

**WAC 314-42-115 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to a liquor license suspension due to nonpayment of spirits taxes in RCW 66.24.010 shall consist of:

- (a) All correspondence from department of revenue requesting missing taxes or reports; and
- (b) Request from department of revenue to the liquor control board requesting suspension of the liquor license.

(2) The preliminary record with respect to a liquor license intent to deny under WAC 314-07-065(2) where the applicant has failed to submit information or documentation shall consist of:

- (a) All correspondence between the applicant and the board pertaining to requests for information or documentation; and
- (b) A copy of the application report prepared by licensing division staff.

(3) The preliminary record with respect to a liquor license application intent to deny where the applicant failed to meet the criminal history standards outlined in WAC 314-07-040 shall consist of:

- (a) A copy of the application report prepared by licensing division staff;
- (b) The personal/criminal history statement(s) submitted by the applicant;
- (c) Any interoffice correspondence reporting criminal history of applicant(s); and
- (d) Copies of any correspondence submitted by the applicant explaining or rebutting the criminal history findings.

(4) The preliminary record with respect to a special occasion liquor license application (chapter 314-05 WAC) intent to deny where the applicant failed to meet the criminal history standards outlined in WAC 314-07-040 shall consist of:

- (a) A copy of the application report prepared by licensing division staff;
- (b) The personal/criminal history statement(s) submitted by the applicant(s);
- (c) Any interoffice correspondence reporting criminal history of applicant(s); and
- (d) Copies of any correspondence submitted by the applicant explaining or rebutting the criminal history findings.

(5) The preliminary record with respect to a special occasion liquor license application (chapter 314-05 WAC) intent to deny where the application was objected to by the local authority wherein the event is scheduled (WAC 314-07-065(7)) shall consist of:

- (a) A copy of the special occasion license application and supporting materials;
- (b) A copy of the notice sent to the local authority by licensing division staff;
- (c) A copy of the objection received from the local authority; and
- (d) A copy of any correspondence from the applicant rebutting the objection from the local authority.

(6) The preliminary record with respect to suspension of mandatory alcohol server, provider or trainer, for noncompliance with a support order in accordance with RCW 66.20.085 shall consist of:

- (a) A copy of the license suspension certification from the department of social and health services; and

(b) A copy of all documents received from or on behalf of the permit holder rebutting the identification of the server, provider, or trainer.

(7) The preliminary record with respect to suspension of mandatory alcohol server, provider or trainer, for failing to meet the criminal history standards outlined in WAC 314-07-070(1) shall consist of:

(a) A copy of the personal/criminal history statement submitted by the applicant;

(b) Any interoffice correspondence reporting criminal history of applicant; and

(c) Copies of any correspondence submitted by the applicant, permit holder, provider or trainer explaining or rebutting the criminal history findings.

(8) The preliminary record with respect to liquor license suspensions due to nonpayment of beer or wine taxes per WAC 314-19-015 shall consist of:

(a) Copies of any correspondence requesting missing taxes, fees, or penalties when identified after processing reporting form monthly; and

(b) Copies of backup documentation including envelopes showing late filing, corrections on reporting form, and audit findings.

(9) The preliminary record with respect to one-time event denials for private clubs in WAC 314-40-080 shall consist of:

(a) A copy of the written request for a one-time event;

(b) A copy of the written denial including the reason(s) for the denial; and

(c) Copies of all correspondence.

(10) The preliminary record with respect to banquet permit denials in WAC 314-18-030 shall consist of:

(a) The application for a banquet permit;

(b) A copy of the written denial including the reason(s) for denial; and

(c) All correspondence.

(11) The preliminary record with respect to denial of restrictions requested on a nightclub license by a local authority under the provisions in WAC 314-02-039 shall consist of:

(a) A copy of the application report prepared by licensing division staff and the threshold decision by the licensing director or his/her designee;

(b) A copy of all correspondence from the local authority requesting restrictions on the nightclub premises; and

(c) Copies of any correspondence submitted by the nightclub applicant or license holder rebutting the request for restrictions.

(12) The preliminary record with respect to licensing's approval of a request for restrictions on a nightclub license under the provisions of WAC 314-02-039 shall consist of:

(a) A copy of the application report prepared by licensing division staff and the threshold decision by the licensing director or his/her designee;

(b) A copy of all correspondence from the local authority requesting restrictions on the nightclub premises; and

(c) Copies of any correspondence submitted by the nightclub applicant or license holder rebutting the request for restrictions.

