictions object to the issuance of a liquor license?** Per RCW 66.24.010 (8)(9), the board will notify certain entities of the following types of annual or special occasion liquor license or permit applications. In addition to the following entities, any person or group may comment in writing to the board regarding a liquor license application.

Type of Application	Entities the board will notify
<ul style="list-style-type: none"> ■ Applications for an annual license or permit at a new location that would allow the sale and/or service of alcohol beverage to the public for on-premises consumption or to-go; and ■ Applications to change the class of an existing annual liquor license or permit that allows the sale and/or service of alcohol beverage to the public for on-premises consumption or to-go. 	<ul style="list-style-type: none"> ■ Governmental jurisdictions in which the premises is located, and ■ Schools, churches, and public institutions within 500 feet of the premises to be licensed (as measured according to RCW 66.24.010(9)).
<ul style="list-style-type: none"> ■ Applications for any annual or special occasion liquor license or permit that allows the sale and/or service of alcohol beverage; and ■ Changes of ownership at existing licensed premises. 	Governmental jurisdictions only.

(2) **What will happen if a person or entity objects to a liquor license application?** When deciding whether to issue or deny an annual liquor license application, the board will give due consideration to input from governmental jurisdictions in which the premises is located; private schools, churches, and public institutions within 500 feet of the premises (as measured according to RCW 66.24.010(9)); and other persons or groups.

(a) Per RCW 66.24.010(9), the board will not issue a new retail liquor license if a tax-supported public elementary or secondary school within 500 feet of the premises to be licensed objects to the application (500 feet as measured according to RCW 66.24.010(9)).

(b) At its discretion, the board may hold a public meeting to gather input from interested parties before making a decision on a liquor license application. If the board decides to hold a public meeting, it will notify all persons or entities who have legal standing to be notified of a liquor license application under RCW 66.24.010, and all persons who gave comment on the application. The record of the public meeting will be part of any record should the matter result in an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW).

(c) If the board contemplates issuing a license over the objection of a governmental jurisdiction in which the premises is located, the government subdivision may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). If the board, in its discretion, grants the governmental jurisdiction(s) an adjudicative hearing, the licensee will be notified and given the opportunity to present evidence at the hearing.

(d) If the board denies a liquor license application based on the objection from a governmental jurisdiction; a private school, church, or public institution within 500 feet of the premises (as measured according to RCW 66.24.010(9)); and/or other persons or groups, the applicant(s) may either:

(i) Reapply for the license or permit no sooner than one year from the original denial date; or

(ii) Submit a written request, within twenty days of the date on the denial letter, for an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW).

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.08.150. 01-03-087, § 314-09-010, filed 1/17/01, effective 2/17/01.]

WAC 314-09-015 Objections to liquor license renewals. (1) **How can local governmental jurisdictions object to the renewal of a liquor license?** (a) The board will give governmental jurisdictions sixty days written notice of premises that hold annual liquor licenses in that jurisdiction that are up for renewal.

(b) Per RCW 66.24.010(8), if a governmental jurisdiction wants to object to the renewal of a liquor license in its jurisdiction, it must submit a letter to the board detailing the reason(s) for the objection and a statement of all facts on which the objections are based. This letter must be received by the board at least fifteen days before the liquor license expires.

(2) **What will happen if a governmental jurisdiction objects to the renewal of a liquor license?** (a) The board will give due consideration to a governmental jurisdiction's objection to a liquor license renewal of a premises in its jurisdiction. Based on the governmental jurisdiction's input and any information in the licensing file, the board will decide to either renew the liquor license, or to proceed with nonrenewal.

(b) At its discretion, the board may hold a public meeting to gather input from interested parties before making a decision on a liquor license renewal. If the board decides to hold a public meeting, it will notify the governmental jurisdiction(s) and any other persons who gave comment on the renewal. The record of the public meeting will be part of any record should the matter result in an adjudicative hearing

under the provisions of the Administrative Procedure Act (chapter 34.05 RCW).

(c) Board decides to renew the liquor license:	(d) Board decides to pursue non-renewal of the liquor license:
(i) The board will notify the governmental jurisdiction(s) in writing of its intent to renew the license, stating the reason for this decision.	(i) The board will notify the licensee in writing of its intent to not renew the license, stating the reason for this decision.
(ii) The governmental jurisdiction(s) may contest the proposed renewal and request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW).	(ii) The licensee may contest the proposed nonrenewal and request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW).
(iii) If the board, in its discretion, grants the governmental jurisdiction(s) an adjudicative hearing, the licensee will be notified and given the opportunity to present evidence at the hearing.	(iii) If the licensee requests a hearing, the governmental jurisdiction(s) will be notified and required to present evidence at the hearing to support its recommendation.
(iv) The board will consider the evidence, and will subsequently enter a final order announcing its decision.	(iv) The board will consider the evidence, and will subsequently enter a final order announcing its decision.
(v) The governmental jurisdiction(s) or the licensee may appeal the final order of the board to the superior court for judicial review (under chapter 34.05 RCW).	(v) The governmental jurisdiction(s) or the licensee may appeal the final order of the board to the superior court for judicial review (under chapter 34.05 RCW).
(vi) During the hearing and any subsequent appeal process, the licensee will be issued a temporary operating permit for the liquor license until a final decision is made.	(vi) During the hearing and any subsequent appeal process, the licensee is issued a temporary operating permit for the liquor license until a final decision is made.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.08.150. 01-03-087, § 314-09-015, filed 1/17/01, effective 2/17/01.]

Chapter 314-10 WAC SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

WAC

314-10-020 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-10-020 General—Applicable to all tobacco license holders. [Statutory Authority: RCW 66.08.030, 93-23-016, § 314-10-020, filed 11/5/93, effective 12/6/93.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

WAC 314-10-020 Repealed. See Disposition Table at beginning of this chapter.

Chapter 314-11 WAC GENERAL REQUIREMENTS FOR LICENSEES

WAC

314-11-005 What is the purpose of chapter 314-11 WAC?
314-11-015 What are my responsibilities as a liquor licensee?
314-11-020 What are the guidelines regarding sales to persons under twenty-one years of age and where persons under twenty-one are allowed on a licensed premises?
314-11-025 What are the forms of acceptable identification?

314-11-030	What if a person's identification meets the legal requirements but I still have doubts about his or her age?
314-11-035	What are the rules regarding sales to intoxicated persons?
314-11-040	What duties can an employee under twenty-one years of age perform on a licensed premises?
314-11-045	Can musicians under twenty-one years of age entertain on a licensed premises that is restricted to persons twenty-one or older?
314-11-050	What types of conduct are prohibited on a premises with a liquor license?
314-11-055	What are the lighting requirements for a licensed premises?
314-11-060	What are the mandatory signs a licensee must post on a licensed premises?
314-11-065	What type of liquor is allowed on a licensed premises?
314-11-070	During what hours can I sell or serve liquor?
314-11-080	Can liquor be substituted?
314-11-085	Do I have to sell liquor at a certain price?
314-11-090	Does the board have the right to inspect my premises?
314-11-095	What records am I required to keep regarding my licensed premises?
314-11-100	Can the board or another government agency seize liquor?
314-11-105	What can the board do with lawfully seized liquor?
314-11-110	What can government agencies other than the board do with lawfully seized liquor?

WAC 314-11-005 What is the purpose of chapter 314-11 WAC? Chapter 314-11 WAC outlines general requirements for liquor licensees, including:

- (1) Licensee areas of responsibility;
- (2) Restrictions against alcohol service to persons under twenty-one years of age and apparently intoxicated persons;
- (3) Persons under twenty-one years of age entering a restricted area;
- (4) Conduct on licensed premises;
- (5) Mandatory signs;
- (6) Hours of operation;
- (7) Keeping liquor on licensed premises; and
- (8) Record keeping requirements.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-005, filed 2/26/01, effective 3/29/01.]

WAC 314-11-015 What are my responsibilities as a liquor licensee? (1) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

(2) Licensees also have the responsibility to conduct their premises in compliance with the following laws, as they now exist or may later be amended:

- Titles 9 and 9A RCW, the criminal code laws;
- Title 69 RCW, which outlines the laws regarding controlled substances; and
- Titles 70.155 and 82.24 RCW, which outline laws regarding tobacco.

(3) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, licensees or employees may not:

- (a) Be disorderly or intoxicated on the licensed premises;
- (b) Permit any disorderly person to remain on the licensed premises;

(c) Engage in or allow behavior that provokes conduct which presents a threat to public safety;

(d) Consume liquor of any kind while working on the licensed premises; except that:

(i) Licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated;

(ii) Licensed wine manufacturers and their employees may:

(A) Sample wine for manufacturing, evaluating, or pricing product, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; and

(B) Sample wine of their own manufacture for quality control or consumer education purposes, so long as the licensee or employee does not become apparently intoxicated.

(e) Engage in, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW; or

(f) Sell or serve liquor by means of "drive-in" or by "curb service."

(4) Licensees have the responsibility to control the interaction between the licensee or employee and their patrons. At a minimum, licensees or employees may not:

(a) Solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for the purpose of soliciting a patron;

(b) Spend time or dance with, or permit any person to spend time or dance with, any patron for direct or indirect compensation by a patron.

(c) See WAC 314-11-050 for further guidelines on prohibited conduct.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-015, filed 2/26/01, effective 3/29/01.]

WAC 314-11-020 What are the guidelines regarding sales to persons under twenty-one years of age and where persons under twenty-one are allowed on a licensed premises? (1) Per RCW 66.44.270, licensees or employees may not supply liquor to any person under twenty-one years of age, either for his/her own use or for the use of any other person.

(2) Per RCW 66.44.310, licensees or employees may not allow persons under twenty-one years of age to remain in any premises or area of a premises classified as off-limits to persons under twenty-one. (See RCW 66.44.310 (1)(b) regarding nonprofit, private club licensees.)

(3) On the request of any law enforcement officer, a person must present a card of identification if the person is on a portion of a premises that is restricted to persons over twenty-one years of age, or if the person is purchasing liquor, attempting to purchase liquor, consuming liquor, or in the possession of liquor. If the person fails or refuses to present a card of identification it will be considered a violation of Title 66 RCW and:

(a) The person may not remain on the licensed premises after being asked to leave by a law enforcement officer; and

(b) The person may be detained by a law enforcement officer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-020, filed 2/26/01, effective 3/29/01.]

WAC 314-11-025 What are the forms of acceptable identification? (1) Per RCW 66.16.040, following are the forms of identification that are acceptable to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol:

(a) Liquor control authority card of identification of any state or province of Canada;

(b) Driver's license, instruction permit, or identification card of any state or province of Canada, or "identicard" issued by the Washington state department of licensing per RCW 46.20.117;

(c) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents;

(d) Passport; and

(e) Merchant Marine identification card issued by the United States Coast Guard.

(2) In order for the identification to be acceptable to verify a person's age, it must:

(a) Show the person's photo, date of birth, signature, and expiration date; and

(b) Not be expired (except that an expired Washington driver's license card together with a current temporary paper license or a current expiration extension sticker is acceptable).

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-025, filed 2/26/01, effective 3/29/01.]

WAC 314-11-030 What if a person's identification meets the legal requirements but I still have doubts about his or her age? (1) Per RCW 66.20.190 and 66.20.210, if a patron presents proper identification as outlined in WAC 314-11-025 but the licensee or employee still has doubts about the patron's age, the licensee or employee may require the patron to sign a certification card. Certification cards are provided by the board.

(2) The certification card must be completely filled out and filed alphabetically by the licensee or employee by the close of business on the day used. Certification cards are subject to examination by any law enforcement officer.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-030, filed 2/26/01, effective 3/29/01.]

WAC 314-11-035 What are the rules regarding sales to intoxicated persons? Per RCW 66.44.200, licensees or

employees may not supply liquor to any person apparently under the influence of liquor, or allow an apparently intoxicated person to possess or consume liquor on the licensed premises.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-035, filed 2/26/01, effective 3/29/01.]

WAC 314-11-040 What duties can an employee under twenty-one years of age perform on a licensed premises? A person must be twenty-one years of age or older to be employed in the sale, handling, or service of liquor, except as provided in this chapter.

(1) Per RCW 66.44.340 and RCW 66.44.350, persons between eighteen and twenty-one years of age may perform the following duties:

	Duties 18, 19, and 20 years old employees may perform	Duties 18, 19, and 20 years old employees may not perform
(a) In a grocery store or beer/wine specialty shop:	<ul style="list-style-type: none"> Sell, stock, and handle beer and wine, as long as there is a person twenty-one years of age or older on duty supervising the sale of liquor; and Deliver beer and/or wine to a customer's car with the customer. 	Supervise employees who sell, stock, or handle beer and/or wine.
(b) In an establishment that sells liquor for on-premises consumption:	<ul style="list-style-type: none"> Take orders for, serve, and sell liquor in areas classified as open to persons under twenty-one years of age; and Enter areas designated as off-limits to persons under twenty-one years of age to perform duties such as picking up liquor for service in other parts of the establishment; cleaning up, setting up, and arranging tables; delivering messages; serving food; and seating patrons; provided the employee does not remain in the area any longer than is necessary to perform the duties. 	Functions of a bartender, including: <ul style="list-style-type: none"> Mixing drinks; Drawing beer or wine from a tap; Pouring beer or wine anywhere except at the patrons table; and Providing an employee spirits, beer by the pitcher or glass, or wine by the carafe or glass for delivery to a customer.

(2) Per RCW 66.44.316 and 66.44.318, the following persons that are eighteen, nineteen, or twenty years of age may remain on licensed premises or portions of premises that are restricted from persons under twenty-one years of age, but only during the course of his or her employment:

(a) Persons performing janitorial services during the hours when there is no sale, service, or consumption of liquor on the premises;

(b) Employees of amusement device companies for the purpose of installing, maintaining, repairing, or removing any amusement device;

(c) Security or law enforcement officers and fire fighters during the course of their official duties and if they are not the direct employees of the licensee; and

(d) Professional musicians, per WAC 314-11-045.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-040, filed 2/26/01, effective 3/29/01.]

WAC 314-11-045 Can musicians under twenty-one years of age entertain on a licensed premises that is restricted to persons twenty-one or older? Per RCW 66.44.316 and 66.44.318, musicians, disk jockeys, and sound or lighting technicians paid by the licensee who are eighteen, nineteen, or twenty years of age may work in a licensed premises or a portion of a licensed premises that is restricted to persons twenty-one years of age or older, under the following conditions:

(1) The musicians must remain on the stage or bandstand during their performance, except:

(a) Strolling musicians; and

(b) Disk jockeys and sound and lighting technicians may remain in locations as required to actively support the professional musician or disk jockey.

(2) The musicians may not consume alcohol, and must have acceptable identification available for inspection at all times.

(3) The musicians are permitted on the licensed premises no more than one hour prior to the start of their performance and not more than one hour after their performance, in order to properly set up and secure their equipment.

(4) During breaks, minor musicians may not remain in an area that is off-limits to persons under twenty-one years of age.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-045, filed 2/26/01, effective 3/29/01.]

WAC 314-11-050 What types of conduct are prohibited on a premises with a liquor license?

(1) Licensees may not allow, permit, or encourage employees (including him or herself) to:	(a) Be unclothed or in such attire, costume, or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.
(2) Licensees may not allow, permit, or encourage any person (including him or herself) on the licensed premises to:	<p>(a) Perform acts of or acts which simulate, or use artificial devices or inanimate objects which depict:</p> <ul style="list-style-type: none"> • Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law; • The touching, caressing, or fondling of the breast, buttocks, anus or genitals; or • The displaying of the pubic hair, anus, vulva, or genitals. <p>(b) Show any film, still picture, electronic reproduction, or other visual reproduction that depicts pornography, or a sexual act prohibited by law.</p>

(3) Notwithstanding the provisions of subsection (4) of this rule, licensees may not encourage any person on the licensed premises to:	<p>(a) Expose to public view any portion of his or her genitals or anus;</p> <p>(b) Touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person; or</p> <p>(c) Wear or use any device or covering that is exposed to view which simulates the breast, genitals, anus, pubic hair, or any portion thereof.</p>
(4) Licensees must ensure any entertainers on the licensed premises perform under the following guidelines:	<p>(a) Entertainers may only expose their breast and/or buttocks if the performer(s) is on a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.</p> <p>(b) Performers must be at least six feet away from the nearest patron. This restriction will not be applied to performances of traditional ethnic dancing, provided that all of the following conditions are met:</p> <p>(i) The dancers are compensated by the licensee;</p> <p>(ii) At all times, the licensee must maintain and have available for inspection by any liquor enforcement officer a list of all traditional ethnic dancers employed at the licensed premises. The list must be retained for a period of thirty days after termination of employment and must contain the following information for each dancer or entertainer:</p> <ul style="list-style-type: none"> • True name and professional or stage name, if any; • Residence address and phone number; • Terms of the agreement of employment; and • Signature of both the licensee and the dancer or entertainer; <p>(iii) The traditional or ethnic dance performances will be those performed for the enjoyment of the general audience of the licensee and not for individual patrons.</p>

(5) The occurrence of any of the above acts or conduct, whether permitted by a licensee, employee, or any other person under the control or direction of the licensee or an employee, constitutes good and sufficient cause for cancellation of license privileges.

(6) Nothing in this rule is intended disallow local officials from adopting ordinances that are more restrictive than the requirements outlined in this rule.

(7) If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-050, filed 2/26/01, effective 3/29/01.]

WAC 314-11-055 What are the lighting requirements for a licensed premises? On all portions of the premises where alcohol is served or consumed, licensees must maintain sufficient lighting so that identification may be checked and patrons may be observed for the enforcement of liquor laws and rules.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-055, filed 2/26/01, effective 3/29/01.]

WAC 314-11-060 What are the mandatory signs a licensee must post on a licensed premises? (1) Notices regarding persons under twenty-one years of age must be posted on the premises as follows:

Type of licensee	Sign must contain the following language:	Required location of sign
Tavern licensees and spirits, beer, and wine licensees who do not allow persons under twenty-one years of age.	"Persons under twenty-one years of age not permitted on these premises."	Conspicuous location at each entry to premises.
Restaurants that do not permit persons under twenty-one years of age on a portion of their premises.	"Persons under twenty-one years of age not permitted in this area."	Conspicuous location at each entry to a restricted area.

The board will provide the required notices, or licensees may design their own notices as long as they are legible and contain the required language.

(2) Signs provided by the board warning of the possible danger of birth defects which may be caused as a result of the consumption of alcohol during pregnancy, must be posted as follows:

Type of premises	Required location of sign
Premises that serve alcohol for on-premises consumption (does not apply to self-service "mini-bars" in hotel guest rooms).	Posted in plain view at the main entrance to the liquor licensed portion of the establishment, and in the women's public restrooms closest to the licensed area.
Airports, convention centers, sports facilities, and other licensed premises that have more than one authorized location for alcohol service and consumption.	Posted in a place that is clearly visible to the majority of patrons entering the liquor licensed portion of the premises.
Grocery store and beer/wine specialty shop licensees.	Posted at one or more of the following locations: <ul style="list-style-type: none"> At each permanent display area of shelving and at coolers displaying alcohol beverages; and/or At the cash register(s) where alcohol is sold; and/or At the main entrance to the licensed premises.
Breweries and wineries.	Posted in plain view at: <ul style="list-style-type: none"> The main entrance to areas where alcohol is sold for off-premises consumption, and At the main entrance to all tasting areas.

(3) The premises' master license with appropriate endorsements must be conspicuously posted on the premises.

(4) Tobacco signage provided by the board must be posted (as outlined in WAC 314-10-020 and 314-10-030 as now or hereafter amended).

(5) Firearms prohibited signs provided by the board must be posted in each tavern and lounge (per RCW 9.41.300).

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-060, filed 2/26/01, effective 3/29/01.]

WAC 314-11-065 What type of liquor is allowed on a licensed premises? (1) Licensees may only possess and allow persons to consume or possess the type of liquor permitted by the type of liquor license held on the premises; except:

(a) Under authority of a banquet permit (see chapter 314-18 WAC);

(b) Restaurant licensees may allow patrons to bring wine into the premises for consumption with a meal; and

(c) Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of food products, provided that all food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that the food products contain liquor.

(2) Licensees or employees may not permit the removal of liquor in an open container from the licensed premises, except:

(a) Liquor brought on a licensed premises under authority of a banquet permit may be resealed in its original container and removed at the end of the banquet permit function;

(b) Per RCW 66.24.320 and 66.24.400, wine that is sold with a meal may be recorked or resealed and removed from the premises; and

(c) Liquor purchased by registered guests for consumption inside a hotel or motel room may be resealed in its original container and removed from the hotel or motel premises by the guest.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-065, filed 2/26/01, effective 3/29/01.]

WAC 314-11-070 During what hours can I sell or serve liquor? (1) Between the hours of 2 a.m. and 6 a.m., licensees or employees may not:

(a) Sell liquor,

(b) Offer liquor for sale,

(c) Deliver liquor,

(d) Permit the removal of liquor from the premises, or

(e) Allow liquor to be consumed on the premises.

(2) Persons working on the premises may possess liquor between the hours of 2 a.m. and 6 a.m. while in the performance of their official duties.

(3) A local government subdivision may fix later opening hours or earlier closing hours than those specified in this rule, so long as the hours apply to all licensed premises in the

local government subdivision's jurisdiction. See WAC 314-12-215(3) for exceptions when a premises is in a board recognized alcohol impact area.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-070, filed 2/26/01, effective 3/29/01.]

WAC 314-11-080 Can liquor be substituted? Liquor licensees or employees may not:

(a) Tamper, dilute, or fortify any bottle of spirituous liquor;

(b) Sell or serve any spirituous liquor, beer, or wine other than ordered; or

(c) Substitute a nonalcoholic beverage when an alcoholic beverage has been ordered (see WAC 314-11-035 regarding a licensee's responsibility to not serve liquor to an apparently intoxicated person).

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-080, filed 2/26/01, effective 3/29/01.]

WAC 314-11-085 Do I have to sell liquor at a certain price? (1) Retail liquor licensees must sell beer, wine, and spirits to customers at or above the licensee's acquisition cost.

(2) An exception to this requirement is that licensees may give a customer a drink free of charge under limited circumstances, such as a customer's birthday or to compensate for unsatisfactory products or services. Free liquor may not be used in advertising or as part of a promotion.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-085, filed 2/26/01, effective 3/29/01.]

WAC 314-11-090 Does the board have the right to inspect my premises? Per RCW 66.28.090, the following must be available to inspection at all times by the board and any law enforcement officer:

(1) The licensed premises and any premises connected physically or otherwise to the licensed business;

(2) Records as outlined in WAC 314-11-095; and

(3) Liquor on the licensed premises for the purpose of analyzing samples (the licensee will be given a receipt for any product removed from the premises for this purpose).

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-090, filed 2/26/01, effective 3/29/01.]

WAC 314-11-095 What records am I required to keep regarding my licensed premises? Licensees are responsible to keep records that clearly reflect all financial transactions and the financial condition of the business.

(1) The following records must be available for inspection by an employee of the liquor control board, or by a person appointed in writing by the board for the purposes of administering or enforcing any provisions of Title 66 RCW or Title 314 WAC:

(a) Purchase invoices and supporting documents, to include the items purchased, from whom the items were purchased, and the date of purchase;

(b) Bank statements for any accounts relating to the licensed business;

(c) Cancelled checks;

(d) Accounting and tax records; and

(e) Records of all financial transactions related to the licensed business.

(2) See the following rules for record keeping requirements specific to breweries and wineries: WAC 314-20-015(2), 314-20-050, 314-24-100, and 314-24-150 (as now or hereafter amended).

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-095, filed 2/26/01, effective 3/29/01.]

WAC 314-11-100 Can the board or another government agency seize liquor? Under the provisions of RCW 66.08.030 (2)(z), liquor enforcement officers and other peace officers are authorized to seize, confiscate, destroy or otherwise dispose of any liquor that is manufactured, sold, or offered for sale within the state in violation of the provisions of Title 66 RCW and/or Title 314 WAC.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-100, filed 2/26/01, effective 3/29/01.]