(13) The preliminary record with respect to a liquor license suspension due to noncompliance with a support order from the department of social and health services under RCW 66.24.010 shall consist of:

- (a) The written request from department of social and health services to suspend the liquor license;
  - (b) A copy of the written liquor control board suspension order;
- and
- (c) Copies of all correspondence.
- (14) The preliminary record with respect to a liquor license suspension due to noncompliance with RCW 74.08.580, electronic benefits cards, per RCW 66.24.013 shall consist of:
- (a) The written request from department of social and health services to suspend the liquor license;
  - (b) The complete investigation from department of social and health services to support the suspension;
  - (c) A copy of the written liquor control board suspension order;
- and
- (d) Copies of all correspondence.
- (15) The preliminary records with respect to liquor license suspension due to nonpayment of spirits liquor license fees per RCW 66.24.630 shall consist of:
- (a) All correspondence relating to discrepancies in fees and/or penalties when identified after processing reporting forms; and
  - (b) All backup documentation including envelopes showing late filing, corrections on reporting forms, and audit findings.
- (16) The preliminary records with respect to liquor license suspensions due to nonpayment of spirits distributor license fees per RCW 66.24.055 shall consist of:
- (a) All correspondence requesting missing fees and/or penalties when identified after processing reporting forms; and
  - (b) All backup documentation including envelopes showing late filing, corrections on reporting forms, and audit findings.
- (17) The preliminary record with respect to tobacco license denials shall consist of:
- (a) The license application from business license services;
  - (b) The personal/criminal history statement submitted by the applicant;
  - (c) The judicial information system criminal history and division recommendation;
  - (d) The letter of denial from the liquor control board;
  - (e) The notice of intent to deny statement to the applicant; and
  - (f) All correspondence.
- (18) The preliminary record with respect to a marijuana license intent to deny due to failure or refusal to submit information per WAC 314-55-050(2) shall consist of:
- (a) All correspondence between the applicant and the board pertaining to requests for information or documentation; and
  - (b) A copy of the application report prepared by licensing division staff.
- (19) The preliminary record with respect to a marijuana license application intent to deny where the applicant failed to meet the criminal history standards outlined in WAC 314-55-050(4) shall consist of:
- (a) A copy of the application report prepared by licensing division staff;
  - (b) The personal/criminal history statement(s) submitted by the applicant;
  - (c) Any communication from the Washington state patrol or Federal Bureau of Investigation pertaining to the criminal history of the applicant;

(d) Any interoffice correspondence reporting criminal history of applicant(s); and

(e) Copies of any correspondence submitted by the applicant explaining or rebutting the criminal history findings.

(20) The preliminary record with respect to a marijuana license intent to deny due to denial, suspension, or cancellation of a marijuana license in another jurisdiction per WAC 314-55-050(8) shall consist of:

(a) A copy of the application report prepared by licensing division staff; and

(b) Documentation from any other state or jurisdiction demonstrating the action taken against the applicant.

(21) The preliminary record with respect to a marijuana license intent to deny due to proximity to the perimeter of entities listed in WAC 314-55-050(10) shall consist of:

(a) A copy of the application report prepared by licensing division staff;

(b) Any interoffice correspondence reporting the measurement from the proposed business location to the facility within one thousand feet;

(c) Documentation of measurement data including Geographic Positioning System (GPS) and related calculations; and

(d) Correspondence from the applicant illustrating alternative measurement data and/or rebuttal of the LCB's measurement data.

(22) The preliminary record with respect to a marijuana license intent to suspension due to nonpayment of marijuana excise taxes per WAC 314-55-050(11) shall consist of:

(a) All correspondence relating to discrepancies in fees and/or penalties when identified after processing reporting forms; and

(b) All backup documentation including envelopes showing late filing, corrections on reporting forms, and audit findings.

(23) The preliminary record with respect to a marijuana license intent to deny due to failure to submit an attestation concerning current tax obligations per WAC 314-55-050(12) shall consist of:

(a) A copy of the application report prepared by licensing division staff; and

(b) All correspondence with the applicant related to the request for this information.

(24) The preliminary record with respect to a marijuana license intent to deny due to denial, suspension, or revocation of a liquor license per WAC 314-55-050(13) shall consist of:

(a) A copy of the application report prepared by licensing division staff; and

(b) Documentation from liquor control board records or any other state demonstrating the action taken against the applicant.

[Statutory Authority: RCW 66.08.030. WSR 14-12-102, § 314-42-115, filed 6/4/14, effective 7/5/14; WSR 12-24-032, § 314-42-115, filed 11/28/12, effective 12/29/12.]