WAC 314-11-105 What can the board do with lawfully seized liquor? (1) Per RCW 66.08.030 (2)(z) and chapter 66.32 RCW, the board may destroy lawfully seized liquor under the following conditions:

(a) The board must maintain a record of the type, brand, and amount of liquor seized for at least one year.

(b) The lawfully seized liquor may be destroyed only after:

(i) The board's charges of a violation of Title 66 RCW or board regulations have been sustained after an administrative proceeding pursuant to chapter 314-29 WAC as now or hereafter amended, in which the liquor to be destroyed has been the subject of, or evidence in, the administrative proceeding; or

(ii) The board's charges of a violation of Title 66 RCW or board regulations have been admitted or are not contested by the person from whom the liquor was seized and the liquor seized was the subject of the charged violation; or

(iii) The liquor was seized pursuant to lawful arrest and liquor was held as evidence in a criminal proceeding where a final disposition has been reached; or

(iv) When no administrative or judicial proceedings are held, all parties who claim a right, title, or interest in the seized liquor have been given notice and opportunity for a hearing to determine his or her right, title, or interest in the subject liquor. Claims of right, title, or interest in seized liquor must be made to the board, in writing, within thirty days of the date of seizure.

(2) If the liquor lawfully seized is in its original, sealed container, the board may either:

(a) Return the product to a state liquor store for discounted resale; or

(b) Upon written request from a law enforcement agency, provide the liquor to the law enforcement agency for bona fide training.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-105, filed 2/26/01, effective 3/29/01.]

WAC 314-11-110 What can government agencies other than the board do with lawfully seized liquor? Under the provisions of chapter 66.32 RCW, government agencies may, after obtaining the approval of the board and under the supervision of the board, dispose of lawfully seized liquor as follows:

(1) The government agency may sell unopened, salable spirituous liquor, beer, and wine that was purchased from the board to the board under the following conditions:

(a) The government agency must provide the board with a listing of the liquor and make the liquor available for examination and review;

(b) The board will issue a purchase order for the liquor;

(c) When the government agency is from within the state of Washington and the liquor was originally purchased from the board, the board will pay the licensee price listed in the official board price list then in effect, less a handling charge of 13.5 percent.

(d) When the government agency is a federal agency, or when the government agency is from within the state of Washington but the liquor was not originally purchased from the board, or the liquor is no longer handled by the board, the board will pay a negotiated amount not to exceed ninety percent of the original approximate cost price from the distillery or manufacturer including federal tax and duty; and

(e) After receipt of the board purchase order, the government agency that is selling the liquor will invoice the board per the prices listed on the purchase order.

(2) The government agency may sell opened containers of lawfully seized liquor back to the spirits, beer, and wine restaurant licensee from whom seized, under the following conditions:

(a) The licensee is going out of business and the liquor will be used for the personal use of the licensee;

(b) The liquor must be sold at a negotiated price after the licensee pays the board an amount to be determined by the board in lieu of the spirit, beer, and wine restaurant discount and tax exemption in effect at that time. If the licensee does not purchase the opened bottles of liquor within the period of redemption, the liquor must be destroyed.

(3) The government agency may sell unopened beer and/or wine to the distributor selling the beer and/or wine at a negotiated price, per the procedures outlined in WAC 314-20-070 and 314-24-210, as now or hereafter amended. Copies of the inventory and bill of sale must be furnished to the board.

(4) The government agency may sell unopened salable wine and/or beer to appropriately licensed retailers at a negotiated price under the following conditions:

(a) The product must meet the quality standards set forth by its manufacturer, and

(b) Copies of the inventory and bill of sale must be furnished the board.

(5) The government agency may ship the liquor out of the state of Washington.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-11-110, filed 2/26/01, effective 3/29/01.]

Chapter 314-12 WAC

GENERAL—APPLICABLE TO ALL LICENSEES

WAC

314-12-020	Applicants—Qualifications—Fingerprinting—Criminal history record information checks—Continuing conditions—Agreements—Reconsideration of denied applications.
314-12-115	Repealed.
314-12-120	Repealed.
314-12-125	Repealed.
314-12-130	Repealed.
314-12-140	Prohibited practices—Contracts—Gifts—Rebates, etc.
314-12-195	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-12-115	Expired card of identification is not valid for proof of age. [Statutory Authority: RCW 66.08.030, 92-21-060, § 314-12-115, filed 10/19/92, effective 11/19/92.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.
314-12-120	Licensed premises open for inspection—Sampling of liquor. [Rule 11, filed 6/13/63.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.
314-12-125	Maintaining operation of licensed premises in accordance with law and rules of the board is responsibility of licensee—Failure to do so is cause for revocation of license. [Statutory Authority: RCW 66.08.030 and 66.98.070, 83-18-070 (Order 126, Resolution No. 135), § 314-12-125, filed 9/7/83.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.
314-12-130	No liquor deliveries on Sunday—Exceptions. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150, 98-18-097, § 314-12-130, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.070, 86-24-028 (Order 203, Resolution No. 212), § 314-12-130, filed 11/25/86; Rule 12, filed 6/13/63.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.
314-12-195	Mandatory signs to be posted warning of the possible dangers of consumption of alcohol during pregnancy. [Statutory Authority: RCW 66.08.030, 94-18-078, §

314-12-195, filed 9/2/94, effective 10/5/94.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

WAC 314-12-020 Applicants—Qualifications—Fingerprinting—Criminal history record information checks—Continuing conditions—Agreements—Reconsideration of denied applications. (1) Where a married person is an applicant for, or holder of a license, the spouse of such applicant, if the parties are maintaining a marital community, shall be required to have the same qualifications as the applicant.

(2) The board may require, as a condition precedent to the original issuance of any annual license, fingerprinting and criminal history record information checks on any person not previously licensed by the board. In addition to the applicant, fingerprinting and criminal history record information checks may be required of the applicant's spouse. In the case of a corporation, fingerprinting and criminal history record information checks may be required of its present and any subsequent officers, manager, and stockholders who hold more than ten percent of the total issued and outstanding stock of the applicant corporation if such persons have not previously had their fingerprints recorded with the board. In the case of a partnership, fingerprinting and criminal history record information checks may be required of all general partners and their spouses. Such fingerprints as are required by the board shall be submitted on forms provided by the board to the Washington state identification section of the Washington state patrol and to the identification division of the Federal Bureau of Investigation in order that these agencies may search their records for prior arrests and convictions of the individuals fingerprinted. The applicant shall give full cooperation to the board and shall assist the board in all aspects of the fingerprinting and criminal history record information check. The applicant may be required to pay a minimal fee to the agency which performs the fingerprinting and criminal history process.

(3) The restrictions on license issuance specified in RCW 66.24.010(2) shall be construed to be continuing conditions for retaining an existing license and any licensed person who ceases to be eligible for issuance of a license under RCW 66.44.010(2) shall also cease to be eligible to hold any license already issued.

(4) An applicant for any license or permit issued by the liquor control board, who employs an attorney or agent in connection with an application for such license or permit, shall, upon request, submit in writing the entire agreement between such applicant for license or permit, and the attorney or agent. No part of any compensation agreed upon, paid or received shall in any manner be contingent upon the outcome of the matter before said board. In the event the compensation agreed upon, paid or received, is determined to be excessive, the board reserves the right to refuse to consider the application for such license or permit.

(5) The board, in considering an application for a license, may require, in addition to all other information requested concerning the proposed licensed premises (see WAC 314-

12-035), that the applicant justify the issuance of the license sought based on an analysis of population trends compared to licenses in the area, any uniqueness of the proposed operation, any unusual circumstances present, plus any other information the applicant(s) may feel will justify the issuance of the license sought.

(6) The board may, at its discretion and for good cause shown, reconsider an application denied for reasons other than objection upon receipt of new information within sixty days of the original denial date. Such reconsiderations are not considered part of the normal license application procedure and must be justified on an individual basis. Should the board determine to reconsider a denied application, notice of such reconsideration shall be given to those persons and/or entities entitled to receive notice of an original license application pursuant to RCW 66.24.010(8). Such notice shall be given at least twenty days prior to final determination on the reconsideration. Additionally, at the same time the notice is given, a press release will be issued informing the public of the impending reconsideration. The process for applications denied due to objection is outlined in chapter 314-09 WAC.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.08.150, 01-03-087, § 314-12-020, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.025, 96-03-004, § 314-12-020, filed 1/4/96, effective 2/4/96. Statutory Authority: RCW 66.08.030, 93-15-024, § 314-12-020, filed 7/12/93, effective 8/12/93. Statutory Authority: RCW 66.08.030 and 66.24.010 (2)(b), 90-24-007, § 314-12-020, filed 11/27/90, effective 12/28/90. Statutory Authority: RCW 66.08.030 and 66.08.050(2), 83-18-071 (Order 129, Resolution No. 138), § 314-12-020, filed 9/7/83; Order 58, § 314-12-020, filed 8/9/77, effective 9/12/77; Order 43, § 314-12-020, Rule 1.5, filed 11/20/75; Order 36, § 314-12-020, filed 7/2/75; Rule 1.5, filed 6/13/63.]

WAC 314-12-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-12-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-12-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-12-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: Provided, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, distributor, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of

money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, distributor or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation.

(4) Pursuant to RCW 66.28.010 a manufacturer, distributor, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer. Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, distributor or importer; Provided, however, manufacturers, distributors, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or distributor on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, distributors or their agents and such activity occurs during normal business hours or upon hours that are mutually agreed.

(b) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(c) Provide point of sale advertising material and brand signs.

(d) Provide sales analysis of beer and wine products based on statistical sales data voluntarily provided by the retailer involved for the purpose of proposing a schematic display for beer and wine products. Any statistical sales data provided by retailers for this purpose shall be at no charge.

(e) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

(5) No manufacturer, distributor, importer, or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, distributor or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or distributor or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, distributor or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to non-

licensed retailers. The price thereof shall be not less than the manufacturer's, importer's, or distributor's cost of acquisition. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, distributor or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and distributors solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

[Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040, 01-06-015, § 314-12-140, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-12-140, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 95-17-005, § 314-12-140, filed 8/3/95, effective 9/3/95; 93-10-070, § 314-12-140, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 66.08.030(2), 92-02-014, § 314-12-140, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 66.28.010, 87-04-018 (Order 211, Resolution No. 220), § 314-12-140, filed 1/27/87. Statutory Authority: RCW 66.28.010 and 66.08.030 (2)(i), 86-09-019 (Order 181, Resolution No. 190), § 314-12-140, filed 4/9/86. Statutory Authority: RCW 66.08.030, 86-04-003 (Order 167, Resolution No. 176), § 314-12-140, filed 1/23/86. Statutory Authority: RCW 66.08.030 and 66.98.070, 84-22-060 (Order 150, Resolution No. 159), § 314-12-140, filed 11/7/84; Order 46, § 314-12-140, Rule 13, filed 6/9/76; Rule 13, filed 6/13/63.]

WAC 314-12-195 Repealed. See Disposition Table at beginning of this chapter.

Chapter 314-13 WAC

RETAIL LICENSEES PURCHASING BEER, WINE,
AND SPIRITS

WAC

314-13-005	What is the purpose of chapter 314-13 WAC?
314-13-010	Who can retail licensees purchase beer, wine, and spirits from?
314-13-015	What method of payment can a retailer use to purchase beer or wine from a manufacturer or distributor?
314-13-020	What if a check, EFT transaction, or credit/debit card transaction is reported as having nonsufficient funds (NSF)?
314-13-025	How do retail licensees purchase spirituous liquor at a discount from the board?
314-13-030	What method of payment can a retailer use to purchase spirituous liquor from the board?
314-13-040	Do retail licensees have to sell liquor at a certain price?

WAC 314-13-005 What is the purpose of chapter 314-13 WAC? The purpose of chapter 314-13 WAC is to outline the procedures for retail licensees to purchase beer, wine, and/or spirituous liquor for resale.

[Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. 01-06-015, § 314-13-005, filed 2/26/01, effective 3/29/01.]

WAC 314-13-010 Who can retail licensees purchase beer, wine, and spirits from?

	Definition	Who licensees can purchase from
Beer	RCW 66.04.010 (2) RCW 66.04.010 (21)	<ul style="list-style-type: none"> A licensed Washington distributor (including a licensed Washington brewery that distributes its own product) Washington State Liquor Control Board store or agency
Wine	RCW 66.04.010(37)	<ul style="list-style-type: none"> A licensed Washington distributor (including a licensed Washington winery that distributes its own product) Washington State Liquor Control Board state-run or contract liquor store
Spirits	RCW 66.04.010(32)	A Washington State Liquor control board state-run or contract liquor store

[Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. 01-06-015, § 314-13-010, filed 2/26/01, effective 3/29/01.]

WAC 314-13-015 What method of payment can a retailer use to purchase beer or wine from a manufacturer or distributor? Per RCW 66.28.010(1), a retail licensee must pay cash for beer and wine prior to or at the time of delivery by a distributor, brewery, or winery. The board will recognize the following forms of payment as cash payment for the purposes of this title, under the conditions outlined in this rule and in WAC 314-13-020.

(1) **Checks**, under the provisions of WAC 314-13-020.

(2) **Credit/debit cards**, under the following provisions:

(a) The credit or debit card transaction agreement must be voluntary on the part of both the retailer and the manufacturer, importer, or distributor, and there must be no discrimination for nonparticipation in credit or debit card transactions.

(b) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(c) Both parties must bear their respective banking costs or other costs associated with the credit or debit card service.

(d) Both parties must maintain records of transactions and have the records readily available for board review.

(e) The credit or debit card charge must be initiated by the manufacturer, importer, or distributor no later than the first business day following delivery.

(3) **Electronic funds transfer (EFT)**, under the following provisions:

(a) The EFT agreement must be voluntary on the part of both the retailer and the manufacturer, importer, or distributor, and there must be no discrimination for nonparticipation in EFT.

(b) Prior to any EFT transaction, the retail licensee must enter into a written agreement with the manufacturer, importer, or distributor specifying the terms and conditions for EFT as payment for alcohol or nonalcohol beverages.

(c) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(d) Both parties must bear their respective banking costs or other costs associated with EFT service.

(e) Both parties must maintain records of transactions and have the records readily available for board review.

(f) The electronic funds transfer must be initiated by the manufacturer, importer, or distributor no later than the first business day following delivery.

(4) **Prepaid accounts**. Both parties must keep accurate accounting records of prepaid accounts to ensure a cash deposit is not overextended, which is considered an extension of credit.

[Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. 01-06-015, § 314-13-015, filed 2/26/01, effective 3/29/01.]

WAC 314-13-020 What if a check, EFT transaction, or credit/debit card transaction is reported as having nonsufficient funds (NSF)? Any transaction reported as having nonsufficient funds (NSF) will be considered an extension of credit, in violation of RCW 66.28.010(1). If a transaction is reported as NSF:

(1) The retailer must pay the full amount of the transaction to the manufacturer, importer, or distributor by 3 p.m. on the first business day following receipt of the NSF report.

(2) If the retailer does not make payment by this time, the manufacturer, importer, or distributor must report the NSF transaction to the their local board enforcement office by 5 p.m. the next business day following receipt of the NSF report.

(3) The local board enforcement office will contact the retailer, who will have until 3 p.m. the next business day to pay the NSF transaction. If the retailer does not pay the manufacturer, importer, or distributor by this time, the board will issue an administrative violation notice to the retailer.

(4) Until the NSF transaction is paid:

(a) The manufacturer, importer, or distributor who received the NSF transaction will not deliver any beer or wine to the retailer; and

(b) It is the responsibility of the retailer to not receive any beer or wine from any manufacturer, importer, or distributor.

[Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. 01-06-015, § 314-13-020, filed 2/26/01, effective 3/29/01.]

WAC 314-13-025 How do retail licensees purchase spirituous liquor at a discount from the board? (1) In order to acquire spirituous liquor for resale, the following licensees must purchase spirituous liquor from the board at a fifteen percent discount:

- (a) Spirits, beer, and wine restaurants;
- (b) Spirits, beer, and wine private clubs; and
- (c) Sports/entertainment facilities.

(2) When purchasing spirituous liquor, the licensee must present the tear-off portion of the business' master license that shows its liquor endorsement.

(3) This discounted spirituous liquor may only be used for resale on the licensed premises (see WAC 314-70-010 for instructions on when a business discontinues).

(a) Possession of discounted liquor off of the licensed premises will be *prima facie* evidence of a violation of this rule, unless:

(i) The liquor is en route from the point of purchase to the licensed premises, or

(ii) The liquor is en route from the licensed premises of a beer and/or wine restaurant or a spirits, beer, and wine restaurant with a caterer's endorsement to an approved event being catered by the licensee.

(b) Any spirituous liquor on the licensed premises must be liquor purchased at a discount from the board, except:

(i) Under the authority of a banquet permit, see chapter 314-18 WAC; or

(ii) Liquor bottles if they are used as part of the decor, and any bottles containing liquor are locked in a display case and are not for sale.

[Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. 01-06-015, § 314-13-025, filed 2/26/01, effective 3/29/01.]

WAC 314-13-030 What method of payment can a retailer use to purchase spirituous liquor from the board?

(1) Per RCW 66.16.040, retailers must pay cash for spirituous liquor purchased from the board.

(2) For the purposes of this section, a check will be considered cash as long as the check is immediately made good when presented and is not used as a device for obtaining or extending credit. Therefore, state-run liquor stores will take certified checks from retailers for the purchase of spirituous liquor, and will take personal or company checks under the following conditions:

(a) Persons or entities that have held a liquor license for less than two years must supply the board a letter of credit from the bank in which the account is held.

(b) Persons or entities that have held a liquor license for two years or longer must either:

(i) Apply and be approved for a check acceptance agreement with the board, on a form provided by the board; or

(ii) Supply the board a letter of credit from the bank in which the account is held.

(3) Contract liquor stores may adopt the check acceptance policy outlined in this rule.

[Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. 01-06-015, § 314-13-030, filed 2/26/01, effective 3/29/01.]

WAC 314-13-040 Do retail licensees have to sell liquor at a certain price? Retail liquor licensees must sell beer, wine, and spirituous liquor at or above the licensee's acquisition cost.

[Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. 01-06-015, § 314-13-040, filed 2/26/01, effective 3/29/01.]

Chapter 314-14 WAC

ALCOHOL SERVER TRAINING PROGRAM

WAC

314-14-010 through 314-14-170 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-14-010	Class 12 permit—Mixologist. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-010, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
314-14-020	Class 13 permit—Server. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-020, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
314-14-030	Permit expiration—Lost, replacement and upgraded permits. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-030, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
314-14-040	Temporary certification as a provider. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-040, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
314-14-050	Illegal possession of a permit. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-050, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
314-14-060	Training entity—Provider—Trainers. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-060, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
314-14-070	Provider certification. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-070, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
314-14-080	Provider and trainer records—Rights of inspection. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-080, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
314-14-090	Alcohol server education provider course standards—Class 12 mixologist permit. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-090, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
314-14-100	Alcohol server education provider course standards—Class 13 server permit. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-100, filed 1/17/96, effective 2/17/96.] Repealed by

- 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
- 314-14-110 Sanctions against providers and trainers. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-110, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
- 314-14-120 Provider responsible for acts of trainers. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-120, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
- 314-14-130 Prohibited conduct. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-130, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
- 314-14-140 Provider and trainer advertising and promotion standards. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-140, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
- 314-14-150 On premise liquor licensees must check identification of employees and verify their possession of an alcohol servers permit. [Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-150, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
- 314-14-160 What are the penalties if a permit holder violates the liquor laws? [Statutory Authority: RCW 66.08.030, 66.20.079 and 66.20.340. 99-03-033, § 314-14-160, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-160, filed 1/17/96, effective 2/17/96.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
- 314-14-165 Can the board impose sanctions or penalties other than those indicated in WAC 314-14-160? [Statutory Authority: RCW 66.08.030, 66.20.079 and 66.20.340. 99-03-033, § 314-14-165, filed 1/13/99, effective 2/13/99.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.
- 314-14-170 If my Class Twelve (12) or Class Thirteen (13) permit is suspended, can I still work? [Statutory Authority: RCW 66.08.030, 66.20.079 and 66.20.340. 99-03-033, § 314-14-170, filed 1/13/99, effective 2/13/99.] Repealed by 01-03-085, filed 1/17/01, effective 2/17/01. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.

- 314-16-120 Repealed.
314-16-122 Repealed.
314-16-125 Repealed.
314-16-145 Repealed.
314-16-160 Purchases—Reports.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 314-16-025 "Minor prohibited" posting required in classified premises. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-025, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 86-09-074 (Order 182, Resolution No. 191), § 314-16-025, filed 4/22/86.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.
- 314-16-030 Sanitation, equipment and lighting. [Rule 18, filed 6/13/63.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.
- 314-16-050 Hours of operation. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-050, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 94-08-031, § 314-16-050, filed 3/30/94, effective 4/30/94; Order 53, § 314-16-050, filed 2/15/77 and 2/16/77, effective 3/18/77; Order 45, § 314-16-050, Rule 20, filed 6/1/76; Order 16, § 314-16-050, filed 8/5/71, effective 9/7/71; Order 11, § 314-16-050, filed 11/13/70, effective 12/14/70; Resolution No. 7, filed 7/19/67, effective 8/19/67; Rule 20, filed 6/13/63.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.
- 314-16-060 Curb service prohibited. [Statutory Authority: RCW 66.08.050. 95-17-040, § 314-16-060, filed 8/10/95, effective 9/10/95. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-21-024 (Order 87, Resolution No. 96), § 314-16-060, filed 10/14/81; 80-15-111 (Order 75, Resolution No. 84), § 314-16-060, filed 10/22/80; Order 53, § 314-16-060, filed 2/15/77, effective 3/18/77; Order 4, § 314-16-060, filed 7/9/69, effective 8/11/69; Rule 21, filed 6/13/63.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.
- 314-16-070 Minors—Employment. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-070, filed 9/2/98, effective 10/3/98. Statutory

WAC 314-14-010 through 314-14-170 Repealed. See Disposition Table at beginning of this chapter.

Chapter 314-16 WAC RETAIL LICENSEES

- WAC**
- 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices.
- 314-16-025 Repealed.
- 314-16-030 Repealed.
- 314-16-040 Price list.
- 314-16-050 Repealed.
- 314-16-060 Repealed.
- 314-16-070 Repealed.
- 314-16-075 Repealed.
- 314-16-090 Repealed.

Authority: RCW 66.08.030 and 66.98.070. 88-20-086 (Order 263, Resolution No. 272), § 314-16-070, filed 10/5/88. Statutory Authority: RCW 66.08.030, 88-01-015 (Order 234, Resolution No. 243), § 314-16-070, filed 12/8/87; Order 43, § 314-16-070, Rule 22, filed 11/20/75; Order 4, § 314-16-070, filed 7/9/69, effective 8/11/69; Rule 22, filed 6/13/63.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

314-16-075 Musicians, disc jockeys, sound or lighting technicians, persons performing janitorial services, employees of amusement device companies, security officers, fire fighters and law enforcement officers employment. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-075, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 89-08-014 (Order 277, Resolution No. 286), § 314-16-075, filed 3/27/89. Statutory Authority: RCW 66.44.316, 66.44.310, 66.44.350 and 66.08.030. 86-18-018 (Order 197, Resolution No. 206), § 314-16-075, filed 8/26/86; Order 9, § 314-16-075, filed 2/17/70.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

314-16-090 Bottles and containers—Reuse. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-090, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 93-15-025, § 314-16-090, filed 7/12/93, effective 8/12/93; Order 19, § 314-16-090, filed 8/10/72; Rule 24, filed 6/13/63.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

314-16-120 Conduct on licensed premises. [Statutory Authority: RCW 66.08.030 and 66.98.070. 89-03-045 (Order 273, Resolution No. 282), § 314-16-120, filed 1/13/89; 88-20-085 (Order 262, Resolution No. 271), § 314-16-120, filed 10/5/88; 85-15-021 (Order 161, Resolution No. 170), § 314-16-120, filed 7/9/85; 83-06-026 (Order 120, Resolution No. 129), § 314-16-120, filed 2/23/83; Order 53, § 314-16-120, filed 2/15/77, effective 3/18/77; Rule 27, filed 6/13/63.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

314-16-122 Licensee-employees—Prohibited conduct with patrons. [Statutory Authority: RCW 66.08.030 and 66.98.070. 83-13-055 (Order 124 and Resolution No. 133), § 314-16-122, filed 6/15/83. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-23-039 (Order 83, Resolution No. 92), § 314-16-122, filed 11/18/81.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

314-16-125 Suggestive, lewd and/or obscene conduct on licensed premises. [Statutory Authority: RCW 66.08.030. 91-

19-098 and 92-01-105, § 314-16-125, filed 9/18/91 and 12/18/91, effective 10/19/91 and 1/18/92. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-22-069 (Order 115, Resolution No. 124), § 314-16-125, filed 11/2/82; 81-23-039 (Order 83, Resolution No. 92), § 314-16-125, filed 11/18/81; Order 34, § 314-16-125, filed 6/24/75.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

314-16-145 Presentation of card of identification penalty for refusal—Detention for reasonable period to determine age—Person who cannot establish age may be removed from licensed premises. [Statutory Authority: RCW 66.08.030 and 66.98.070. 83-12-022 (Order 123, Resolution No. 132), § 314-16-145, filed 5/25/83.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

WAC 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices. (1) Faucets, spigots, or other dispensing apparatus must be labeled with the correct brand name of the beer being drawn. Brewers and beer distributors may furnish "tap marking devices" to retail dispensers at a nominal value or cost to the brewer or beer distributor. Brewers and beer distributors may also furnish can and bottle openers to retail licensees at a nominal value or cost to the brewer or beer distributor.

(2) Every bottle or other container from which wine is sold by a retail licensee for consumption on a licensed premises must be labeled with the correct brand name, type and manufacturer's name of the wine. Wineries and wine distributors may furnish labels and "tap marking devices" or container marking devices and corkscrews to retail dispensers at a nominal value or cost to the winery or wine distributor.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-16-020, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-020, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 93-10-070, § 314-16-020, filed 5/3/93, effective 6/3/93; 87-22-018 (Order 233, Resolution No. 242), § 314-16-020, filed 10/27/87; Rule 17, filed 6/13/63.]

WAC 314-16-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-040 Price list. No holder of a beer and/or wine restaurant license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned," "Whiskey Sour," "Singapore Sling," "Martini," "Manhattan," nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed

drink made from spirituous liquor, unless the name of such drink is prefaced by the word "wine," such as Wine Old Fashioned. The holder of a beer and/or wine restaurant license may advertise for sale, mix, compound or sell upon order, mixed drinks made from one or more wines under a name which does not conflict with this section.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-16-040, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-12-051, § 314-16-040, filed 6/5/00, effective 7/6/00. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-040, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 88-23-100 (Order 261, Resolution No. 270), § 314-16-040, filed 11/22/88; 87-20-014 (Order 228, Resolution No. 237), § 314-16-040, filed 9/29/87; 86-07-015 (Order 179, Resolution No. 188), § 314-16-040, filed 3/11/86; 85-06-023 (Order 155, Resolution No. 164), § 314-16-040, filed 2/27/85. Statutory Authority: RCW 66.08.030 and 66.98.070. 84-11-092 (Order 142, Resolution No. 151), § 314-16-040, filed 5/23/84. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-02-094 (Order 69, Resolution No. 78), § 314-16-040, filed 1/23/80; Rule 19, filed 6/13/63.]

WAC 314-16-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-075 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-122 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-145 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-16-160 Purchases—Reports. (1) Failure by licensees to keep accurate accounting records which result in the extension of or receipt of credit from a manufacturer, importer, or distributor through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

[2002 WAC Supp—page 1570]

(2) A retail licensee shall purchase beer from a beer distributor pursuant to RCW 66.28.070 and shall purchase wine from a state liquor store or agency or from a duly licensed distributor except as provided in chapter 314-70 WAC. All beer purchased must be at the posted price in accordance with WAC 314-20-100 and all wine purchased must conform to the posted price as filed under WAC 314-24-190. No retail licensee may return wine to a wine distributor except in accordance with the provisions of WAC 314-24-210, nor shall any retail licensee return beer to a beer distributor except in accordance with the provisions of WAC 314-20-070.

(3) Prior to license delivery, a new beer and/or wine licensee or transferee may, with board authorization, be sold beer and/or wine for the purpose of stocking the premises. No retail sale of beer and/or wine shall take place until the applicant premises have been inspected by the board and the liquor license is delivered.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. 01-06-014, § 314-16-160, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-160, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 88-23-101 (Order 270, Resolution No. 279), § 314-16-160, filed 11/22/88; 87-04-017 (Order 210, Resolution No. 219), § 314-16-160, filed 1/27/87. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-022 (Order 109, Resolution No. 118), § 314-16-160, filed 8/9/82; Order 24, § 314-16-160, filed 6/28/73; Order 5, § 314-16-160, filed 8/7/69, effective 9/8/69; Rule 32, filed 6/13/63.]

Chapter 314-17 WAC

MANDATORY ALCOHOL SERVER TRAINING (Formerly chapter 314-14 WAC)

WAC

314-17-005	What is the purpose of this chapter?
314-17-010	Definitions.
314-17-015	What are the two types of alcohol server training permits?
314-17-020	How long are the permits good for, and how does a permit holder renew?
314-17-025	Do permit holders have to carry their permit with them?
314-17-030	Are employers responsible to ensure that their employees hold an alcohol server permit?
314-17-035	How are lost permits replaced?
314-17-040	Can Class 13 server permit holders upgrade to a Class 12 mixologist permit when they turn twenty-one?
314-17-045	How do I get a Class 12 mixologist or a Class 13 server permit in Washington if I was trained in another state?
314-17-050	How can a person receive certification as a Class 12 mixologist or Class 13 server permit provider?
314-17-055	Temporary certification as a provider.
314-17-060	What are the course standards for Class 12 mixologist and Class 13 server permits?
314-17-065	How does a provider receive certification for its trainers?
314-17-070	What criminal history would prevent a person from receiving certification to be a trainer?
314-17-075	How does a provider or trainer get Class 12 mixologist and Class 13 server permits to issue to course participants?
314-17-080	What are the age requirements for trainees to receive Class 12 mixologist and Class 13 server permits?

314-17-085	What records does the provider or trainer need to provide to the board or keep on file?
314-17-090	Prohibited conduct by providers and trainers.
314-17-095	Is the provider responsible for the acts of its trainers?
314-17-100	What are the penalties if provider or a trainer violates a liquor law or regulation?
314-17-105	What are the penalties if a permit holder violates the liquor laws?
314-17-110	Can the board impose sanctions or penalties other than those indicated in WAC 314-17-105?
314-17-115	Can a Class 12 or Class 13 permit holder work on a licensed premises while his/her permit is suspended?

WAC 314-17-005 What is the purpose of this chapter? (1) RCW 66.20.300 through RCW 66.20.350 set up a mandatory alcohol server training program. These laws require persons who serve or supervise the service of alcohol for on-premises consumption to hold one of two permits, as outlined in this chapter.

(2) This chapter outlines how a person receives these permits, and how a person can become certified to provide alcohol server training.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-005, filed 1/17/01, effective 2/17/01.]

WAC 314-17-010 Definitions. The following definitions are to clarify the purpose and intent of the rules and laws governing mandatory alcohol server training. Additional definitions are in RCW 66.04.010 and 66.20.300.

(1) A "permit holder" is a person who holds either a Class 12 mixologist or a Class 13 server permit. The permit is the property of the permit holder, and can be used at any liquor licensed establishment.

(2) A "provider" is an individual, partnership, corporation, college, educational institute, or other bona fide legal entity that the board certifies to provide a board approved alcohol server education course (per RCW 66.20.300). The provider is a training entity.

(3) A "trainer" is an individual employed or authorized by a provider to conduct an alcohol server education course. Upon the successful completion of the course, the student will receive a Class 12 mixologist or Class 13 server permit from the trainer.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-010, filed 1/17/01, effective 2/17/01.]

WAC 314-17-015 What are the two types of alcohol server training permits? There are two types of permits for persons who serve alcohol for on-premises consumption, or who supervise the sale of alcohol for on-premises consumption:

(1) Per RCW 66.20.310, a Class 12 mixologist permit is required for liquor licensees or their employees who:	(2) Per RCW 66.20.310, a Class 13 server permit is required for persons who:
<p>(a) Manage a premises licensed to sell alcohol beverages for on-premises consumption;</p> <p>(b) Act as a bartender for selling or mixing alcohol beverages which may include spirits, beer, and/or wine for on-premises consumption; and/or</p> <p>(c) Draw beer and/or wine from a tap and/or spirits from a dispensing device at an establishment licensed to sell liquor for on-premises consumption.</p> <p>(d) A Class 12 mixologist permit holder must be at least twenty-one years of age.</p> <p>(e) A Class 12 mixologist permit includes the authority to act as a server, under the Class 13 server permit.</p> <p>(f) See RCW 66.20.310(7) for exceptions for employees of grocery stores that have an on-premises liquor license.</p>	<p>(a) Take orders for alcohol beverages to be consumed on-premises;</p> <p>(b) Deliver alcohol beverages to customers for consumption on-premises; and/or</p> <p>(c) Open and/or pour beer or wine into a customer's glass at the customer's table.</p> <p>(d) A class 13 server permit holder must be at least eighteen years of age.</p>

(3) Upon the temporary absence of a Class 12 mixologist permit holder, a Class 13 server permit holder who is at least twenty-one years of age may perform the functions of a Class 12 permit holder until a Class 12 permit holder can arrive to fulfill those duties, but in no event for more than thirty consecutive days.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-015, filed 1/17/01, effective 2/17/01.]

WAC 314-17-020 How long are the permits good for, and how does a permit holder renew? (1) Class 12 mixologist and Class 13 server permits are valid for five years. The permits expire on the first day of the month, five years following the month the person successfully completed the alcohol server education course.

(2) In order to renew the permit, the mixologist or server must attend an alcohol server education course given by a board certified trainer or provider.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-020, filed 1/17/01, effective 2/17/01.]

WAC 314-17-025 Do permit holders have to carry their permit with them? (1) Any time a licensee or

employee is performing the duties outlined in WAC 314-17-015, the person must have:

(a) Their Class 12 mixologist or Class 13 server permit on the premises, and

(b) One piece of identification (acceptable forms of identification are outlined in RCW 66.16.040).

(2) Both the permit and the identification must be available for inspection by any law enforcement officer.

(3) It will be considered a violation of this section for any person to:

(a) Falsify a Class 12 mixologist or a Class 13 server permit; or

(b) Keep or possess a Class 12 mixologist permit or a Class 13 server permit contrary to the provisions of this title.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-025, filed 1/17/01, effective 2/17/01.]

WAC 314-17-030 Are employers responsible to ensure that their employees hold an alcohol server permit? All licensees who hold a license to sell liquor for on-premises consumption must ensure that any person that engages in the sale or service of liquor, or who supervises such activities, has a current and valid Class 12 mixologist or Class 13 server permit within sixty days of the date of hire. See RCW 66.20.310(7) for exceptions for grocery stores that have an on-premises liquor license.

(1) The permit must be in the same name and with the same identifying characteristics as indicated on the permit holder's identification (acceptable forms of identification are outlined in RCW 66.16.040).

(2) Per WAC 314-16-070(1), a person twenty-one years of age or older must be on the licensed premises to supervise the sale, service, and consumption of liquor.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-030, filed 1/17/01, effective 2/17/01.]

WAC 314-17-035 How are lost permits replaced? To replace a lost Class 12 mixologist or Class 13 server permit, the permit holder can:

(1) Contact the provider or trainer who issued the permit; or

(2) Submit an affidavit of lost permit on a form provided by the board to the licensing and regulation division with a fee as prescribed by the board. The board will cancel the lost permit and issue a replacement permit.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-035, filed 1/17/01, effective 2/17/01.]

WAC 314-17-040 Can Class 13 server permit holders upgrade to a Class 12 mixologist permit when they turn twenty-one? Class 12 mixologist permits are only issued to persons twenty-one years of age or older. Therefore, any eighteen, nineteen, or twenty year-old person who successfully completes a Class 12 mixologist class will be issued a Class 13 server permit.

(1) Upon turning twenty-one years of age, the server may contact the provider or trainer who issued the permit and receive an upgraded Class 12 mixologist permit.

(2) The expiration date of the permit will remain five years from the date of the original class.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-040, filed 1/17/01, effective 2/17/01.]

WAC 314-17-045 How do I get a Class 12 mixologist or a Class 13 server permit in Washington if I was trained in another state? (1) Per RCW 66.20.320(10), if you have completed an alcohol server education course in another state since July 1, 1993, and the course is also certified in Washington State, you may receive a Class 12 mixologist or a Class 13 server permit in Washington by completing the provider's Washington State supplement to the program. This supplement will cover Washington State liquor laws and regulations. (You can contact the board's licensing and regulation division to find out if the course you completed is certified in Washington.)

(2) The provider will issue you a Washington State permit, which will expire five years from the first day of the month following the date the original class was taken. (For example, if you completed the program in another state on June 15, 1996, the Washington permit will expire on July 1, 2001.)

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-045, filed 1/17/01, effective 2/17/01.]

WAC 314-17-050 How can a person receive certification as a Class 12 mixologist or Class 13 server permit provider? An individual, partnership, corporation, college, educational institute, or other bona fide legal entity may apply to be certified by the board to become a Class 12 mixologist and/or a Class 13 server permit provider.

(1) In order to get a course certified, the proposed provider must submit the following information to the board's licensing and regulation division:

(a) A completed application form provided by the board;

(b) A copy of the proposed curriculum (see WAC 314-17-060);

(c) A copy of all audio, video, and instructional materials that will be used in the course;

(d) A copy of all printed materials that will be provided to participants as part of the course; and

(e) A copy of the examination(s) and explanation of the examination procedures necessary to pass the course.

(2) The board's licensing and regulation division will respond to the request for certification within forty-five days of receipt of the material. The board will either:

(a) Issue a letter of certification which will be valid for five years, or

(b) Provide a letter outlining what additions or changes need to be made to the course to meet the requirements outlined in this title. If the additions or changes are not received by the licensing and regulation division within thirty days, the application for course certification will be withdrawn.

(3) The board or its designee may attend any class provided by certified providers and their trainers at no charge, in order to evaluate the course for conformance with this title.

(4) The provider must receive prior approval from the board's licensing and regulation division before making any changes to the course content or method of presentation which has been certified by the board.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-050, filed 1/17/01, effective 2/17/01.]

WAC 314-17-055 Temporary certification as a provider. (1) Persons or entities may apply for temporary certification by the board to become a Class 12 mixologist and/or a Class 13 server permit provider. Temporary certification may be issued by the board for up to six months. During this time period, the provider may adjust their course content or method of presentation without prior board approval, within the guidelines set by the board's licensing and regulation division in the temporary certification.

(2) In order to get a course certified, the proposed provider must submit the information outlined in WAC 314-17-050(1).

(3) The board's licensing and regulation division will evaluate the program to see if it meets the minimum standards set by RCW 66.20.300 through 66.20.350, and will respond to the request for temporary certification within forty-five days of receipt of the material. The board will either:

(a) Issue a letter of temporary certification which will be valid for up to six months, or

(b) Provide a letter outlining what additions or changes need to be made to the course to meet the requirements outlined in this title. If the additions or changes are not received by the licensing and regulation division within thirty days, the application for temporary certification will be withdrawn.

(4) The board or its designee may attend any class provided by certified providers and their trainers at no charge in order to evaluate the course for conformance with this title. If, in the opinion of the board or their designee, the provider does not comply with the lesson plan submitted and approved or any of the requirements of this title, the temporary certification may be immediately revoked.

(5) If permanent certification is not obtained during the six month temporary certification period, at the end of the temporary certification period, the provider must return the following materials to the board's licensing and regulation division:

- (a) The original letter of board certification,
- (b) Any Class 12 mixologist and/or Class 13 server permit forms, and
- (c) Records of all permits issued during the temporary certification period.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-055, filed 1/17/01, effective 2/17/01.]

WAC 314-17-060 What are the course standards for Class 12 mixologist and Class 13 server permits?

(1) Requirements for a Class 12 mixologist permit course	<p>(a) The course of instruction must be at least three hours in length. The course may be by video or audio-visual presentation ("video" includes via videotape or via computer, including Internet applications and CD-ROMS).</p> <p>(b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</p> <ul style="list-style-type: none"> (i) Recognizing and dealing with intoxicated persons, (ii) How to check identification, (iii) Employment of persons under twenty-one years of age, (iv) Legal hours of liquor sale and service, (v) Prohibited conduct by patrons and employees, (vi) Required signs in liquor licensed establishments, (vii) Minimum lighting requirements, and (viii) Administrative and criminal sanctions against liquor licensees and Class 12 and Class 13 permit holders.
(2) Requirements for a Class 13 server permit course	<p>(a) The course of instruction must be at least one hour in length. The course may be by video or audio-visual presentation of not less than thirty minutes together with facilitation by an authorized provider or trainer, or a sixty-minute self teaching video ("video" includes via videotape or via computer, including Internet applications and CD-ROMS).</p> <p>(b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</p> <ul style="list-style-type: none"> (i) Recognizing and dealing with intoxicated persons, (ii) How to check identification, (iii) Employment of persons under twenty-one years of age, (iv) Legal hours of liquor sale and service, (v) Prohibited conduct by patrons and employees, and (vi) Administrative and criminal sanctions against licensees and Class 13 server permit holders.
(3) Requirements and guidelines for both Class 12 mixologist and Class 13 server permit courses	<p>(a) At the beginning of each class, the trainer must give each student:</p> <ul style="list-style-type: none"> (i) An enrollment agreement that clearly states the obligations of the trainer and student, refund policies, and procedures to terminate enrollment; (ii) A statement that says, "If you have questions, comments, or complaints about the program, please call the liquor control board" and includes the appropriate board telephone numbers; and (iii) A notice that students must complete the course in order to take the exam.

	<p>(b) Students must complete a written examination in the presence of the certified trainer that demonstrates the student is familiar with the liquor laws and rules outlined in subsections (2) and (3) of this rule. During the examination, trainees may not refer to any written or video material or have a discussion with another person during the exam (unless the instructor authorizes the student to use an interpreter).</p> <p>(c) Providers or trainers may not suggest that the state of Washington, the board, or any state agency endorses or recommends the provider's program to the exclusion of any other program.</p>
--	---

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-060, filed 1/17/01, effective 2/17/01.]

WAC 314-17-065 How does a provider receive certification for its trainers? (1) To receive board certification for trainers to teach a course approved by the board, the provider must submit a form provided by the board to the board's licensing and regulation division.

(2) The provider will only contract with trainers who:

(a) Have a minimum of two years of post-secondary education in one or more of the following fields or a combination of the following fields, or equivalent years of experience:

- (i) Training;
- (ii) Education;
- (iii) Law;
- (iv) Law enforcement;
- (v) Substance abuse rehabilitation; and/or
- (vi) Hospitality industry.

(b) Hold a Class 12 mixologist permit; and

(c) Meet the criminal history requirements outlined in WAC 314-17-070.

(3) The board's licensing and regulation division will respond to the request for trainer certification within thirty days of receipt of the request. The board will either:

(a) Issue a letter to the provider and each trainer that authorizes the trainer(s) to teach the approved course (the trainer's authorization expires on the date the provider's certification expires); or

(b) Send a letter to the provider outlining why an applicant trainer does not meet the qualifications outlined in this title.

(c) Trainers may not begin training certified alcohol server education courses until they receive their authorization letter from the board.

(4) It is the responsibility of the approved provider to keep the board's licensing and regulation division informed of all current trainers.

(a) The provider must notify the board's licensing and regulation division within seventy-two hours of the termination of trainer, or within seventy-two hours of when the provider is notified that a trainer has terminated their employment.

(b) For the hiring of new trainers, the provider can either:

(i) Notify the board's licensing and regulation division in writing of any new trainers within thirty days of the date of hire; or

(ii) Provide a list of all current trainers to the board's licensing and regulation division monthly.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-065, filed 1/17/01, effective 2/17/01.]

WAC 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?

(1) The board's licensing and regulation division may process a criminal history check on a person applying to be an alcohol server education trainer, using a point system to determine if the person qualifies. The licensing and regulation division will not certify a trainer who accumulates eight or more points as indicated below:

Description	Time period during which points will be assigned	Points the board will assign
Gross misdemeanor conviction	Three years	5 points
Misdemeanor conviction - involving alcohol	Three years	4 points
Misdemeanor conviction - not involving alcohol	Three years	3 points
Driving under the influence conviction	Three years	5 points
Reckless and/or negligent driving conviction - alcohol related	Three years	5 points
Reckless and/or negligent driving conviction - not alcohol related	Three years	4 points
Hit and run, attended - conviction	Three years	5 points
Two to five failures to appear for court conviction	Three years	4 points
Six or more failures to appear for court conviction	Three years	8 points
Felony conviction	Five years	12 points
On parole from a felony	Five years	8 points
Nondisclosure of arrests or convictions to the board	Any arrest or conviction since age eighteen	4 points each, PLUS the points of the fact which was not disclosed
Misrepresentation of fact to the board		8 points, PLUS the points of the fact which was not disclosed

(2) If a case is pending for an alleged conviction that would earn eight or more points, the board's licensing and regulation division will hold the trainer's application for the disposition of the case. If the disposition is not settled within ninety days, the board will withdraw the application.

(3) Persons whose applications to become an alcohol server education trainer are denied by the licensing and regulation division due to a criminal history may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). At the board's discretion it may elect to conduct the adjudicative hearing itself or it may assign the matter to the office of administrative hearings.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-070, filed 1/17/01, effective 2/17/01.]

WAC 314-17-075 How does a provider or trainer get Class 12 mixologist and Class 13 server permits to issue to course participants? (1) Authorized providers and trainers of certified programs may order Class 12 mixologist and Class 13 server training permits from the board's licensing and regulation division, to issue to students who successfully complete an approved course (see WAC 314-17-080(3) regarding eighteen, nineteen, and twenty year-old students who complete a Class 12 mixologist course).

(2) The permits must be ordered on a form provided by the board. The board will charge a nominal fee in order to cover its costs to produce the permits.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-075, filed 1/17/01, effective 2/17/01.]

WAC 314-17-080 What are the age requirements for trainees to receive Class 12 mixologist and Class 13 server permits? (1) Class 12 mixologist permits are only issued to persons twenty-one years of age or older. Therefore, any person who is eighteen, nineteen, or twenty years of age who successfully completes a Class 12 mixologist course will be issued a Class 13 server permit.

(2) Class 13 server permits may only be issued to persons eighteen years of age and older.

(3) Upon turning twenty-one years of age, a Class 13 server permit holder may receive an upgraded Class 12 mixologist permit from the provider or trainer who issued the permit. The expiration date of the permit will remain five years from the date of the class.

(4) If a provider or trainer issues a Class 12 mixologist permit in error to a person under twenty-one years of age, the provider or trainer must take the following steps:

(a) Contact the permit holder and notify him/her that they received the incorrect permit;

(b) Obtain the original Class 12 mixologist permit from the permit holder; and

(c) Issue the correct Class 13 server permit (only after receiving the original Class 12 mixologist permit that was issued in error).

(d) Within thirty days of the date the permit was issued in error, or of being notified by the board of the error, the provider or trainer must:

(i) Provide the tear-off portion of the corrected Class 13 server permit to the board's licensing and regulation division; or

(ii) If unable to contact the permit holder and issue a corrected permit, the provider or trainer can provide the board's licensing and regulation division proof that a certified letter was sent to the trainee who received the Class 12 mixologist permit in error.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-080, filed 1/17/01, effective 2/17/01.]

WAC 314-17-085 What records does the provider or trainer need to provide to the board or keep on file? (1) Within thirty days of all training classes, the provider or trainer must submit the tear-off portion of the permit form for

all Class 12 and/or Class 13 permits issued to the board's licensing and regulation division.

(2) The following information must be kept at the trainer's place of business, available for inspection and copying by board employees, for a period of five years:

(a) Copies of all Class 12 and/or Class 13 permits issued by the provider or authorized trainers; and

(b) All course presentation information, including the location, date, and time of every class given together with the name of the trainer and name of students that attended each class.

(3) The provider or trainer must provide the following information to the board or its designee upon request:

(a) Advance notice of any classes that have been pre-scheduled; and

(b) Copies of program publications, brochures, pamphlets, scripts, or any other advertising materials related to the alcohol server training course.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-085, filed 1/17/01, effective 2/17/01.]

WAC 314-17-090 Prohibited conduct by providers and trainers. No provider or trainer will:

(1) Make any material false or misleading statement to induce or prevent board actions;

(2) Falsify, alter, or tamper with alcohol server training permits or records;

(3) Prohibit or interfere with on-site observations by the board or its staff, or fail to assist the board or its staff in scheduling these observations.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-090, filed 1/17/01, effective 2/17/01.]

WAC 314-17-095 Is the provider responsible for the acts of its trainers? The board may hold a provider responsible for any act or omission of the provider's program personnel, authorized trainers, or representatives that violates any law or rule affecting provider privileges.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-095, filed 1/17/01, effective 2/17/01.]

WAC 314-17-100 What are the penalties if provider or a trainer violates a liquor law or regulation? Following are the penalties for a provider or trainer that violates any of the provisions of RCW 66.20.300 through 66.20.350 or any of the requirements of chapter 314-17 WAC (except for providers with temporary certification, see WAC 314-17-055(4)):

(1) First violation	<p>(a) The provider or trainer will receive a notice of intended suspension/revocation of the board's certification or authorization.</p> <p>(b) This notice will give the provider and/or trainer thirty days to correct any violations.</p> <p>(c) If the problem is rectified, no further action will be taken.</p>
---------------------	--

(2) First violation not resolved and/or second violation occurs	(a) The board will suspend its approval and certification of the provider and/or trainer for up to six months. (b) A monetary penalty of up to five hundred dollars may be imposed in lieu of suspension. (c) Prior to lifting the suspension or accepting a monetary penalty, the provider and/or trainer must correct the problem(s) which caused the proposed suspension.
---	--

(3) Successive violations within a two-year period	The board may cancel or suspend the approval and certification of the provider and/or trainer for up to five years.
--	---

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350, 01-03-085, § 314-17-100, filed 1/17/01, effective 2/17/01.]

WAC 314-17-105 What are the penalties if a permit holder violates the liquor laws? (1) Penalties assessed within three year period will normally be as follows:

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
AFTER HOURS: Selling, serving, or allowing alcohol to be consumed between 2 a.m. and 6 a.m. See WAC 314-16-050.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
DISORDERLY CONDUCT: Disorderly conduct by the licensee or employee, or allowing patrons to engage in disorderly conduct. See WAC 314-16-120.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
INTOXICATED PERSONS: Selling or serving to an apparently intoxicated person or allowing such a person to possess or consume alcohol. See RCW 66.44.200 and WAC 314-16-150.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
LEWD CONDUCT: Allowing lewd conduct on the licensed premises. See WAC 314-16-125.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
MISCELLANEOUS: Violation of other retail liquor laws or rules.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
MINORS: Selling or serving alcohol to a person under twenty-one years of age. See RCW 66.44.310 and WAC 314-16-150.	5 day permit suspension OR \$200 monetary option	10 day permit suspension OR \$400 monetary option	30 day permit suspension OR \$600 monetary option	revocation of permit
MINORS: Allowing persons under twenty-one years of age to frequent a restricted premises or area. See RCW 66.44.310 and WAC 314-16-150.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
OBSTRUCTING AN OFFICER: Obstructing a law enforcement officer, or failure to allow an inspection. See RCW 66.28.090.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
OTHER VIOLATION OF LAWS: Conviction of liquor laws, DUI or felony.	5 day permit suspension OR \$100 monetary option	revocation of permit		
PERMIT: Failure to produce permit and/or ID upon request. See RCW 66.20.310(2) and WAC 314-15-025.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
PRIVATE CLUBS: Prohibitions involving club liquor and use by the general public. See WAC 314-40-010.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350, 01-03-085, § 314-17-105, filed 1/17/01, effective 2/17/01.]

WAC 314-17-110 Can the board impose sanctions or penalties other than those indicated in WAC 314-17-105?

(1) Based on aggravating or mitigating circumstances, the board may impose a different penalty or suspension than the standard penalties and suspensions outlined in WAC 314-17-105.

(2) Examples of aggravating and mitigating circumstances include, but are not limited to:

(a) Examples of aggravating circumstances:	(b) Examples of mitigating circumstances:
<ul style="list-style-type: none"> Patron's identification not checked; Noncooperation with or obstructing any law enforcement officer; Permit holder did not call law enforcement officer when requested by a customer or a board employee. 	<ul style="list-style-type: none"> Permit holder checked one of the acceptable forms of identification (per RCW 66.16.040); Cooperation with law enforcement officer(s); Permit holder used a licensee certification card (see RCW 66.20.190).

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-110, filed 1/17/01, effective 2/17/01.]

WAC 314-17-115 Can a Class 12 or Class 13 permit holder work on a licensed premises while his/her permit is suspended? (1) During a suspension period, permit holders may work on a liquor licensed premises provided they are not involved in any way in the sale or service of alcohol.

(2) No permit is required to be a cashier, receptionist, cook, or custodian.

[Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. 01-03-085, § 314-17-115, filed 1/17/01, effective 2/17/01.]

Chapter 314-24 WAC**DOMESTIC WINERIES AND DOMESTIC WINE DISTRIBUTORS****WAC**

314-24-170 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-24-170 Cash sales. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-170, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 88-23-101 (Order 270, Resolution No. 279), § 314-24-170, filed 11/22/88; Order 24, § 314-24-170, filed 6/28/73; Order 5, § 314-24-170, filed 8/7/69, effective 9/8/69; Rule 77, filed 6/13/63.] Repealed by 01-06-015, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040.

WAC 314-24-170 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 314-29 WAC
HEARINGS****WAC**

314-29-005

What are the procedures for a licensee or a mandatory alcohol server training permit holder to be notified of an alleged violation of a board statute or regulation?

314-29-010

What options does a licensee or permit holder have once he/she receives a notice of initial board action?

WAC 314-29-005 What are the procedures for a licensee or a mandatory alcohol server training permit holder to be notified of an alleged violation of a board statute or regulation? (1) When an enforcement agent believes that a licensee or a mandatory alcohol server training permit holder has violated a board statute or regulation, the agent will prepare an administrative violation notice (AVN) and mail or deliver the notice to the licensee or permit holder. This notice will constitute the notice of initial board action, and the remaining steps in the prehearing procedure as outlined in WAC 314-17-010 will be followed.

(2) The AVN notice will include:

(a) A brief narrative description of the violation(s) the agent is charging;

(b) The date(s) of the violation(s);

(c) A copy of the law(s) and/or regulation(s) allegedly violated;

(d) An outline of the licensee's or permit holder's options as outlined in WAC 314-29-010; and

(e) The recommended penalty as follows:

(i) For cases in which there are no aggravating circumstances as outlined in WAC 314-12-330 and 314-12-340 as now or hereafter amended, the recommended penalty will be the standard penalty as outlined in WAC 314-12-170 and 314-12-300 through WAC 314-12-320 for licensees, and in WAC 314-14-160 and 314-14-165 for mandatory alcohol server training permit holders, as now or hereafter amended.

(ii) For cases in which there are aggravating circumstances as outlined in WAC 314-12-330 and 314-12-340 as now or hereafter amended, the agent will describe the circumstances in a report to the director of the enforcement and education division or the director of the licensing and regulation division. Under the provisions of WAC 314-12-330 and 314-12-340 as now or hereafter amended, the director of the education and enforcement division or the director of the licensing and regulation division may recommend a penalty other than the standard penalty outlined in WAC 314-12-170 and 314-12-300 through WAC 314-12-320 for licensees, and in WAC 314-14-160 for mandatory alcohol server training permit holders, as now or hereafter amended.

[Statutory Authority: RCW 66.08.030, 66.44.010. 01-03-086, § 314-29-005, filed 1/17/01, effective 2/17/01.]

WAC 314-29-010 What options does a licensee or permit holder have once he/she receives a notice of initial board action? (1) When a licensee or a mandatory alcohol server training permit holder receives a notice of initial board action from a liquor control agent in the mail or in person, the licensee or permit holder has twenty days from receipt of the notice to:

(a) Accept the recommended penalty; or

- (b) Request a settlement conference; or
- (c) Request an administrative hearing in writing.

(2) What are the procedures when a licensee or mandatory alcohol server training permit holder requests a settlement conference?

(a) If the licensee or permit holder requests a settlement conference, the agent in charge or designee will schedule the conference.

(b) Both the licensee or permit holder and the agent in charge or designee will discuss the circumstances surrounding the charge, the recommended penalty, and any aggravating or mitigating factors.

(c) If a compromise is reached, the agent in charge or designee will prepare a proposed settlement agreement and will forward it to the board for approval.

(i) If the board approves the compromise, a copy of the signed settlement agreement will be sent to the licensee or permit holder, and will conclude the case.

(ii) If the board does not approve the compromise, the board will notify the licensee or permit holder of the decision. The licensee or permit holder will be given the option of agreeing to any changes the board has made in the agreement, or of requesting an administrative hearing on the charges in writing within twenty days of receipt of the notice of board action.

(d) If the licensee or permit holder and the agent in charge or designee cannot reach agreement on a settlement proposal, the licensee may accept the originally recommended penalty, or the agent in charge or designee will forward a request for an administrative hearing to the board's hearings coordinator.

(3) What are the procedures when a licensee or mandatory alcohol server training permit holder requests an administrative hearing?

(a) If the licensee or permit holder requests an administrative hearing in writing within twenty days, it is conducted pursuant to chapter 34.05 RCW (Washington Administrative Procedure Act).

(b) The board's hearing coordinator will notify the assistant attorney general of the licensee's or permit holder's request for an administrative hearing.

(c) The assistant attorney general will draft an administrative complaint and send it to the licensee or permit holder and to the office of administrative hearings.

(d) The office of administrative hearings will schedule the hearing date, and notify the licensee or permit holder and his/her attorney and the assistant attorney general in writing of the hearing date, time, and location.

(e) The hearing will be conducted by an administrative law judge assigned by the office of administrative hearings. Subpoenas may be issued by an attorney for any party, or by the assigned administrative law judge.

(f) At the hearing, the assistant attorney general or a designee will present witnesses and other evidence on behalf of the board's enforcement staff.

(g) At the hearing, the licensee or permit holder may be represented by an attorney or may choose to represent himself or herself. The licensee or permit holder or his/her attorney

will be allowed to present witnesses or other relevant information.

(4) What will happen after the administrative hearing?

(a) Following the hearing, the administrative law judge will prepare an initial order and send it to the licensee or permit holder and the assistant attorney general.

(b) Either the licensee or permit holder or the assistant attorney general 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. The petition for review must:

(i) Specify the portions of the initial order to which exception is taken;

(ii) Refer to the evidence of record which is relied upon to support the petition; and

(iii) Be filed with the liquor control board within twenty days of the date of service of the petition.

(iv) Copies of the reply must be mailed to all other parties or their representatives at the time the reply is filed.

(c) The administrative record, the initial order, and any exceptions filed by the parties will be circulated to the board members for review.

(d) Following this review, the board will enter a final order which is appealable under the provisions of RCW 34.05.510 through 34.05.598 (Washington Administrative Procedure Act).

(5) What happens if a licensee or mandatory alcohol server training permit holder does not respond to the notice of initial board action within twenty days? If a licensee or permit holder does not respond to the notice of initial board action within twenty days, the recommended penalty will go into effect.

[Statutory Authority: RCW 66.08.030, 66.44.010, 01-03-086, § 314-29-010, filed 1/17/01, effective 2/17/01.]

Chapter 314-42 WAC

LIQUOR CONTROL BOARD OPERATIONS

WAC

314-42-010	Liquor control board administrative director.
314-42-020	Appearance and practice before the board—Who may appear.
314-42-025	Appearance in certain proceedings may be limited to attorneys.
314-42-030	Appearance by former employee of board or former member of attorney general's staff.
314-42-040	Practice and procedure.
314-42-045	Service of process—Filing with agency.
314-42-050	Subpoenas—Fees.
314-42-060	Depositions upon interrogatories—Submission of interrogatories.
314-42-065	Official notice—Material facts.
314-42-070	Presumptions.
314-42-075	Stipulations and admissions of record.
314-42-080	Form and content of decisions in contested cases and proposed orders.
314-42-085	Written arguments.
314-42-090	Definition of issues before hearing.
314-42-100	How can a person petition the board for the adoption, amendment, or repeal of a rule?
314-42-105	How can a person petition the board for a declaratory order?

WAC 314-42-010 Liquor control board administrative director. (1) The purpose of this rule is to ensure effi-

cient and consistent administration of the liquor control board through the delegation of certain administrative functions to an administrative director. The delegation of administrative functions by the board, as provided for in this section, does not alter the board's statutory responsibility to administer Title 66 RCW.

(2) The administrative director will be appointed by, and serve at the pleasure of, the board, and will perform his/her duties under the general control, management, and supervision of the board.

(3) The following duties are delegated by the board to the administrative director:

(a) Appointing authority as defined by WAC 356-05-040, 356-30-007, and 356-34-011 for all liquor control board employees, with the exception of the director and staff of the policy, legislative, and media relations division as described in subsection (4)(g) and staff that report directly to the board members;

(b) Authorize expenditures of funds from the board approved internal budget;

(c) Purchase, lease, contract, or otherwise acquire any goods, services, and products within the board approved internal budget;

(d) Approve liquor purchase orders authorized by the board (this authority may be further delegated);

(e) Approve uncontested licenses and permits (this authority may be further delegated);

(f) Assign duties, coordinate agency operations, and establish performance standards and timelines;

(g) Approve disbursements of excess funds from the liquor revolving fund; and

(h) Perform other duties of a routine administrative nature identified by the board.

(4) The following duties will not be delegated and will remain functions of the board:

(a) Final approval of agency-wide and division budgets as prepared by the administrative director;

(b) Revocation or suspension of a license or permit;

(c) Appeals of price posting actions;

(d) Appeals of administrative actions taken against liquor and tobacco licensees;

(e) Approval of product listings and delistings for state liquor stores and agencies;

(f) Approval of contested liquor license and permit applications; and

(g) Direct oversight of the policy, legislative, and media relations division and staff that report directly to the board members, including:

(i) Rule making actions,

(ii) Approval of agency-request legislative proposals, and

(iii) The employment, termination, and discipline of the director and staff of the policy, legislative, and media relations division and staff that report directly to the board members.

[Statutory Authority: RCW 66.08.030, 66.08.070(1), 66.08.130, 66.08.140, 66.08.170, 66.20.010, 66.24.010(2), 01-15-049, § 314-42-010, filed 7/13/01, effective 8/13/01; 00-06-016, § 314-42-010, filed 2/22/00, effective 3/24/00.]

WAC 314-42-020 Appearance and practice before the board—Who may appear. During an adjudicative proceeding, no person may appear in a representative capacity before the Washington state liquor control board or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law; and/or

(3) A bona fide officer, authorized manager, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-020, filed 5/11/01, effective 6/11/01.]

WAC 314-42-025 Appearance in certain proceedings may be limited to attorneys. In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the board or its designated hearing officer determines that representative activity in such hearing requires a high degree of legal training, experience, and skill, the board or its designated hearing officer may limit those who may appear in a representative capacity to attorneys at law.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-025, filed 5/11/01, effective 6/11/01.]

WAC 314-42-030 Appearance by former employee of board or former member of attorney general's staff. No former employee of the board or member of the attorney general's staff may at any time after severing his/her employment with the board or the attorney general appear, except with the written permission of the board, in a representative capacity on behalf of other parties in a formal proceeding wherein he/she previously took an active part as a representative of the board.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-030, filed 5/11/01, effective 6/11/01.]

WAC 314-42-040 Practice and procedure. The board hereby adopts the model rules of procedure, found in chapter 10-08 WAC, promulgated by the office of administrative hearings insofar as they are not in conflict with a specific board procedure rule.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-040, filed 5/11/01, effective 6/11/01.]

WAC 314-42-045 Service of process—Filing with agency. Papers required to be filed with the board are deemed filed upon actual receipt by the board at its headquarters office in Olympia.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-045, filed 5/11/01, effective 6/11/01.]

WAC 314-42-050 Subpoenas—Fees. Per RCW 66.24.010(3), witnesses are allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.04.105, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence. Witness fees and mileage shall be paid by the party who asked the witness to be present.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-050, filed 5/11/01, effective 6/11/01.]

WAC 314-42-060 Depositions upon interrogatories—Submission of interrogatories. (1) When a deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating:

(a) The name and address of the person who is to answer them, and

(b) The name or descriptive title and address of the officer before whom they are to be taken.

(2) Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the party proposing to take the deposition may serve redirect interrogatories upon the party who served cross-interrogatories.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-060, filed 5/11/01, effective 6/11/01.]

WAC 314-42-065 Official notice—Material facts. In the absence of controverting evidence, the board and its hearing officers, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the board may suggest, that official notice be taken of a material fact, which must be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact must be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the board may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion must be concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-065, filed 5/11/01, effective 6/11/01.]

WAC 314-42-070 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the board, with or without prior request and with adequate notice to all parties, may make the following presumptions, where consistent with all surrounding facts and circumstances and consistent with the following subdivisions:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will

accept same where it is clearly in his/her own self-interest to do so;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, removed, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-070, filed 5/11/01, effective 6/11/01.]

WAC 314-42-075 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the board that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-075, filed 5/11/01, effective 6/11/01.]

WAC 314-42-080 Form and content of decisions in contested cases and proposed orders. Whenever the board considers that any matter or proceeding will be best handled by the issuance of a proposed order by the board or by the examiner conducting the hearing, the order shall be issued and the parties notified of the proposed order.

(1) Upon receipt of such notice and proposed order, any party may file exceptions to the proposed order within twenty days after the date of the service of the proposed order, unless a greater time for filing exceptions is designated by the board at the time of issuance of the proposed order; or unless the parties voluntarily stipulate to a lesser time; or unless the board, with notice to both parties, shortens the time for filing based on a clear and convincing showing of exigency.

(2) Exceptions must be filed in triplicate and a copy must be served upon all other parties who have appeared in the cause, or their attorneys of record, together with proof of such service in accordance with the rules governing service of process.

(3) Within ten days after service of the exceptions, any party may answer the filed exceptions. Briefs may accompany the exceptions or answers and must be filed and served in the same manner.

(4) After a full consideration of the proposed order, the exceptions and the answers to the exceptions filed, and briefs, the board may:

(a) Affirm its proposed order by service of an order of affirmance upon the parties; or

(b) If the board deems the exceptions well taken, it may revise the proposed order and issue a final order differing from the proposed order: Provided, That the board may revise the proposed order and issue a final order differing from the proposed order notwithstanding the fact that neither its counsel nor the licensee or his/her counsel have filed exceptions in the case.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-080, filed 5/11/01, effective 6/11/01.]

WAC 314-42-085 Written arguments. (1) At the conclusion of the evidentiary portion of a hearing, the examiner may call for an oral legal argument on the record, after which the examiner shall render his/her oral proposals; or, the examiner may call for written arguments to be submitted to his/her office by the licensee or his/her attorney and the board's attorney. Such written arguments must be submitted in triplicate to the hearing examiner and may not be exchanged by opposing counsel.

(2) When both arguments have been received, the hearing examiner shall deliver one of the copies of the licensee's argument to the board's attorney, and one copy of the board's argument shall be forwarded to the licensee or his/her attorney.

(3) Unless a different time is fixed at the field hearing, written arguments must be filed within ten days after the conclusion of the taking of the testimony at the field hearing.

(4) After the receipt of both written arguments, the hearing examiner shall render his/her written proposals which will be served on the licensee or his/her attorney and the attorney for the board.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-085, filed 5/11/01, effective 6/11/01.]

WAC 314-42-090 Definition of issues before hearing. In all proceedings the issues to be adjudicated must be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearings on relevant and material matter only.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-090, filed 5/11/01, effective 6/11/01.]

WAC 314-42-100 How can a person petition the board for the adoption, amendment, or repeal of a rule?

(1) Petitions for the board to adopt, amend, or repeal a rule, as described in RCW 34.05.330, will follow the same format and be submitted in the same manner as outlined by the office of financial management in WAC 82-05-020 and 82-05-030, as now or hereafter amended.

(2) The board shall respond to such petitions in the manner outlined in WAC 82-05-040, as now or hereafter amended.

(3) The petitioner may appeal the board's denial of his/her petition as outlined in WAC 82-05-050, as now or hereafter amended.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-100, filed 5/11/01, effective 6/11/01.]

WAC 314-42-105 How can a person petition the board for a declaratory order? (1) Following the provisions of RCW 34.05.240, any person may petition the board for a declaratory order with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the board. The board shall consider the petition, and within thirty days of the receipt of the petition will:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specific circumstances; or
(b) Set a specified date no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(c) Notify the petitioner of a time and place for hearing argument about the matter before the board makes a decision to enter a declaratory order or to decline to enter a declaratory order; or

(d) Notify the person that the board declines to enter a declaratory order and the reasons for this action.

(2) What information should be included in the petition for declaratory order? In addition to the information outlined in RCW 34.05.240(1), as now or hereafter amended, petitions for a declaratory ruling must include the following information:

(a) The name and address of the petitioning party,
(b) A list of all rules or statutes that may be brought into issue by the petition,
(c) A statement of facts relied upon in the petition.

[Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. 01-11-058, § 314-42-105, filed 5/11/01, effective 6/11/01.]

Chapter 314-70 WAC

DISPOSITION OF LIQUOR STOCK FOLLOWING DISCONTINUANCE OF BUSINESS AND/OR LAWFUL SEIZURE OF LIQUOR BY A GOVERNMENTAL AGENCY

WAC

314-70-020	Repealed.
314-70-040	Repealed.
314-70-050	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-70-020	Disposition by a governmental agency of lawfully seized liquors, except those which are required to be delivered to the board under RCW 66.32.090. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-70-020, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 88-16-040 (Order 260, Resolution No. 269), § 314-70-020, filed 7/79/88. Statutory Authority: RCW 66.08.030 and 66.98.070.
------------	--

314-70-040

82-17-022 (Order 109, Resolution No. 118), § 314-70-020, filed 8/9/82.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

Procedures for board purchase of liquor from governmental agencies. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-70-040, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-022 (Order 109, Resolution No. 118), § 314-70-040, filed 8/9/82.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

314-70-050

Destruction of liquor by liquor enforcement officers. [Statutory Authority: RCW 66.08.030, 95-04-044, § 314-70-050, filed 1/25/95, effective 2/25/95; 93-11-028, § 314-70-050, filed 5/10/93, effective 6/10/93.] Repealed by 01-06-014, filed 2/26/01, effective 3/29/01. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

WAC 314-70-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-70-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-70-050 Repealed. See Disposition Table at beginning of this chapter.

Title 315 WAC LOTTERY COMMISSION

Chapters

315-04	Licensing procedure.
315-06	General lottery rules.
315-34	Lotto 6 of 49 rules.
315-36	Lucky for life.

Chapter 315-04 WAC LICENSING PROCEDURE

WAC

315-04-085	Accessibility for persons with disabilities.
------------	--

WAC 315-04-085 Accessibility for persons with disabilities. Pursuant to lottery rules and policy, lottery retailers shall comply with state and federal laws prohibiting discrimination against and requiring accessibility for persons with disabilities, including, but not limited to, the Americans with